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LARGE SCALE LAND ACQUISITIONS IN ETHIOPIA: Implications for biodiversity and communities

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Acronyms

AU	Africa Union
AWF	African Wildlife Foundation
BMNP	Bale Mountains National Park
CCA	Community conservation association
CSO	Civil Society Organisation
EIA	Environmental Impact Assessment
EPA	Environmental Protection Agency
EWCA	Ethiopian Wildlife Conservation Authority
EWNHS	Ethiopian Wildlife and Natural History Society
FAO	United Nations Food and Agriculture Organisation
GDP	Gross Domestic Product
GHG	Greenhouse gas(es)
GP	Guiding Principles on Large Scale Land Based Investments
GTP	Growth and Transformation Plan
IIED	International Institute for Environment and Development
IUCN	International Union for the Conservation of Nature
LAND Program	Land Administration to Nurture Development Program
LDC	Least Developed Country
LPI	Land Policy Initiative
LSLA	Large scale land acquisition(s)
MDGs	Millennium Development Goals
MELCA	Movement for Ecological Learning and Community Action
MoFEP	Ministry of Finance and Economic Planning
MoWR	Ministry of Water Resources
NTFP	Non timber forest products
PASDEP	Plan for Accelerated and Sustained Development to End Poverty
PFM	Participatory forestry management
RSPO	Roundtable for Sustainable Oil Palm
SIA	Social impact assessment
SNNP	Southern Nations, Nationalities and Peoples
UNDP	United Nations Development Program
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

1. Introduction

Africa has experienced a significant increase in Large Scale Land Acquisitions (LSLA) in the last decade. While there are varying statistics on the exact number of hectares that have been transferred, there is consensus that LSLA have increased and particularly so in Ethiopia. Ethiopia has attracted a significant share of investor¹ interest however the key challenge for Ethiopia and African states more broadly has been how to effectively harness the economic opportunities provided by large scale agricultural investment while simultaneously mitigating risks posed to community livelihoods, biodiversity, and the ecosystem goods and services which the latter provides.

The African Wildlife Foundation (AWF) is a conservation organization whose mandate is uniquely focused on ensuring the protection of wildlife, wild lands and habitats on the African continent. AWF's efforts are centered on bringing wild lands and habitats under conservation management for the benefit of wildlife and humans. Central to its conservation approach are three specific areas: land, wildlife, and people, the latter of which includes education and enterprise initiatives. Community empowerment is thus integral to the organization's strategies for wildlife and habitat protection. AWF's integrated conservation approach upholds the ethos of sustainable development. It effectively incorporates climate change adaptation and mitigation efforts, economic development, community development, and environmental sustainability into its plans and programmes. It is in this context that AWF initiated a project to identify the implications of LSLA for communities, wildlife and landscapes of Ethiopia.

The aim of the project was achieved through the implementation of an interrelated set of objectives including:

- To document and assess the legal, policy provisions and processes through which land is allocated for agricultural investments.
- Identify trends relating to large scale land acquisitions and their impact on communities, wildlife and landscapes in Ethiopia.
- Identify measures currently applied to safeguard environmental and social capital in the area and the efficacy of these.

Based on the observations from these activities, the project sought to make specific recommendations for ensuring LSLA are more beneficial for communities and biodiversity through improved processes and transactions. The assessment also endeavored to identify the possible contribution of AWF in this regard.

Methodology

This assignment was conducted by Sue Mbaya of SM & Associates (the consultant) on a consultancy basis. The assignment was initially intended to include a field study to clarify the impact of LSLA in an impact area selected by the client, AWF. The field area selected was Simiens Mountains. However, after preliminary investigations established that the Simiens Mountain area was not an established LSLA destination, AWF proposed Gambella for the field study. The field visit to Gambella was subsequently planned, but postponed on several occasions due to tensions and security disturbances in the study area. The assignment subsequently proceeded on the basis of an intensive desk study combined with key informant interviews of stakeholders based in Addis Ababa.

¹ In this report, the term 'investor' is used almost exclusively to refer to agricultural investors

A sequential approach to the project was adopted. Primary data was also collected from documents and literature associated with land, environment and investment agreements. The methodology of the study required a desk study which established the context of LSLAs occurring in Ethiopia. In addition, key informant interviews which were conducted with influential LSLA actors (governmental, non-governmental organizations, and professionals) in the fields of large-scale land based investment and environment/biodiversity issues. These interviews were held over a four day period and subsequently complemented by electronic exchanges with the informants in question.

The key informant interviews were successful in attaining information needed to:

- assess of the impact of LSLA in Ethiopia and implications for Biodiversity and communities
- document the legal, policy provisions and processes through which land is allocated for agricultural investments
- provide recommendations on how to make LSLA transactions more beneficial for biodiversity and communities

Following the analysis of this information specific recommendations for improving the impacts of LSLA for communities and biodiversity in Ethiopia were made. The recommendations proposed how observed gaps can be addressed, how negative trends might be reversed, and how the implementation of progressive provisions and processes might be improved. Recommendations relating to improving coherence, effectiveness and accountability through cooperation and collaboration by agencies within Ethiopia were also proposed. The findings of the study are outlined in the proceeding sections of this report.

2. Country Context

Political

The political system in Ethiopia is constitutional federalism as reflected in the official name of the country; the Federal Democratic Republic of Ethiopia. The country comprises nine ethnically based regions or states (Afar, Amhara, Benishangul/Gumuz, Gambella, Harari, Oromia, Somali, Southern Nations, Nationalities and Peoples' (SNNP) and Tigray) and two city administrations (Addis Ababa the federal capital and Dire Dawa chartered district). See Figure 1.²

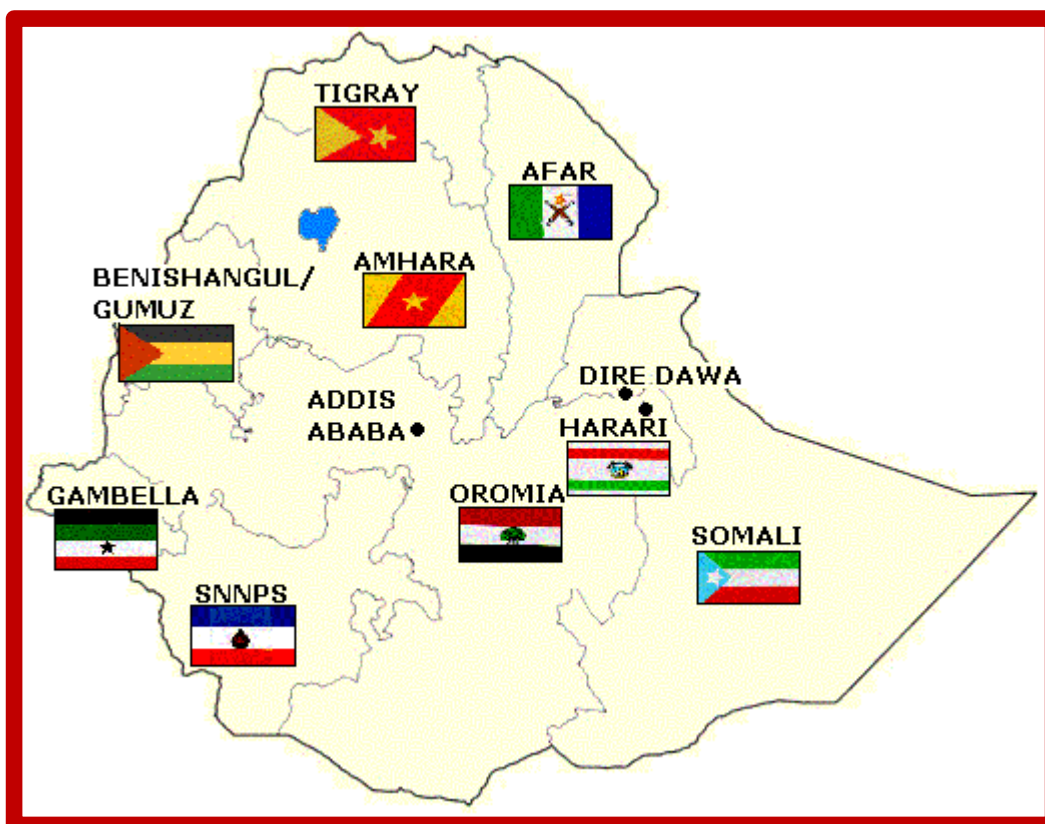


Figure 1: Regional States of Ethiopia

A federal parliament enacts federal laws applicable to all regions and ratifies international laws and conventions. Under the constitution each of the nine regions have the mandate to establish state constitutions, which they have all done. The regions and city administrations have their own parliaments constitutionally empowered to enact regional laws under the umbrella of federal laws. In the case of land, while the resource is governed federally through federally enacted legislation,

² Source: http://www.ethioembassy.org.uk/about_us/regional_states.htm

the region have high levels of autonomy in the management of their land resources in line with regional legislation.

Demographic

Ethiopia is a large, populous country with a diverse and complex mix of ethnicities, landscapes, legal and institutional arrangements. The country is the second most populous nation in Africa after Nigeria. According to recent statistics, Ethiopia has a population of 94,100,756 (2013), approximately 81 percent of which lives in rural areas, dependent on natural resources for its livelihood, and food security. Close to 70% of the rural population is concentrated in the four main regions; Amhara; Oromia; Tigray; and the Southern Nations, Nationalities, and SNNP.

Approximately 88.2 % of the population lives under conditions of poverty and underdevelopment as evidenced by the fact that Ethiopia is classified as a “least developed country” (LDC), ranked 173rd out of 187 countries in the 2010 United Nations Development Program (UNDP) Human Development Index. This under-development is reflected in indicators including life expectancy rate (43 years), adult literacy (36.3%) and combined education enrolment ratio (26%). Contributing factors include high population growth, low health indicators, chronic food insecurity all of which deplete human productivity and exert a heavy burden on the state (Institute of Biodiversity Conservation, 2005).

As a result the federal government (MoFEP, 2010) has declared poverty reduction as a priority. Ethiopia’s long-term vision is ***“to become a country where democratic rule, good-governance and social justice reigns, upon the involvement and free will of its peoples; and once extricating itself from poverty and becomes a middle-income economy.”***

Its vision in the economic sector is ***“to build an economy which has a modern and productive agricultural sector with enhanced technology and an industrial sector that plays a leading role in the economy; to sustain economic development and secure social justice; and, increase per capita income of citizens so that it reaches at the level of those in middle-income countries”***

Approach to development

This section provides an overview of the regions of Ethiopia.

Afar

The Afar Regional State is located in the north-eastern territory of Ethiopia and is the homeland of the Afar people. Like other Regions in Ethiopia, Afar is subdivided into administrative zones (and one special woreda, an administrative subdivision which is an autonomous area and is not part of a zone). As of 2012, the area has been increasingly unstable due to the remnant tensions between Ethiopia and Eritrea after the Eritrean-Ethiopian War of 1998-2000. This has significantly influenced the rate of development as the Federal government has allocated very little land to investment owing to the high risks of conflict with pastoralist clans found in the region. In addition, this political background has a bearing on development as several projects in Afar historically reflect the priorities of central government or select commercial and political interests, while the needs and aspirations of the Afar people have generally been disregarded (Bryden, 1996) (IRIN, 2014). For instance, the plantation schemes of the Awash valley and the construction of the main Addis Ababa - Asab highways through Awash and Bati have been of less direct benefit to Afar natives of the region than to migrant workers from the Ethiopian highlands. In addition to this, construction of the new regional capital city of Semera has only occurred recently.

Afar is an estimated 270,000 square kilometres with a population density of 14.38 people per square kilometre (Ethiopian Government, 2014). Several national parks are located within this region including the Awash and Yangudi Rassa National Parks as well as a string of important lakes and volcanoes which subsequently attract tourist visitors. The region is largely desert scrubland with shallow salty lakes and continuous processes of volcanism occurring.

Afar is home to peculiar wild life, which notably includes the Abyssinian wild Ass, Grevy's Zebra, wild fox, wild cat, Cheetah, and Ostrich. These wild animals are found in the region's national parks. The population is largely rural with the Afar people predominantly practicing nomadic pastoral agriculture. Approximately 90% of Afar's population leads a pastoral life, rearing camels, cattle, goats, sheep and donkeys. Agriculture such as production of maize, beans, sorghum, papaya, banana, and orange is also practiced. Cotton production is also typical to the region. Commerce, especially of salt, is another area of occupation (Ethiopian Government, 2014). At the time of writing this report, there were said to be 81 private investors with 60 currently being active in the areas of areas of agriculture, construction, small scale industry and services (Ethiopian Government, 2014). A large share of the number of investment is occurring in this region (Oakland Institute, 2014; Afar Rift Consortium, 2014).

Amhara

Amhara is in the central highland plateau. Agriculture is the main source of livelihood with supplementary practices of pastoralism (African Natural Heritage, 2014). The region has a strong regional government capacity and thus land for large-scale investments is not allocated by the Federal government but by the regional state.

Amhara is divided into highlands and low lands. It receives the highest rainfall percentage in the country and experiences average annual temperatures of 15°C - 21°C. The Amhara Region is predominantly mountainous and it boasts numerous trees and forests. There is a wide diversity of wildlife, flora and fauna in the region. The average temperatures, abundant rainfall and fertile volcanic soil found in this region create the ideal climatic conditions for extensive agricultural and pastoral activity. As such, 85% of the region's population is engaged in agriculture. Cash crops which include cotton, sesame, sunflower, and sugarcane are grown in the region's lowlands. Staple foods such as teff and other cereals are also produced in large quantities. Nearly 40% of Ethiopia's livestock population is found in Amhara (Keely, Seide, Eid, & Kidewa, 2014). A large share of land based investments is simultaneously taking place in this region (Oakland Institute, 2014). The regional government is responsible for allocating a large amount of these investments. All this takes place in the context of small scale agriculture taking place on small parcels of individually owned agricultural lands.

Amhara is also home to Simien Mountains and the Simiens Mountains National Park (SMNP), an area of interest to AWF. The park was established in 1966 as a consequence of unsustainable hunting and population growth that were increasing pressure on land and resources (Simien Mountains National Park, 2014). There was a need to formally establish SMNP in order to conserve the natural environment. SMNP is one of the first declared UNESCO natural World Heritage Sites and is of global importance due to its rich biodiversity and natural habitat for threatened species (African Wildlife Foundation, 2014). SMNP is currently governed under the semi-autonomous Amhara Parks Development and Protection Authority (Ethiopian Wildlife Conservation Authority, 2012). Several government and civil society organisations partner with the park management in order to support park-associated communities; community and ecotourism development; research and conservation initiatives; and capacity building projects.

The SMNP is located in the northern zone of Gondar within the Amhara National Regional State. The national park is situated with 5 woredas which include Debarq, Adi Arkay, Beyeda, Janamora and Tselmt, (Simien Mountains National Park, 2014). The area spans an expanse of mountainous land to the north of the Great Rift Valley and harbours a rich biodiversity and wildlife. The Simien Mountains are an important water catchment area that supports millions of downstream water users in Ethiopia, Sudan and Egypt (Simien Mountains National Park and the Ethiopian Wildlife Conservation Authority , 2013). Swamps and lakes located in the highlands form a basic support system for humans, wildlife and birds.

Several villages and other land holdings used by local communities are located within SMNP boundaries. According to the Simien Mountains National Park and the Ethiopian Wildlife Conservation Authority (2013), 436 households exist in SMNP with an estimated cultivation area of 2280ha (3.6% of SMNP park land). Small scale agriculture is the main source of livelihood with supplementary practices of pastoralism (African Natural Heritage, 2014). As a result of population pressure, agriculture is characterized by fragmentation (subdivision of land into increasingly smaller pieces) and the carrying and productive capacity of the land being exceeded.

These human activities also threaten the integrity of SMNP. Expanding human settlement and increased use of environmental resources has resulted in environmental problems such as soil erosion, deforestation, frequent fires, loss of biodiversity and overall habitat degradation (Simien Mountains National Park, 2014). The human agricultural activities and excessive number of livestock have severely affected critical habitats of the Walia ibex and Ethiopian wolf, particularly in areas around the Gich village (African Natural Heritage, 2014). Park management has in the past resorted to forced relocation of villagers as a possible solution; however this has resulted in conflict and minimal success. A voluntary resettlement scheme has been initiated by the Ethiopian government in the Giche area with the aim of significantly reducing the number of households (Simien Mountains National Park and the Ethiopian Wildlife Conservation Authority , 2013).

Environment, Wildlife and Biodiversity

SMNP is part of the Afroalpine Centre of Plant Diversity and the Conservation International's Eastern Afroalpine Biodiversity Hotspot (United Nations Education, Scientific and Cultural Organisation, 2014). The landscape hosts a number of rare and endemic species as well as a high level of biodiversity. There are over 180 bird species found in the area of which 5 are endemic to Ethiopia and 12 to Ethiopia and Eritrea. As such, the SMNP is an important bird area that forms part of the greater Endemic Bird Area of the Central Ethiopian Highlands. Notably, the SMNP is home to several globally threatened species of wildlife which include the Walia ibex, the gelada, and the Ethiopian wolf. Overall, there are over 20 large mammal species. These mammals are especially dependent on the Simien Mountains environment for their survival, however rapidly expanding cattle and crop farming activities threaten the habitats in which they thrive in (Simien Mountains National Park, 2014).

The wide variation of altitude, topography and climatic conditions in the park gives rise to a rich variety of over 1200 plant species of which 3 are unique to the park. Three main vegetation zones exist in the SMNP and these are: montane forest, sub-afroalpine, and afroalpine. These support the afroalpine and afroalpine ecosystems. However, a large percentage of primary forest has been destroyed as a result of overgrazing, clearing, and human settlement thus conservation of remaining environmental resources is much needed. Locals use *erica* forests as a source of fuelwood and construction material for their shelters (Simien Mountains National Park and the Ethiopian Wildlife Conservation Authority, 2013; United Nations Education, Scientific and Cultural Organisation, 2014).

This forest is under threat from overharvesting and overgrazing as it has a slow regeneration and growth rate. In fact, livestock densities well exceed the recommended tropical livestock units per hectare (Simien Mountains National Park and the Ethiopian Wildlife Conservation Authority , 2013). Consequently some sections of SMNP are highly eroded due to human land use practices in relation to the natural topography of the area.

SMNP has been listed as a World Heritage Site in Danger due to these adverse impacts of human encroachment on wildlife habitat (Ethiopian Wildlife Conservation Authority, 2012). There is therefore a need to take an integrated approach to conservation management in the SMNP

Benishangul-Gumuz

Benishangul-Gumuz is an estimated 51,000 square kilometres in area within the north-western part of Ethiopia. The region has a diverse topography and climate. About 75% of the state classified as lowlands with temperatures varying between annual averages of 28-34°C. About 90% of inhabitants located in rural areas, indicating the very low level of urbanization. Reports indicate that the population faces enormous challenges in accessing necessary social services including education and health care (Ethiopian Demography and Health, 2014). Due to its lack of transportation and communications infrastructure, this region faces major challenges to economic development.

Over 60% of this region is covered with forest, including bamboo, eucalyptus and rubber trees, incense and gum forests as well as the indigenous species. However, due to increased population which has led to the widespread destruction of the canopy, the region has seen several reforestation campaigns taking place (IRIN, 2014). Agriculture is the mainstay of this regional state and yet the regional government is responsible for 12% of the land allocated by regional governments 80% of the large-scale land based investments that are occurring in Ethiopia to this region (Keely, Seide, Eid, & Kidewa, 2014). The performance of domestic investors has reportedly been poor in Benishangul-Gumuz and thus led to several projects being cancelled due to non-development and poor compliance with land lease agreements. Resettlement support to rural communities in light of land based investments has been limited (Keely, Seide, Eid, & Kidewa, 2014).

Gambella

Gambella is one of the nine ethnic divisions in Ethiopia and it contains the traditional homeland of the Nuer and Anuak people. Arguably, Ethiopia's vast collection of plain game and best wildlife is located within this region. Importantly, the Gambella National Park is also found in the Gambella region. There are three ethnically divided administrative zones within Gambella Peoples Region. Interestingly, the region has historically been marginalized from the political economy of Ethiopia, however the arrival of land investments has seen the region receiving much infrastructural development and attention. Topographically, Gambella Peoples Region consists of undulating low lands. It receives a moderate rainfall percentage in the country and experiences average annual temperatures of 20°C - 35°C.

The Gambella Peoples Region contains a vast set of savannahs, floodplains and riverine forest within an undulating landscape of deciduous woodlands and grasslands (Ethiopian Wildlife Conservation Authority, 2014). Both seasonal and permanent wetlands are a common resource in the area. The Oakland Institute also notes that there is a large share of large-scale land based investment taking place in Gambella (Oakland Institute, 2014). The Federal government is responsible for allocating 80% of large-scale land based are occurring in this region. Indian and other land based agricultural projects are concentrated in this region and particularly the two most highly publicized land deals in Ethiopia: Katuri and Saudi Star (IRIN, 2014) (Keely, Seide, Eid, & Kidewa, 2014). The organizations have extensive plans to farm palm oil and cereals on 300, 000 hectares of land (Oakland Institute, 2014). Interestingly, security issues such as rapes and killings have also been reported to be on the

rise in the region as relocation of thousands of people is simultaneously occurring in rural areas to make way for agricultural land based investments.

Harari

Officially referred to as Harari People's National Regional State, the regional state is the smallest in area of the regional states and covers the homeland of the Harari people. Importantly, the region has no administrative zones or woredas. Harari is located in the eastern wall of the Great Rift Valley looking over the vast Danakil desert to the north, the cattle rich savannahs to the south and fertile lands of the Harar mountains to the east. Temperature is even between 17.1°C-20.2°C throughout the year. A total population of 183,000 people inhabit the region with the majority (54%) living in urban areas. As such there is limited agricultural practice although majority of the region's population engages in either farming, commerce, or civil service. Nevertheless, sorghum, maize, chat, coffee, orange, mango are among major agricultural products. The region houses the walled city of Harar which is an important center of Islamic culture and commerce. As a result, the region's development largely rests on its tourism and heritage background. Concurrently, the Ethiopian Government states that the investment activity occurring in the region includes the sectors of industry, agriculture, construction, mining, transport service and hotel (Ethiopian Government, 2014).

Oromia

The State of Oromia sprawls over the largest part of the country and at present consists of 12 administrative zones and 180 woredas. The region's population is predominantly rural as rural residents account for 89.5% of the total (Ethiopian Government, 2014). Thus, due to the high population density relatively small land acquisitions have high impacts on rural locals (Keely, Seide, Eid, & Kidewa, 2014). Oromia is a physio-graphically diverse region. It comprises of high and rugged mountain ranges, undulating plateaus, gorges and deep river valleys, and rolling plains. As such, the climatic types prevailing in the region may be grouped into three major categories: the dry climate, tropical rainy climate and temperate rainy climate.

The River Awash, runs through the region and is a source of great agro-industrial and hydroelectric power while several lakes and rift lakes service the region with potential for recreation and fishery development. Subsequently, the region also attracts tourists due to the Awash and Bale Mountains National Parks and Rift-Valley lakes. With regards to biodiversity, around 800 bird species and more than 100 wild animals are found in the region. These include endemic wild animals such as the mountain Nyala, the Semien Red Fox and Menelik Bushbuck which inhabit the Bale mountains national park.

Over 90% of the people of Oromia live in the rural area, and agriculture has remained the source of livelihood for the overwhelming majority of the people. The main agricultural crops include maize, teff, wheat, barley, peas, bean and various types of oil seeds. Coffee is the main cash crop in the region. Oromia accounts for 51.2% of the crop production, 45.1% of the area under temporary crops and 44% of the total livestock population of Ethiopia. Notably, Oromia is also experiencing an increasingly large share of large-scale land based investment which are administered by the regional government. There are more than 761 investment projects in the region a large percentage of which are in the mining and agricultural sectors (Ethiopian Government, 2014). A total over 600,000 hectares have reportedly been allocated in this region with significantly less land areas actually being developed (Keely, Seide, Eid, & Kidewa, 2014). These have all been administered by the regional government.

Somali

The region of Somali is the second largest region in Ethiopia at an estimated 250,000 square kilometres and comprises of nine administrative zones and 49 woredas. The landscape of the region is largely undulating with approximately 80% is flat & 7% mountainous. The maximum temperature reaches 32-40°C while the mean annual rainfall of the regional state is estimated to be 300-500 mm. There is an abundance of wildlife recorded in several zones of the region while the region is also recognized for its large livestock resources. The state is also endowed with natural gum, natural salt, natural gas oil has high potential for investment (Ethiopian Government, 2014).

Although most of the people of the state of Somali mainly earn their livelihood from livestock, they practice crop production as well. The major crops cultivated in the region are sorghum and maize. Wheat and barley are also harvested in a smaller amount each year.

Commercial activity is another occupation that is significantly exercised in the region. Pastoralism is the main livelihood strategy for people living in Somali. However, the region is undergoing the Ethiopian Villagization scheme which aims to provide services to rural locals through land based investments.

The agricultural sector attracts majority of the investment while industry in food manufacturing also attract significant percentage of the regions investments. However, very little land has been allocated to large-scale investment due to conflict in the region, official boundary disputes, and limited development of a regional land bank (Keely, Seide, Eid, & Kidewa, 2014). The region has been classified as a developing regional state which requires special interventions in governance and economic policy from the federal government (Keely, Seide, Eid, & Kidewa, 2014).

Southern Nations, Nationalities, and Peoples (SNNP)

The State of Southern Nations, Nationalities and Peoples is located in the southern part of the country with an estimated area of 112, 000 square kilometres, comprising 10% of the total area of the country (Ethiopian Government, 2014). There are 45 indigenous ethnic groups which are concentrated in the eastern, northern and central parts of the region while the western and southern parts are sparsely populated. The rural population of the region accounts for 93.2% of the multi-ethnic population.

In terms of agriculture, coffee plantations are a major economic activity of the region while other major crops such as maize, teff, enset, potato, and wheat are also cultivated in the region. The SNNP region is rich in natural resources which include water, minerals, fauna and flora. Several perennial and seasonal rivers as well as Rift Valley lakes are found in the SNNP region. These water resources can be harnessed for fishery, irrigation and hydroelectric development. Additionally, there are several protected forest locations which account for the region's 18% vegetation cover (Ethiopian Government, 2014). In addition, 23 types of wild animals and over 300 bird species are common to the region. The Nechsar, Mago and Omo national parks found in the region are centers of tourist attractions.

The region is also experiencing a large share of land based investments and it accounts for one of three regions where the Federal government is responsible for allocating 80% of large-scale land based investments. Indian and other land based agricultural projects for biofuels, horticulture and coffee are concentrated in this region (Keely, Seide, Eid, & Kidewa, 2014). In fact, the SNNPR has the largest amount of land allocated to large-scale investments (31%) although small number of these is currently being developed (IRIN, 2014).

Tigray

The State of Tigray is located at the northern tip of the country has an estimated area of 80,000 square kilometres. The State of Tigray consists of 4 administrative zones, one special zone, 35 woredas and 74 towns. The region is classified as semi-arid, warm temperate, and temperate with an average yearly rainfall of between 450-980mm. Elephant, leopard, klipspringer and bush back are among the wild animals that are found in the region while the state also claims to have around 11.51 million domestic animals. Centuries of erosion, deforestation and overgrazing have left the region with dry and treeless plains, hills and plateau. Nevertheless, a picturesque landscape of chain of mountains ranging from 3,250-3,500 meters, cliffs, ledges and precipice are natural attractions of the region.

About 83% of the population are farmers. Teff, wheat, and barely are the main cultivated crops while other agricultural products include beans, lentils, onions, and potatoes. Concurrently, the region is also known for its export items of cotton, incense, sesame and minerals. 1.5 million hectares of land in the region is cultivable, of which one million hectares is being cultivated, while 420,877 hectares of land is terraced (Ethiopian Government, 2014).

Tigray is one of the richest areas in Ethiopia in mineral resources. As such it attracts considerable investment in the mining sector. In addition agriculture, industry, hotel and tourism, social services, construction and transport also contribute to the economic activities of the region. In fact, the state has large farming areas suitable for the production of cash crops such as cotton and different kinds of oilseeds. Due to its strong government capacity, the region is responsible for autonomously allocating land for large-scale land based investment. However, due to the poor regional government capacity to support large-scale investments, investments remain limited. An assessment (carried out in 2006) of Irish Aid to the government in Tigray region identified some priority actions required in order to improve government capacity. These included the capacity to implement programmes – the particular opportunity noted was need to address the gap between capacity and the regional government level and the capacity for planning, budgeting and analysis of information and results at woreda level. Other issues included the need to mainstream gender and HIV considerations into programming (Livinstone, 2006). Another key area was public expenditure management- in particular the need for improved mechanisms to ensure transparency and accountability. In is noteworthy that in its own Growth and Transformation Plan for 2011-2015 the regional government highlighted these same issues as challenges to the region's development (Tigray regional State, 2003)

Agriculture

The government has identified agricultural development as the key strategy of attaining economic development and lifting the population out of poverty. In 2012 the contribution of agriculture to the economy (or value added agriculture) as a percentage of Gross Domestic Product was 49%. In comparison, the total contribution of travel & tourism to the economy as a percentage of GDP in was 10.3%.

The federal government successfully used the global momentum behind the MDGs to precipitate its own development aspirations. The Plan for Accelerated and Sustained Development to End Poverty (PASDEP) was implemented between 2005 and 2010 to lay out the directions for accelerated, sustained, and people-centered economic development as well as to pave the groundwork for the attainment of the MDGs. As indicated in Table 1 below, the country exceeded the expected growth achievements under PASDEP. One of the key strategies used to achieve this high growth was the combined emphasis on diversification and commercialization of small scale agriculture. Indeed best practices for increased productivity and production by small scale farmers were identified for scaling up during the subsequent five year Growth and Transformation Plan (GTP) which followed the

PASDEP. Expansion of social service and infrastructure also contributed the growth trajectory (MoFEP, 2010).

Table 1: Growth Targets and Performance under PASDEP (MoFEP, 2010)

Sector	Average Growth Targets (2005/06-2009/2010)		Average Growth Achieved (2005/06-2009/2010)
	Base case scenario	High case scenario	
Real GDP (%)	7.0	10.0	11.0
• Agriculture and allied activities (all scales)	6.0	6.4	8.0
• Industry	11.0	18.0	10.0
• Services	7.0	10.3	14.6

The intention of the GTP is to sustain the growth achieved under the FASDEP. One of the pillar strategies for this was Maintaining Agriculture as a Major Source of Economic Growth. Under this strategy, the government has announced its intention to intensification the production of marketable farm products -both for domestic and export markets, and by 'small and large farmers'. In a shift from the previous planning phase, the GTP proposes a focus on 'high value crops, a special focus on high-potential areas, facilitating the commercialization of agriculture, supporting the development of **large-scale commercial agriculture** where it is feasible' (MoFEP, 2010). Specifically, the Plan proposes to complement the successes achieved through commercialization of smallholder farming through attracting increased private investment in large commercial farms. The PLA also sees large scale foreign investment in land as an opportunity to capitalize on the investment made to date in infrastructure development. It also proposes significant changes in water use through expanding of irrigation schemes and reducing reliance on rain fed agriculture. Research, extension, capacity building are also proposed as enablers of the drive for intensification.

Several factors influence the type and predominance of agriculture in Ethiopia. Rainfall is a key factor in crop selection and yields since over 90% of agriculture is rain fed. Irrigation is mainly applied to non-cereal, industrial crops such as sugar cane and cotton. Rainfall is highly variable and recurrent droughts have dominated agricultural production in recent history, resulting in under-production and highly publicised cycles of famine.

Another factor is topology. The country can be divided into highlands- over 1500m above sea level, and the lowlands. There are several distinguishable agricultural regimes in the country.

1. The *highlands - mixed farming system*

The highlands are areas that are more than 1,500 m above sea level. They constitute close to 60% of the land mass. Characterised by agreeable temperatures and more predictable rainfall. As a result, the highlands constitute about 40% of the country's land mass, but are home to about 80% of the country's population. Very high population densities and high levels of land fragmentation arising from the fact approximately 97% of the land mass in the highlands is under cultivation.

2. The *lowlands - mixed agricultural production system*

The lowlands lie at less than 1,500 m. Less attractive for agriculture lands and climate – hot and less rain – therefore tend to be sparsely populated. Agricultural activity focuses on drought-tolerant varieties of cereal crops and some oil crops as well as livestock rearing.

3. The lowlands - pastoralism / shifting cultivation

Mostly in the southern and western part of the country. Fields are usually left fallow idle after periods of cultivation. Also low population densities.

About 70% of the land in Ethiopia is estimated to be suitable for crop production. To date 16% is being used under rain fed agriculture (MoFED, 2010). This has led to the view that there is tremendous opportunity for expanding the amount of land under agricultural production. As a result there has been an upsurge in state-supported agricultural activity in the sparsely populated lowland areas. In the *lowland mixed agricultural production system* areas, there has been extension support to intensify agricultural activity. In the pastoralist areas this has involved converting land use.

Conservation of biodiversity

Ethiopia is home to a diverse range of ecosystems and considerable biological wealth of plants, animals, and microbial species. There are over 6 000 recognized species of plant in Ethiopia. Additionally, there are 279 species of mammal, of which 35 are endemic, 856 recorded bird species; 20 are endemic; and 16 endangered/critically endangered. However, as a result of the under-appreciation of this wealth, as well as lack of awareness on the role of ecosystems, inadequate attention has been given to the conservation and sustainable use of these biological resources. The high population growth, high population densities in certain regions and policies and management practices have also contributed to the decline in these biological resources (Institute of Biodiversity Conservation, 2005).

In spite the pre-dominance of agriculture, the federal government generally recognizes that there are benefits to be realized from effective management of wildlife, biodiversity and the environment. The benefits to local communities and the nation are largely derived from tourism and environmental services. The potential benefits include national food security and are yet to be realized through the framework of Ethiopia's sustainable land management programmes. As a result the delineation of Protected Areas for the preservation of valuable species has become intrinsic to the conservation of wildlife and the environment.

Conservation of protected areas were first introduced under the Derge regime under the feudal system. Land was forcefully taken from pastoralists and peasants and annexed for conservation purposes (Delelegn, 1993). The conservation system generally failed to incorporate local interests. As a result, after the change of government in 1991, many of the national parks were looted and the infrastructure previously established was destroyed (Delelegn, 1996). For instance local communities set fire to Bale National Park and extensively devastated it, since they were not getting any sort of benefit from the income being generated out of their resources which they had been maintaining for several years (Soromessa, 2007). To date the country has not recovered from these events as characterized by occasional tensions between communities and around conservation areas and park personnel. Conservation areas have recently become more prominent in Ethiopia's development discussions owing to the following arguments:

- ✦ Ethiopia's Protected Areas are of universal value due to their unique biodiversity
- ✦ They represent the natural and living heritage of Ethiopia
- ✦ They provide economic benefits and environmental services for the communities and the nation
- ✦ They protect the environment on which people are dependent and contribute to economic development
- ✦ They assist Ethiopia in fulfilling its constitutional and international commitments, especially in view of global challenges like climate change and worldwide loss of biodiversity

As in the cases in other countries, Ethiopia therefore faces the challenge of aligning protected area benefits and local community support in order to sustain conservation efforts. Sadly, the country has not made the advances which are visible in front-runner countries with respect to approaches to conservation. Exclusion of communities from conservation initiatives is still a challenge, resulting in recurring conflicts between the interests of conservationists and those of communities. Hence, for instance, the national biodiversity strategy observes that the greatest threat to protected areas emanates from the human factor; human settlements within parks or adjacent to them (as in the case of Awash, Siemen Mountains, Bale, Gambella, Mago, and Omo); crop cultivation (as in the case of Abijata-Shalla, Bale, Gambella and Siemen); grazing (as in the case of Abijata-Shalla, Awash, Bale, Mago, Nechisar, Omo, Senkelle, Siemen and Yangudi-Rassa); deforestation (all parks and sanctuaries) and mineral extraction (Abijata-Shalla) As a result, this study attempted to identify innovations in approaches to conservation.

The observation was that while some effort was being made to involve site-adjacent communities in the management of conservation efforts, the overall approach remained rather traditional and outdated. Possibly more progress has been made in the area of forest management, than wildlife management. Participatory approaches to management of forests are under implementation in the Bonga area (south-western region) and Adaba Dodola (south east). It is noteworthy though that these are CSO-led initiatives. These initiatives have already produced some lessons and data which can be used to scale up these participatory approaches. However, much still remains to be done. For instance, in Simiens, an area of direct interest to AWF, the issues of community rights and sharing of benefits arising from proceeds from parks (such as licenses and entry fees) are not always considered. One respondent suggested **quantifying of the opportunity cost of not engaging communities in conservation**. All in all, it appears that a change in mindset is required at all levels, including Central Treasury which has tremendous say in issues relating to royalties and benefit sharing.

Significant growth in agricultural productivity has been realized through the government –run intensification extension program. This extension approach is aimed at providing high yielding variety seeds, chemicals and fertilizers, small-scale irrigation development and training and technical supports. The extension program includes rural infrastructures expansion, marketing, finance and capacity building. Many of these activities have implications for biodiversity.

However, environmental degradation has been extensive due to a limited awareness of the need to ensure species protection and biodiversity. Biodiversity in several Protected Areas has thus declined owing to the threats of intensive livestock grazing and establishment of human settlements. Consequently, ecosystems and habitats forming the very basis of existence for many species of animals and plants are increasingly degraded and lost.

Wildlife

Ethiopia boasts a rich pool of wildlife with several endemic species which include the Ethiopian wolf, walia ibex and gelada monkey. The country is also home to important populations of elephants and lions. Ethiopia has been labelled a global center of avian diversity owing to its 856 bird species, which attract bird watchers from the world over. As in the broader African context, wildlife populations in Ethiopia are declining due to logging, a 17 year long civil war, pollution, poaching, and other human interference. Severe drought has also contributed to habitat degradation while climate change is expected to exacerbate environmental degradation and species endangerment. According to the International Union for Conservation of Nature (IUCN) ratings, a large number of species in

Ethiopia are already listed as critically endangered and vulnerable to global extinction. They include black rhino, Ethiopian wolf, African wild dog, several species of the shrew, Walia & Nubian ibex, grevy's zebra, mountain nyala, and bilen gerbil.

The Federal Government demonstrated its concerns over these losses by passing the Council of Ministers Regulations to Provide for Wildlife Development, Conservation and Utilization (2008). Under the regulations, areas of particular significance with respect to wildlife, in particular, trans boundary areas, were elevated from management by regional governments and placed under the direct control of the Ethiopian Wildlife Conservation Authority (EWCA). These included the following:

- Simien Mountains National Park
- Bale Mountains National Park
- Nechisar National Park
- Omo National Park
- Abijata Shala Lakes National Park
- Awash National Park
- Senkele Swayne's Hartebeest Sanctuary
- Babilie Elephant Sanctuary
- Gambella National Park
- Alatish National Park
- Kafta Shiraro National Park
- Geralle National Park shall

The Regulations were progressive in that they provided for community management of wildlife conservation areas by communities alongside authorities. The regulations also made provision for the sharing of revenues. However, a weakness in the provisions of the regulations was that they require EWCA to share revenues (85%) with the 'regions'. In effect this has translated to revenues being transferred to and being retained by regional governments, are only in very rare circumstances (to be discussed below), being shared with communities. In some cases the revenues generated are barely sufficient to cover operating costs, so there would, in effect, be nothing to share.

Environment

Major areas of concern: deforestation, overgrazing, soil erosion, desertification, pollution, and water scarcity.

Ethiopia comprises of nine ecosystems which range from afro-alpine to desert and semi-desert classifications. The country is richly diverse and threatened by overexploitation of its environmental resources. The consequences of overgrazing, agricultural expansion, population increase and human settlement all contribute towards the deforestation, pollution and invasion of alien species.

Ethiopia has more than 30 national parks, wildlife reserves, controlled hunting areas and wildlife sanctuaries. Officially, Ethiopia's protected areas cover 14% of the country. Due to the significance of wildlife and biodiversity to Ethiopia's economic development and plans for national food security, the Ethiopian government has included environmental issues in the Federal Constitution.

The recent and generally more supportive attitude of the current government towards the wildlife sector is expressed in the national constitution's pledges:

- ✚ "[The] government ...shall have the duty to protect the country's natural endowments" (Article 91,2)
- ✚ "[The] government ...shall have the duty to protect the environment" (Article 92, 4)

National policies regarding wildlife have been subsequently been approved and Proclamation 452 of 2007 made regarding "Development, Conservation and Utilization of Wildlife." Regulations for and

implementation of The Wildlife Strategy and Policy as well as establishment of the new Ethiopian Wildlife Conservation Authority have been passed.

Forests

The forest resources in Ethiopia have suffered decades of mismanagement due mainly to loosely defined property relations over these resources. In addition, unsustainable harvest from natural forests and woodlands has reduced the supply of woody biomass, further widening the gap between supply and demand. Ethiopia loses an estimated 1 410 km² of natural forests each year. Deforestation is therefore a major biodiversity and environmental concern especially in the central and northern highlands where hundreds of years of subsistence farming and settlements have resulted in changing landscapes. Most of the remaining natural high forests of the country are found in the southwest, which was remote and inaccessible until recently (Lemenih and Kassa, 2014).

The loss of forest contributes to soil erosion, loss of nutrients in the soil, loss of animal habitats and reduction in biodiversity. Major land-cover changes resulting from improper practices are taking place leaving vast areas severely degraded. The implications for agriculture become evident. The loss of fertile topsoil, estimated at 1 billion cubic meters (m³) per year, significantly reduces agricultural productivity with grave implications for food security. Forest loss also exacerbates water scarcity.

Aided by the climate change agenda, there is now a growing recognition that deforestation and forest degradation should be reduced. In its strategy document of December 2011, the government identified the forestry sector as one of the pillars of the green economy that the country is planning to build by 2030. The government also announced some targets including afforestation on 2 million ha, reforestation on 1 million ha and improved management of 3 million ha of natural forests and woodlands. Through proper management of 5 million ha of forests and woodlands, Ethiopia hopes to achieve 50% of its total domestic greenhouse gas (GHG) emissions abatement potential by 2030 (Lemenih and Kassa, 2014). Associated efforts by the government include providing alternate raw material to timber and access to non-forested land to promote agriculture without destroying forest habitat.

Government efforts to halt deforestation and to regreen the country would benefit from a stronger policy environment. For instance, one of the respondents highlighted that the policy framework is not emphatic on the definition of rests and forest land. In addition, given the often overlapping roles between institutions, it is not always clear where the responsibility for managing forests lies. The draft Forest Law is expected to clarify these issues (as in the case of the Parks Law). However, the draft law is not yet public, existing only in Amharic to date. Also the absence of a land use policy is said to making matters difficult.

With respect to institutions, questions were also raised about the extent to which the federal government has the influence required at regional level in order achieve the proposed goals. Functional institutions are required at the regional level. A proposal was that bureaus for forests were required at the regional levels as has been effected for agriculture.

With the exception of high value forest are transboundary such as Gambella and the Bali Mountains, forest governance is the responsibility of regional governments. No further devolution has been proposed under the country's policies. One respondent noted that such policy gaps have had the effect of demotivating communities from participating in conservation efforts due to a lack of ownership.

In view of the current situation, a long term (5 year) forest sector strategy is currently being developed. Under the plan, each region would have considerable autonomy to identify the most effective approach to the management of its own forest resources.

While recognizing government efforts, it is noteworthy that it is, in fact, it is mainly non-state actors, playing the major role in re-greening efforts in Ethiopia. Re-greening practices driven by NGOs and bilateral and United Nations (UN) agencies primarily emphasize environmental rehabilitation, while farmers undertake re-greening activities largely for economic gains with little, if any, focus on ecological objectives. Lemenih and Kassa (2014) proposed a grouping of ongoing re-greening activities into two broad categories: area enclosure and afforestation/reforestation. Area enclosure activities seek primarily to rehabilitate degraded forest land and its biodiversity, and ensure a continued supply of forest products and services. This is the dominant type of re-greening practice promoted by NGOs, as well as by multilateral and bilateral donors. On the other hand, afforestation/reforestation activities are the re-greening practices initiated and run by farmers. They predominantly involve include small-scale and industrial plantations.

3. Legal and Institutions Frameworks - Biodiversity and Environment

This section presents an analysis of Ethiopia's policy, legislation and institution frameworks which pertain to issues of biodiversity and the environment – particularly wildlife and forests. This is followed by an overview and analysis of the mandates and challenges that Ethiopia's supporting relevant institutions.

International Conventions

The Ethiopian government is a signatory party to and has ratified nearly 15 international conventions (Mwebaza, et al., 2009). The following have been adopted as a basis for state obligations with regards to sustainable development:

- ✚ The Convention on Biological Diversity (signed/ratified)
- ✚ The Basal Convention on the Control of Trans-boundary Movements of Hazardous Wastes
- ✚ The United Nations Framework Convention on Climate Change (signed/ratified)
- ✚ The United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification in Africa (signed/ratified)
- ✚ The Vienna Convention and Montreal Protocol for the Protection of the Ozone Layer
- ✚ The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
- ✚ The Stockholm Convention on Persistent Organic Pollutants (signed/ratified)
- ✚ Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
- ✚ Cartagena Protocol on Bio-Safety (signed/ratified)
- ✚ Convention on Climate Change
- ✚ Convention for the Protection of the World Cultural and Natural Heritage

As of yet, Ethiopia has not ratified some very important treaties that seek to conserve biodiversity and the environment. These include the Ramsar Convention on Wetlands and the Convention on Migratory Species (Ministry of Agriculture, 2013).

Legislation Relating to Environment

There are several areas of environmental concern in Ethiopia owing to agricultural expansion and human settlement. These include deforestation, overgrazing, soil erosion, desertification, pollution and water scarcity (Biodiversity Indicators Development National Task Force, 2010). In response, the Ethiopian government has developed and implemented several policies, strategies, laws and institutional frameworks towards sustainable development and effective management of the environment, water, forests, climate change and biodiversity (Cesar & Ekbom, 2013). There are three approaches in the government's commitment to improved natural resource management and environmental protection: constitutional measure, policy measure, and legislative measures.

Constitutional measure

The government of Ethiopia has defined and incorporated environmental values into the constitutional law of the country. Proclamation No.1-1995 the Constitution of the Federal Democratic Republic of Ethiopia explicitly states that:

- ✚ "All persons have the right to a clean and healthy environment." (Article 44,1)
- ✚ "Government shall have the duty to ensure that all Ethiopians live in a clean and healthy environment." (Article 92,1)
- ✚ "The design and implementation of the programs and projects of development shall not damage or destroy the environment." (Article 92,2)

- ✦ “People have the right to full consultation and to the expression of views in the planning and implementation of environmental policies and projects that affect them directly.” (Article 92,3)
- ✦ “Government and citizens shall have the right to protect the environment.” (Article 92,4)

This inclusion of environmental concern into the supreme law of Ethiopia effectively elevates the importance of achieving sustainable development. Concurrently, a legal basis for land investments is included in the constitution which proclaims that:

- ✦ “The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the State and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange.” (Article 40,3)
- ✦ “Without prejudice to the right to private property, the government may expropriate private property for public purposes subject to payment in advance of compensation commensurate to the value of the property.” (Article 40,8)
- ✦ “Government has the duty to hold, on behalf of the People, land and other natural resources and to deploy them for their common benefit and development.” (Article 89,5)

The above mentioned provisions form the basis on which several legalizations and institutional frameworks for land, land investment and environmental management are formed. More importantly, the 9 regional states of Ethiopia have adopted their own constitutions which fundamentally uphold the national constitution at the district and community-based levels (Anon., 2004). These particularly address land and natural resources management and environmental protection (World Bank, 2013).

Policy measure

The Ethiopian government has created and implemented several biodiversity and environmental policies which amplify the state’s constitutional provisions. The policies largely rest on the premise of achieving sustainable development through effective use and conservation of natural, man-made and cultural resources.

The Environmental Policy and Conservation Strategy of Ethiopia aims to “...improve and enhance the health and quality of life of all Ethiopians, and to promote sustainable social and economic development through the sound management and use of natural, human-made and cultural resources and the environment as a whole, so as to meet the needs of the present generation without compromising the ability of future generations to meet their own needs” (Federal Democratic Republic of Ethiopia, 2011). This national policy significantly outlines important sectoral and cross-sectoral policies for soil husbandry and sustainable agriculture; forest, woodland and tree resources; water resources; energy resources; mineral resources; human settlement, urban environment and environmental health; control of hazardous materials and pollution from industrial waste; atmospheric pollution and climate change; cultural and natural heritage; population and the environment; community participation and the environment; tenure and access rights to land and natural resources; land use plan; social and gender issues; environmental economics; environmental information systems; environmental research; environmental impact assessment; and environmental education and awareness (Federal Democratic Republic of Ethiopia, 2011).

Legislative measures

The above mentioned policy frameworks for environmental management and sustainable development need implementation. Legislative measures have also been taken towards implementation of the state’s Environmental Policy, ratification of MEAs, and establishment of

institutional bodies such as the Environmental Protection Authority (EPA). The EPA has submitted laws, standards and guidelines to the Council of Ministers which has effectively formulated environmental protection laws (United Nations Environmental Programme, 2013). Additional institutions that are tasked with supporting and enforcing biodiversity and environmental laws include regional and sectoral environmental entities, several Ministries of the state, the Ethiopian Wildlife Conservation Authority, the Environmental Inspectorate, Institute of Biodiversity Conservation. A brief description of the laws and responsible institutions are given in table 3 below.

Table 2 Laws and institutions relating the environment in Ethiopia

Law	Description	Institution
Establishment of Environmental Protection Organs Proclamation (295/2002)	<p>Created to foster coordinated but differentiated responsibilities among environmental protection agencies (regional and federal) in order to achieve sustainable use of environmental resources</p> <p>Assigns environmental development and management activities, environmental protection, regulation and monitoring.</p> <p>Gives the EPA legal powers to enforce and spearhead the enforcement of and compliance with environmental laws and standards.</p>	<p>Environmental Protection Agency</p> <p>Regional Environmental Entities/Agencies</p> <p>Sectoral Environmental Units</p>
Development, Conservation & Utilization of Wildlife Proclamation (541/2007)	Mandates the preparation of draft policies and legislation relating to the development, conservation and utilization of wildlife resources	<p>Ethiopian Conservation & Wildlife Authority</p> <p>Ministry of Culture and Tourism</p> <p>Ministry of Agriculture and Rural Development</p> <p>Institute of Biodiversity Conservation</p>
Water Resources Management Proclamation (197/2000)	Created to ensure that the water resources of the country are protected and utilized for the highest social and economic benefits of the people of Ethiopia.	Ministry of Water Resources
Forest Development, Conservation and Utilization Proclamation (542/2007)	Governs the management and exploitation of Ethiopia's forest resources. It requires that 'forest resources shall be protected from natural and man-made disasters', including deforestation and forest fires.	<p>Ministry of Agriculture and Rural Development</p> <p>Bureau of Agriculture (regional level)</p> <p>Institute of Biodiversity Conservation</p>

The listed Proclamations are evidence of the Ethiopian government's efforts to mainstream environmental concerns into the development process. Consequently, the planning and implementation of environmental management is on-going at the federal, regional and local levels of governance (Cesar & Ekbom, 2013). The government's efforts to protect and conserve natural/environmental resources are stated as priority in several of these policies however, the growing threat to biodiversity and degradation of wild lands is indicative of poor implementation and enforcement (Biodiversity Indicators Development National Task Force, 2010; Cesar & Ekbom, 2013).

Critical Analysis of Biodiversity and Environment Related Legislation

The **Proclamation on the Establishment of Environmental Protection Organs (295/2002)** clearly stipulates the obligatory establishment of regional environmental organs, yet currently these institutions exist under the Agriculture or Land administration bureaus of regional governments. The proclamation was made to re-establish the Federal Environmental Protection Authority, Sectoral Environmental Units and Regional Environmental Protection Agencies (World Bank, 2013). These regional organs are to coordinate environmental activities, avoid duplication of efforts and improve the dissemination of environmental information. This is particularly true concerning the implementation of Environmental Impact Assessments which under the **Environmental Impact Assessment Proclamation (299/2002)** are to be evaluated, authorized and monitored by the regional environmental agency (International Federation of Red Cross and Red Crescent Societies, 2013). The challenges of finance and human resources apply to environmental entities at the regional level. Consequently, their capacities to meet mandates and perform functions are severely hindered as is evidenced by the absence of any regional state of the environment reports (Mwebaza, et al., 2009). There is therefore room for mismanagement of environmental and natural resources in regions where environmental organs are ineffective. The lack in institutional capacity also implies that reports on the state of the environment and implementation of federal environmental standards cannot be ensured in these regions.

In addition, the **Proclamation on the Establishment of Environmental Protection Organs (295/2002)** is imprecise as it fails to define key terms and stipulate the guidelines under which 'harmony' is to be achieved between the 'competent agency' and the Proclamation (International Federation of Red Cross and Red Crescent Societies, 2013). It also makes reference to public participation in the decision-making process yet makes no mention as to how or to what extent the public should be engaged. Consequently there is a legislative inconsistency towards realization of the FDRE Constitutional measure for ensuring that "people have the right to full consultation and to the expression of views in the planning and implementation of environmental policies and projects that affect them directly." (Article 92,3). Thus, the enforcement of environmental issues at the local level is largely exclusive and fails to engage locals in local environmental conservation and ultimately sustainable development.

Regional offices are also responsible for implementation of several environmental, wildlife, and biodiversity conservation proclamations which include the Development, Conservation and Utilization of Wildlife (541/2007) and the Forest Development Conservation and Utilization (542/2007). The **Proclamation on the Development, Conservation and Utilization of Wildlife (541/2007)** states that regional ministry and other concerned bodies shall ensure that the well-being of wildlife conservation areas and their ecosystems are not disturbed by development activities, yet there is no explicit point of reference defining 'environmental wellbeing' or what a disturbance to this 'environmental wellbeing' may be. As a result of this gap, regulatory environment which allows compromise of the environment has effectively been propagated. Importantly, the proclamation makes no mention of regulations and directives for economic activities other than

wildlife based tourism and trade in wildlife products. Thus regulations for the issuing of land for large-scale agricultural investments within or outside of wildlife conservation areas are unspecified. This is therefore a possible point of contention between environmental conservation and LSLA.

Under the **Proclamation for Forest Development, Conservation and Utilization (542/2007)** “protected natural forests and forest lands shall be demarcated and conserved for the purpose of environmental protection and conservation of history, culture and biodiversity Article 11(1)”. However, the emerging evidence indicates that LSLA have the potential to significantly compromise plans and efforts to protect and improve the status of water bodies, conserving rare and endangered endemic plants, animal and bird species, controlling flood and protecting the soil. It is up to the Environmental Protection Agency, regional environmental agencies and the Ethiopian Investment Commission to ensure the safeguarding of these environmental resources however the capacity, mandate, and progress challenges that the institutions face are set to stifle any successful enforcement of biodiversity and environmental resource conservation policy.

Overall, the underpinning policy statements for the Proclamations referred to in the above analysis are broad and not readily suitable for enforcement by the relevant supporting institutions (United Nations Environmental Programme, 2013). In fact, there are gaps between the environmental commitments made and the actual implementation to improve environmental outcomes (Cesar & Ekbohm, 2013). The underlying institutional challenges include:

- ✚ Lack of capacity in environmental management
- ✚ Weak enforcement and implementation of the law
- ✚ Poorly skilled human resources
- ✚ Overlapping responsibilities and duties

As a result, the relatively sophisticated framework of environmental legislation greatly lacks implementation by the supporting institutions, particularly by the police force as it lacks implementation capacity. It appears that environmental crime holds a low profile in the Federal Police commission as its role is not clearly defined and there is minimal training of police officers in environmental law (Mwebaza, et al., 2009). The Oakland Institute (2013) adds that police, administrative, and judicial corruption augment the failures of the institutional framework. Consequently, a general understanding of environmental crime and enforcement of legislation is lacking among law enforcement agents, the public and the judiciary system. This requires the intervention of an environmental law awareness programme.

Concurrently, local administrations in the sector of land and environment experience a shortage of resources, trained and knowledgeable staff, and essential infrastructure necessary for the achievement of their tasks (Chinigo, 2011). According to Mwebaza, et al. (2009) there is a general lack of environmental law awareness among the public, enforcement agencies and the police. Additionally, the judicial system reflects a misunderstanding of environmental law due to its failure to bring environmental prosecutions to successful conclusions (Mwebaza, et al., 2009).

As such, the punitive measures that are in place such as fines do not have a deterrent effect on the population (United Nations Environmental Programme, 2013). The “polluter pays” principle is not readily achievable because penalties for non-compliance are modest in comparison to environmental costs and gains to the perpetrators. Therefore, there is a pressing need to revise these and enforce them so as to limit the costs to the environment and society.

Despite these challenges, cooperation is achievable. The Wildlife Trade Network (TRAFFIC), EWCA, the federal police and the courts are working to increase sensitization, training, and prosecution of wildlife related crimes. As a result, Ethiopia has experienced a notable reduction in the reported cases of wildlife related crimes (Mwebaza, et al., 2009).

4. Threats to biodiversity

Literature sources and informants consulted pointed to several significant sources of threats to biodiversity requiring urgent and concerted response

Demographic

Ethiopia is characterized by high fertility rate of about 4.0 per woman (Countdown, 2013). The resulting population growth places pressure on limited services and an already degraded natural resource base. In Ethiopia, a greater part of the population remains heavily reliant on subsistence agriculture. The limitation in access to alternative livelihood sources means that high population growth equates to more pressure on land and water resources, resulting in habitat conversion, degradation and fragmentation. This has severe implications for the ultimate sustainability of these resource and the flora and fauna residing in them. So, for instance, in the highlands and other parts of the country where population densities are high, land degradation has become a major source of concern. Communities have increasingly adopted unsustainable agricultural practices. These include grazing and cropping in marginal areas and along rivers as well as failing to observe fallow periods. Under the recent extension support provided to farmers, communities are sometimes encouraged to drain wetlands to make way for agriculture. Wetlands are considered among the most biologically ecosystems. Such actions result in permanent and tragic biodiversity losses. Similarly, in some cases communities have been advised to flood biodiversity-rich areas to accommodate rice production, also resulting in biodiversity losses.

Developmental

'Development at the expense of biodiversity' is the way in which one to the informants described the scenario in Ethiopia. Biodiversity in the densely populated highlands has almost entirely been depleted. Less than three percent of the highlands are not farmed. The exploitation of scarcely populated areas in the lowlands threatens the same outcomes there. The lowland areas, such as the South Omo, have also been targeted for development initiatives such as hydro-electric projects. The impacts of such projects on indigenous populations have been highly publicized. Less highly publicized, but probably equally as devastating, have been the implications for biodiversity. However, the latter is not readily documented.

Growth of agriculture

Agriculture is known to have certain implications for biodiversity (see Table 3). In any country, the respective gains from agricultural expansion must be balanced against these and other impacts.

Table 3: Overview of agricultural technologies and impacts on ecosystem services

Technology	Impacts on Soils	Impacts on Water	Impacts on Biodiversity	Impacts on Air/Climate	Case Example
Monoculture			Reduces habitat for insects and wildlife, leading to increased need for pesticides		Reduced bird populations in monocropped coffee fields in Columbia and Mexico
Continuous Cropping	Soil fertility declines due to nutrient mining		Reduces farmers' ability to use natural pest cycles, leading to increased need for pesticides		Nutrient offtake in reduced fallow cassava farms in Kenya and Uganda
Conventional Tillage	Reduces soil organic matter, leading to increased erosion			Contributes to CO ₂ emissions due to decomposition of soil organic matter	Soil compaction due to tillage in maize fields in Nigeria
Intensive Hillside Cultivation	Increases erosion, leading to soil degradation				Significant soil loss rates due to erosion in Ethiopian highlands
Intensive Livestock Systems	Increases erosion and soil compaction due to overgrazing and hoof action	Untreated livestock waste degrades water quality, water usage competes with other needs	Degrades grassland habitat due to overgrazing	Contributes to CH ₄ and N ₂ O emissions due to enteric fermentation and manure management	Soil degradation caused by the overgrazing in the Irangi Hills in Tanzania
Inorganic Fertilizers	Increases soil acidification due to nitrate leaching	Reduces oxygen levels due to run-off, harming aquatic ecosystems; impairs water for human uses		Contributes to smog, ozone, acid rain, and N ₂ O emissions	Eutrophic dead zones in the Baltic Sea, Black Sea, and west coast of India
Pesticides			Harms animal and human health by accumulating in soils and leaching into water bodies		Use of unauthorised pesticide recipes in maize fields in Ethiopia
Irrigation Systems	Inadequate drainage and over-irrigation causes waterlogging and salinization	Degrades downstream ecosystems due to polluted run-off and over-extraction of water			Shrinking of Aral Sea due to over-extraction for irrigation, particularly for cotton cultivation
New Seed Varieties	May increase need for inputs that negatively impact soils	May increase need for inputs that negatively impact water quality and quantity	Reduces maintenance of genetic diversity in landrace varieties	May increase need for fertilizer, leading to increased greenhouse gas emission	
Intensive Rice Production	Inadequate drainage and continuous flooding causes waterlogging, salinization, and nutrient problems	Degrades downstream ecosystems due to polluted run-off and over-extraction of water		Contributes to CH ₂ emissions due to anaerobic conditions in paddy fields	Over-extraction for rice irrigation in Tamil Nadu, India
Industrial Crop Processing		Degrades downstream ecosystems due to water requirements and discharge of untreated wastewater		Contributes to CO ₂ emissions due to energy requirements of machinery	Water pollution near coffee processing plants in Mexico

Source: Killebrew, 2010

An additional dimension of the impact of agriculture on diversity is in the form of LSLA. One informant attempted to quantify the extent of biodiversity loss. His characterization was that the extent of tree and herbage devastation in a week under the activities of a large scale investor was equivalent to what a household would utilize in a generation. In his view this trend has had the effect of discouraging restraint among communities, as far as tree cutting was concerned.

Protected areas were demarcated over 40 years ago. The combined demand for land due to demographic and developmental needs has since placed considerable pressure on protected areas. Addressing the loss of land mass from protected areas has emerged as a key priority issue challenging the conservation objective on Ethiopia. The main response to this challenge has been the drive to re-delineate protected areas. In this process there have losses in the size of the parks have been observed, for instance, in the case of Gambella and other protected areas in the south-western regions where there has been high pressure for land. However, there have been instances in which re-delineation has resulted in gains. This has been the case in Simiens where the pressure for land is relatively less. However, as one respondent warned, this should not be a source of complacency. The issue of losses and gains is not just a numbers game. In other words, gains in land mass on one part of the country may not necessary replace the losses in biodiversity as a result of depletion of critical habitats. The guiding principle should be the preservation of critical species and habitats

Governance

It is possible for demographic and developmental changes to occur without the massive losses in biodiversity being witnessed in Ethiopia. The losses therefore point to deeper, more systemic failures. The author has chosen to identify these failings as failings in governance.

Poor institutional capacity

The first aspect of this is the capacity of the government to regulate the exploitation and management of its natural resource base. There is general consensus in literature sources and informants interviewed that, with the exception of some notable gaps which will be highlighted in this report, the legal framework for the governance of the country's biodiversity and forest assets is relatively satisfactory. The continued extent of losses incurred to date, the perceived ongoing unsustainable exploitation of flora and fauna, the disregard for conservation arrangements (e.g. encroachment by communities into protected areas) - all point to insufficient capacity on the part of government at various levels to implement and regulate the policies, laws and plans which have been instituted. The existing institutional arrangements and challenges encountered are examined in closer detailed in this report.

Informants also highlighted the lacking institutional capacity on the part of the federal government to provide the required guidance to relations on issues relating to resource governance. The pressure on federal government resources is made worse by the fact that due to a lack of capacity at the regional levels, the federal government frequently plays the role of manager at the regional levels, rather than limiting itself to a coordination role. Regional governments were also said to lack to capacity to communicate with each other for the purpose of learning and sharing of experiences.

Inter-sectoral coordination

A related aspect is the poor coordination between sectoral authorities. The current institutional arrangements for the governance of the country's natural resource base include the following ministries and associated agencies and authorities mandated to carry out the functions of the ministries:

- Ministry of Agriculture

- Institute of Biodiversity
 - Agricultural Land Administration Investment Agency
 - Agricultural research Institute
- Ministry of Forestry and Environment
 - Ministry of Culture and Tourism
 - Environmental and Wildlife Conservation Authority (EWCA)
 - Ministry of Water Resources
 - Ministry of Mines and Energy
 - Ministry of Foreign Affairs (foreign investor approval)

Other ministries which also have an important involvement in natural resource base include the Ministries of Finance and Economic Development as well as that of Infrastructure and of Revenues.

Natural resource governance in Ethiopia has been characterized by successive restructuring of the sector, and, as one informant noted, without sufficient background studies to inform the restructuring. Consequently, there is was a general lack of confidence in the current institutional arrangements and in their permanency among these interviewed. A case in point relates to the EWCA, the agency with a federal mandate for the conservation of wildlife. The agency was previously under the Ministry of Agriculture then relocated to its current home, the Ministry of Culture and Tourism. It is widely accepted that the Ministry of Agriculture was not the appropriate institutional home for EWCA because of the conflicting interests between environmental and wildlife conservation and agriculture, especially given the government's drive to expand agriculture. At the same time there was skepticism expressed by several informants concerning the new arrangement. Question raised included the extent to which Culture and Tourism has a conservation agenda and whether EWCA would not be better placed under the Ministry of Forestry and Environment.

There is an evident gap in arrangements for inter-sectoral coordination. Hence, for instance, some time ago, the government department responsible for roads proposed the construction of a road through Simiens National Park. The park home to some extremely rare animals such as the Gelada baboon, the Simien fox and the Walia ibex, a goat found nowhere else in the world and has been declared a world heritage site by UNESCO.³ The contradictions in the intentions of the roads department and EWCA, required the intervention of the office of the Prime Minister before a compromise was finally reached which included the realignment of some of the roads outside the Park. Another example of such conflicts between departments is the well-publicized allocation of land in the Gambella National Park to a foreign investor, Karuturi.

This gap in intersectoral coordination has fueled the debate on the institutional arrangements relating to wildlife conservation. One respondent made reference to the persistence of a 'silo' approach. The functional relating to wildlife conservation are spread out among the several agencies highlighted above with no available platform to consolidate issues with a bearing on conservation. In

³ <http://whc.unesco.org/en/list/9>

the same way, there is no platform for coordinating issues relating to land which may arise in the ministries of Water, Mining and the Roads Authority, for instance.

Federal versus regional

The respective roles of federal and regional governments are not sufficiently articulated. This results in lack of clarity and has implications for the effective governance of forest resources. For instance, the governance of transboundary forest resources by the federal government is said to be a source of discomfort. Although the country does have a biodiversity strategy. The document deals mostly with the biophysical aspects, leaving some policy issues unanswered.

Another consideration relates to revenue sharing. There is need for regional government to be encouraged to increase the proportion of resources which are retained at the local level. For instance, in Oromia, the regional government allows a considerable proportion of the royalty fees are ploughed back into developing the Park. However this is not consistent across regional states. For instance, in Omara, all royalties are retained by the regional government.

Politicization

Another governance consideration raised by respondents was the issue of political appointments to leadership positions in government agencies. The efficiency of public and other institutions rests heavily on the knowledgeability of the personnel responsible for the management of these institutions. The main difference between efficient and non-efficient bureaucracies is shelled in the personnel that runs the organization. In cases where there is significant political interference in staffing decisions, politicians frequently do not pay sufficient attention to qualifications and knowledge of appointees. The consequence is that affected institutions are often run ineffectively by people who are difficult to challenge due to the high levels of discretion afforded them (Panainte-Culeac, 2012). In addition, policy choices made by political appointees are frequently not based on evidence and record, but rather on the perspectives of their political principals. Another implication observed is that programs and institutions lead by political appointees consistently achieve poorer results (Lewis, 2007).

This study noted the sentiment that political appointees at the helm of government agencies often have more influence than their knowledge and experience warrant. The appointment of institutional leadership on the basis of political allegiance was said to have the effect of politicizing the affairs and management of agencies. While it is understandable that the government would want to assure responsiveness to its priorities, policies and programmes by senior officials, research has also established the importance of emphasizing professionalism, merit and competence in the appointment of senior public officials. The observances of these values are important to the delivery of justice to all citizens and continuity in public administration (Matheson *et. al.*, 2007). As a result, an important recommendation of this study would be the depoliticization of institutional appointments. Another point is that some respondents from civil society also indicated that political appointees were generally difficult to access. This has resulted in advocacy efforts being mostly focused 'on the ground' rather than at these influential policymakers.

Inadequate evidence base

During its various stages (literature search and interview stages), this study identified inadequacy of data, information and sound evidence as a key concern. Both civil society and public sources consulted during this study pointed to the lack of an adequate evidence base. Hence, while both sectors shared the concern of loss of biodiversity, they indicated that they did not have adequate

information on which species were being lost. In their work, they therefore relied on observable trends.

Inadequate data has significant implications for policymaking. In the absence of evidence, decision making often proceeds on the basis of political proclamations. One respondent observed that the government has established sugar factories without careful consideration of the environmental implications of these developments. The underlying causal issues identified include inadequate human resource capacity within government, lack of understanding of the importance to development of issues relating to the environment and conservation, as well as the lack of willingness, in many cases, for government agencies to work with civil society organizations which may have more capacity.

Some examples of good practice in addressing these information gaps were identified. For instance, the Ethiopian Wildlife and Natural History Society (EWNHS) undertook a study to provide identify key sites for conservation (conservation 'hotspots'). The results of the study were published in a book⁴ accompanied by illustrative regional maps. The book targets investment offices responsible for awarding land to private investors at regional levels.

Lack of accountability

Ethiopia's Overview of Selected Biodiversity Indicators report identifies that there is a lack of intensive monitoring and management plans for the country's protected area networks (Biodiversity Indicators Development National Task Force, 2010). In the absence of monitoring there can be no accountability.

Inadequate space of non-state actors

Due to a restrictive regulations relating to the operation of civil society organisations (CSO), advocacy by CSO is relatively limited and subtle. In the same vein, policy recommendations and other proposals made by CSO are not readily taken up by government.

Outdated approaches to conservation and management of biodiversity

As indicated above many threats to biodiversity conservation arise from the alienation of local communities; denying their right to access biological and other types of natural resources, and right to sharing the benefits of wildlife conservation. Historically, there various approaches of indigenous resource management system in Ethiopia. Many of these has, over the years been eroded and lost their original effectiveness. However, some efforts are being made to build on such systems including the Oero Indigenous Resource Management System in Menz-Guassa, Kafa-Shaka indigenous biodiversity conservation practices, Afar traditional practices of wild animal conservation and Mejenger indigenous knowledge of forest conservation. Some of these efforts have begun to yield results which can be shared widely for replication.

The Menz-Guassa Community Conservation Area

The Menze-Guassa Community Conservation Area is located in North Shoa Zone of Amhara Regional State. Of the 22 mammal species are found, 27% are endemic to Ethiopia. This makes the area of significance to conservation efforts. The conservation effort in this area is a good example of a

⁴ 'A Glimpse at Biodiversity Hotspots of Ethiopia: Essential Directory for Environment and Development'

collaborative approach between the regional government and the community. Firstly, the community conservation area (CCA) is gazetted by the parliament of the Amhara Regional State. Secondly, the regional government provides technical and support management personnel who support ecological monitoring, outreach and tourism activities. The regional government also allocates 345,000 birr annually to subsidize operational cost. Finally, the conservation activities have been developed as a hybrid of the Qero traditional system and EWCA's approach. A Community council helps to oversee the conservation effort and to represent the interests of the community. This consists of 5 representatives from 9 Kebeles. Every 2 years, 20 community scouts elected from the adjacent communities for patrol activities. Right to access of resources includes occasional grass cutting, firewood collection and grazing. Tourism development is the main sources of direct income generations for the communities. In 2014, 326 tourists visited the CCA, contributing 234,025 birr to the community fund (Wakjira, 2014).

The eco-tourism structure consists of a Woreda/district level Community Council, a representative Tourism Board (each of 9 Kebeles contribute 5 members), a Tourism Manager, Artisans, guides, cooks, mule renters. The Menz-Guassa CCA has been highlighted for its conservation achievement. The resource status of the area is said to have improved, threats to biodiversity reduced, illegal incidents reduced and adaptive management implemented. As a result, there is an initiative to scale up the experiences of Menz-Guassa to other areas.

Bale Participatory Forest Management

A second example is that of the Bale Participatory Forest Management (PFM) located in the southeaster part of Ethiopia. The Bale Mountains are home to some 700,000 ha of forest. The Bale Mountain National Park (BMNP) is located at the central part of the Bale Mountains. 23 of the 25 Kebeles around BMNP have forest (Wakjira, 2014).

The Bale PFM was initiated by GTZ and Oromia State around the year 2000 in order to slow rate of deforestation around Bale Mountains. Before introduction of PFM, forests around BMNP were experiencing competition from new farmland and new settlements, land grabbing, unregulated wood extraction, forest clearing for coffee planting. Forest users from adjacent communities had no clear management role. At the time of writing this report, 22 Kebeles were engaged in PFM, with only one Kebele said to have resisted the PFM approach. In each of these Kebeles, a community-based organization (or cooperative) has been formed to facilitate the collaborative management the forest with government. This approach amounts to more than 90,000 ha forest are under PFM and more than 4500 households participating as members of the CBOs (Wakjira, 2014).

The Bale PFM reports positive outcomes to date. These include:

- Improved natural resource status
With respect to both forest and wildlife

- Regulated resource use

A 2013 survey revealed that residents feel that fuel wood and pole harvesting reduced. The survey revealed that reported weekly firewood collection reduced by 20%.

However, the survey revealed that the extent of livestock grazing remained unchanged, and that in some cases it increased. This implies the need for adoption of strategies beyond PFM intervention and reinforces the need for land use planning and enforcement.

- Income

The same 2013 survey showed that under PFM, cash income from forest per family increased and became more evenly distributed.

- Change in roles

The change from communities being represented by Kebele executives to representation by CBOs is another positive outcome.

- Change in attitudes

The change in attitude and buy-in demonstrated by communities is a very significant outcome of the Bale PFM project.

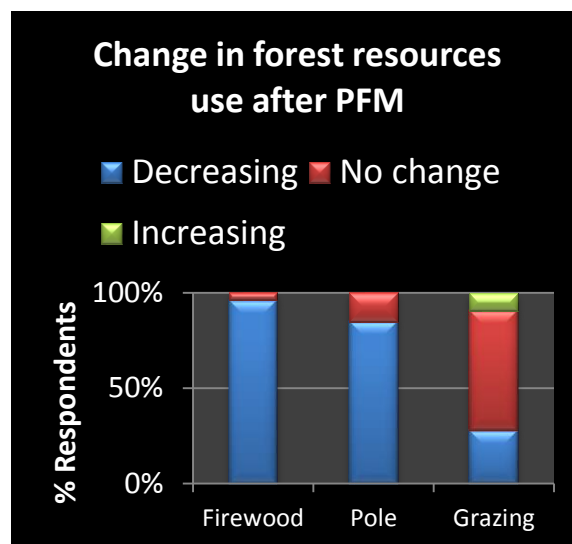
- Institutions (bylaws and enforcement)

The emergence of community level institutions for forest management is also seen as a significant outcome of the project. Together with the development and successful enforcement of bylaws.

Similar results have also been reported by CIFOR from the Bonga PFM project, which is one of the oldest pilot sites located to the south-west of Addis Ababa (Gobeze *et.al.*, 2009). Reports indicate that forest conditions such as seedling and sapling densities improved. PFM also (i) promoted awareness about forest, (ii) capacitated locals to form new institutional arrangement that increased their participation in forest management, helped to reduce open access and assisted a regulated forest use, and (iii) contributed towards social equity in terms of gender and minority ethnic groups. When accompanied with complementary non-forest based livelihood activities, PFM helped to diversify income sources, increase household income level, and build household assets. This reduced dependence of communities on forests for livelihoods.

Participatory wild life management (PWM)

The PWM approach has been pioneered in several areas including three controlled hunting areas; Adaba-dodola CHA (northwest of Bale Mountains); Besemena-Oduboulu and Sororo –Torgom CHA. The approach to management is co-management by the community and the government. The management structure used is also similar to that used in the PFM project. CBOs have been established drawn from all adjacent Kebeles/local communities. A community fund is established and sustained from revenues from ecotourism activities, concession fees and trophy hunting. Also, in a departure from the general trend in the country, revenue is shared between government and the CBOs based on the scope of duties and responsibility taken by the local community. At the time of compiling this report, the proportion of revenue share was 60% for the communities and 40% for the government (Wakjira, 2014).



In addition, new public-private sector partnerships have been created to manage Protected Areas, even though this has proven to be difficult due to the complex problems facing most of the protected areas in the country. These include the Sustainable Development of the Protected Area System of Ethiopia which was created to address loss of species diversity by assisting Ethiopia in upholding its constitutional and international commitments. SOS and Farm Africa also work with the federal and local government to create forest systems management including proper irrigation techniques in order to combat deforestation and soil erosion.

From the case studies mentioned here, it is evident that it is possible for Ethiopian conservation efforts to be successfully transitioned from purely protectionist strategies towards decentralized strategies which empower, educate and provide incentives to communities to increase their participation in and commitment to conservation. However directing revenues to communities remains complicated as a result of the complex administrative structures and financial regulations in the country. These emerging results should now be used to advocate for further advances and to secure the support and commitment of government at all levels for participatory approaches to the management of natural resources. Such support has, to date, not been wide-spread. Several respondents interviewed were of the view this is one area where AWF would be able to make a useful contribution based on its international experience.

5. Continental Experiences Relating to Large Scale Land Acquisitions

Over the past two decades, African Governments have made more progress on addressing persisting land issues than they have in the history of the OAU /AU. This progress is reflected in the declarations which have been adopted and which have been followed up with tangible actions. Hence, for instance, the Framework and Guidelines (F&G) on Land Policy in Africa was developed to facilitate national land policy development and implementation processes. The F&G lays out the principles to guide land policy development and land governance more broadly. It also provides direction for addressing key land issues in the continent, including what it called the “new scramble for Africa’s land resources” (referred to here as LSLA). The F&G took a pragmatic position in relation to the issue, calling for an analysis of whether demands on Africa’s land “...can be met while observing sustainability guidelines and without marginalizing the land rights of African Communitates.” The F&G was endorsed by the AU summit of heads of state and government, through the adoption of a Declaration on Land Issues and Challenges. In effect, all African countries adopted the guidance of the F&G with respect to LSLA.

In many countries in Africa, the majority of rural lands are held and used customary tenure regimes. Accordingly, the rights to these lands and the resources associated with these resources including flora and fauna, may not be documented. In most countries a dual approach to land legislation was adopted under colonial administrations. Under these administration, individually owned lands held under statutory forms of tenure were awarded protection and more highly considered than customary rights. These customary rights, which often involved shared access to land resources were awarded inferior protection under the law. Post the colonial era, undermining of customary resource tenure has persisted. With few exceptions such as Tanzania and Mozambique, land laws still do not recognize, document and protect these customary rights. Under these conditions, increasing demand for African agricultural land by domestic and foreign investors as in the case of LSLA has increased the vulnerability of local people, particularly women, smallholder farmers and pastoralists whose livelihoods depend on access to land, water and forests resources.

The legitimacy of these rights should be recognized irrespective of whether those rights have been formally registered or not. It is important for States to ensure that legal and policy frameworks provide equal recognition and protection of all categories of landholdings including customary based land rights.

African States have welcomed LSLA with the view to accelerating economic development, enhancing agricultural productivity and securing livelihoods. While there is some emerging evidence of communities deriving financial benefits from their involvement in LSLA, the greater body of evidence points to the fact that LSLAs have, to date, failed to deliver the anticipated financial and economic benefits. On the other hand, evidence points to the significant negative impacts of LSLA on livelihoods, biodiversity, nature conservation and ecosystem services including worsening pressure on fragile ecosystems and aggravating competition for access to water.

A worrying an unsustainable trend is observed in the form of excessive incentives granted to investors by governments. Incentives include low land rentals and cheap labour which creates an attractive environment for foreign investors who are then able to maximize their returns from LSLA. An assessment study conducted on behalf of the LPU (Mbaya, 2013) observed that States have frequently leased land for low rentals. For instance, in Tanzania, government was involved in negotiating a land deal for over 300,000 with AgriSol for a rental rate of only \$ 0.13 per ha. The study observed that in some cases, further rental related incentives are awarded to investors. For instance Rwanda offers further discounts on rentals if investors provide the domestic market with up a certain

proportion of their produce. The study also found that governments offer fiscal and non-fiscal incentives for LSLA investors. Fiscal incentives include duty exemptions, full or partial tax holidays, or tax rate reductions for specific types of activities. Non-fiscal incentives include allowance of expatriate employment and remittance of profits and other benefits to foreign personnel access to affordable land, and a relatively simplified investment processes. For instance both Uganda and Kenya offer exemptions from local labor laws. In South Sudan incentives include the right for investors to trade and profit from any resulting carbon credits from timber on the leased land and the right to sublease any portion or all of the leased land to third parties.

The Social and Environmental Impacts of LSLA and LSLBI

LSLA are a form of foreign direct investment (FDI). African countries have historically resorted to FDI as a way of compensating for inadequate domestic investment in critical sectors such as agriculture. FDI is seen to offer many advantages including development of infrastructure (irrigation and drainage systems, roads), modernization, improved technologies and productivity, job creation and improvement of incomes. As a form of FDI, LSLA are frequently accompanied by promises of similar advantages accruing to beneficiary countries and their communities; rural job creation, improvement of rural incomes, self-sufficiency food security and development of agricultural value chains.

While some such instances of emerging positive outcomes are identified, more frequently, literature sources point to the fact anticipated benefits has fallen far short of expectations. There is little evidence that communities living in the areas where investments are taking place have benefited in ways consistent with the stated goal of promoting sustainable development of smallholder farms. Similarly, there is little evidence that broader goals, such as employment and infrastructure creation, technology transfer and enhanced foreign currency earnings, have been realized (Fisseha, 2011). Where jobs are created, workers appear to be paid low wages and working conditions are below acceptable. LSLBI as other foreign investments, tend to offer basic wage labor employment, mostly low-paying laborer positions which present a number of disadvantages. First, according to the World Bank, wage labor income by itself amounts to 2 to 10 times less than the income of the average smallholder. Second, most agricultural wage labor positions are seasonal. As a consequence many of the envisaged benefits highlighted in Figure 2 remain elusive.

A growing body of evidence indicates that LSLA have had detrimental impacts on the immediate and surrounding environment and social structures (see for instance, Mbaya, 2013; Friends of the Earth, 2014). These impacts have been direct and indirect resulting in severe environmental degradation, destruction of ecosystems and natural habitats, affecting water, soil and air quality. For instance, research by the International Land Coalition shows that LSLA is largely responsible for severe agricultural and environmental damage along the Niger River in West Africa (United Press International, 2012). Concurrently, the recorded social impacts have also been adverse. These include human displacement, increased household food insecurity, and accentuated poverty. The table below presents a comprehensive list of both the social and environmental impacts of LSLA.

	Short-term impacts		Long-term impacts
Observed Negative impacts	<ul style="list-style-type: none"> - cheap labour & worker exploitation - dispossession of agricultural and pastoral land - displacement and relocation (rural-rural/ rural-urban) - water, land, grazing land, fuelwood, NTFP & livelihood deprivation > human insecurity - violence, intra & inter-community conflict and social tension - loss of sacred/ancestral sites & disruption of social networks 	SOCIAL	<ul style="list-style-type: none"> - Landlessness - Food insecurity - Urbanisation > Slums - Poverty - Deteriorating health - Civil unrest
	<ul style="list-style-type: none"> - loss of vegetation and deforestation - soil degradation - air, land and water pollution - loss of biodiversity and occurrence of invasive species - conversion of wetlands - blocked wildlife migration routes and corridors - increased carbon and methane emissions -habitat conversion, loss and fragmentation -blocking wildlife movement -draining water sources 		ENVIRONMENTAL
Envisaged Positive impacts	<ul style="list-style-type: none"> - employment - schools - health services - technological transfer 	SOCIAL	<ul style="list-style-type: none"> - Increased national food security - Agricultural-led industrial development - Employment and overall improved well-being
	<ul style="list-style-type: none"> - introduction of environmentally sustainable practices - creation of wildlife corridors in plantation designs - prevention of hunting and illegal extraction of plants 		ENVIRONMENTAL

Figure 2: Implications of LSLA

LSLA deals are often located in remote areas where locals practice small-scale and subsistence farming. These people and the natural environment upon which they depend are placed gravely at risk. There are also considerable instances of LSLA being implemented inside National Parks, protected areas and wildlife transit corridors (Dheressa, 2013)⁵. Significant stress is placed on the established habitats and migratory patterns of the wildlife found in these areas. The direct effects upon wildlife include that migratory patterns may be disrupted and the access to seasonal pastures and water sources may be impeded (Dheressa, 2013). The very survival of endangered species and overall wildlife biodiversity is likely to be negatively affected and this could affect the overall natural balance of ecosystems. In addition, the livelihood of human communities that rely on these ecosystems may also be negatively hard hit by the changes in environmental systems and biodiversity particularly their access to food, biomass, and cultural resources. In some instances, LSLA has threatened sacred sites and therefore disrupted community social networks (Richards,

⁵ See section on LSLA impacts in Ethiopia

2013). This is a direct disregard and violation of the historic and cultural rights that communities may associate with the land and water which they are deprived of due to LSLA (Templeton, 2012).

Rural locals essentially lose their rights to land, water and natural resources to LSLA (International Institute for Environment and Development, 2013). This may have several implications on their agricultural productivity and the availability of pasture for their livestock which will in turn strengthen or weaken their livelihood (Dheressa, 2013). From an environmental perspective, cattle may be driven further into forests or sensitive grasslands for grazing thereby threatening conservation and biodiversity of those ecosystems (Behr n.d). Conversely, the loss of grazing land and access to crop residues forces pastoralists to sell off their livestock at low market prices and this in turn weakens rural livelihoods. As a result, a substantial number of displaced pastoralists and subsistence farmers will migrate to the city in search of a living. The resultant urbanization of these rural people results in the growth of city slums as they are generally poor and cannot compete with urban dwellers for skilled jobs. These people may be forced to live in squalor, poverty and segregation as an indirect impact of LSLA in the countryside.

Additionally, displaced peoples may migrate to other rural areas in search of pasture, land and grass thereby placing pressures on other ecosystems and causing conflict with other communities over natural resources. Grasslands typically serve as sources of roof thatching thus lack of access to these resources may make the process of building and rehabilitating housing difficult (Dheressa, 2013). The same applies with regards to loss or limited access to sources of fuelwood such as forests and sources of water such as wells. These forests, grasslands and water resources may also provide locals with a means to food such as wild fruit and fish stocks which they may have restricted access to following LSLA (Dheressa, 2013). Particularly, women tend to be disproportionately affected by the resultant landlessness created by LSLA due to their gendered roles. LSLA deprives women of access to shared resources (firewood, fodder, medicines, NTFP) that they depend on for the livelihood of their household (Richards, 2013).

It is worth noting that available literature on the impacts of LSLA gives insufficient attention to dynamics surrounding water. These include impact on the rights of communities to access water, pollution of water resources (and downstream impacts of such pollution) and water availability (evidenced by increased competition for water. Careful consideration should be given to these impacts such as in southern Tanzania where large companies are draining the Ruaha River with grave consequences for local communities and wildlife.

Research also indicates that as displaced peoples search for resources or are relocated, rural-rural migration will increase pressures on existing natural resources and result in their unsustainable exploitation, depletion or use of more environmentally damaging resources such as charcoal. Conversely, Dheressa (2013) states that increasing pressures and competition for resources may cause rural people to seek other more environmentally sustainable alternatives of energy (if these are made readily available) and access to food as well as to use these more efficiently. Overall, small-scale farmers and pastoralists are marginalized and their consequent migration and overall displacement will naturally upset the balance between environmental resources, human land use and environmental systems in the rural areas.

Most vulnerable to the adverse impacts of LSLA are women due to their gendered roles and general discrimination from the decision making process. LSLA lead to competition for land and to commercialization of land. Commercialization concentrates land in the hands of those who can successfully assert ownership, such as community leaders and male household heads, often to the detriment of poor rural women's access and use rights. Under these conditions women are subjected

to exclusionary pressure from male relatives or community members. Decisions over land pass swiftly from women into the hands of men without the participation of women. In cases where compensation is awarded to communities for lost resources, women are less likely to be direct recipients of such awards. Hence, LSLA that do not specifically set out to recognize and improve women's rights to land will inevitably exacerbate gender inequalities thereby compromising progress towards the gender equality aspirations of Member States as detailed under various global, regional and national initiatives.

The process through which LSLA are designed and implemented also has implications for the economic, social and environmental outcomes of these investments for surrounding communities. A review of the literature indicates that numerous land deals are occurring without the implementation of an Environmental Impact Assessment (EIA) or substantial public participation (International Institute for Environment and Development, 2013). The lack of an EIA or Social Impact Assessment (SIA) effectively excludes local development needs from LSLA plans. As a result, several ecosystems and communities are increasingly made vulnerable to the adverse impacts of LSLA without the development (and in some cases enforcement) of any supportive adaptation or mitigation strategies.

The Africa Union's analysis and recommendation is that decisions on types of LSLA to be informed by a clear, long-term strategy for inclusive sustainable development, both in agriculture and in related sectors of the economy as well as ecological considerations. The AU's Principles on Large Scale land based investments recommend that states should require investors to demonstrate how their proposed investments further the realization of the host country's agricultural development strategy before proposed investments are approved. This line of recommendation is based on the view that LSLA not the only option for investment. Members States therefore have the obligation to identify the use of their land resources.

The issue of LSLA has been enabled by the fact that African governments continue to look to foreign investments to make up for the gap created by inadequate domestic investments in agriculture. The issue of LSLA stands out as one issue on which there has been progressive implementation of a declaration by Heads of States. In line with the request for an assessment of LSLA, the Land Policy Initiative (LPI) of the African Union, African Development Bank and United Nation Economic Community for Africa (UNECA) undertook an assessment of LSLA in Africa. Based on the 5 sub regions and undertaken in conjunction with the RECs, the study sought to identify the drivers, extent and outcomes of LSLA. The key findings of the LPI assessment report on large-were as follows:

Box 1**Key Findings of LPI Assessment on Large Scale Investments in Land**

- *Western countries are the main investors of LSLA in Africa.*
- *Emerging economies are also a major source of investment.*
- *The rush for land in Africa is a reality: 685 cases of large-scale land based investments initiated since the year 2000, covering an area of nearly 40 million hectares of land.*
- *African continent the largest target of LSLA: Africa accounts for 45% of LSLA cases globally, covering 47% of the targeted land area.*
- *LSLA compete with other uses – LSLA are concentrated in regions characterized by high soil fertility, water access, infrastructure, etc.*
- *Many LSLA are being signed leading to a transfer of ownership: Out of the 685 LSLA, 474 – covering 27 million hectares – were concluded and have been signed. Nevertheless, a large number of cases, nearly 22%, have not yet led to effective signature.*
- *Many proposed LSLA fail to take off: Out of the 685 LSLA 62 cases have failed, either during the negotiation phase or after the contract had already been signed.*
- *Few projects actually start operating productively: only 8.6% of the area under contract in Africa is being cultivated. This cultivated area only makes up 1.7% of the total LSLA reported on in Africa. These figures indicate that even though the interest in land in Africa is considerable, very little is actually achieved on the ground.*
- *Weak democratic governance: Despite advances in democratization in Africa, huge deficits of transparency, accountability, and popular empowerment exist and contribute to elite capture of resources. Weak democratic governance exacerbates the failure to protect the rights and interests of those whose livelihoods may already be precarious due to other factors.*
- *Transfer of huge amounts of land leads to less favorable results for communities There is need explore different investment models which have better implications with respect to inclusiveness, local development as well as benefits for local populations and host countries*

In summary, the assessment report by the LPI along with other literature, identifies the factors which have allowed negative impacts of LSLA. These include weak land governance and administration which fails to protect land rights of its people, poor land records and information systems which not adequately document land, land rights and claims, weak democratic governance and institutions which do not promote transparency and accountability, and marginalization of smallholder producers in favor of large scale investors who received better protection in the context of trade regimes that favor globalization/liberalization. In essence, most LSLA models that have involved the transfer of land have led to the least favorable outcomes as they have deprived local communities of their livelihoods yet have not received due compensation, meaningful employment, infrastructure and other expected benefits. From the perspective of investors, difficulty of doing business, volatile institutional arrangements, high transaction and settling costs, are some of the reasons that have led to failure of LSLA.

Box 2

AU Fundamental Principles on Large Scale Land Based Investments

Fundamental Principle 1: LSLA respect human rights of communities, contribute to the responsible governance of land and land-based resources, including respecting customary land rights and are conducted in compliance with the rule of law.

Fundamental Principle 2: Decisions on LSLA are guided by a national strategy for sustainable agricultural development which recognizes the strategic importance of African agricultural land and the role of smallholder farmers in achieving food security, poverty reduction and economic growth.

Fundamental Principle 3: Decisions on LSLA and their implementation are based on good governance, including transparency, subsidiarity, inclusiveness, prior informed participation and social acceptance of affected communities.

Fundamental Principle 4: LSLA respect the land rights of women, recognize their voice, generate meaningful opportunities for women alongside men, and do not exacerbate the marginalization of women.

Fundamental Principle 5: Decisions on the desirability and feasibility of LSLA are made based on independent, holistic assessment of the economic, financial, social and environmental costs and benefits associated with the proposed investment, throughout the lifetime of the investment.

Fundamental Principle 6: Member States uphold high standards of cooperation, collaboration and mutual accountability to ensure that LSLA are beneficial to African economies and their people.

Source: Land Policy Initiative, 2014

Also in follow up to the F&G, government and civil society actors in the region adopted the Nairobi Action plan on large scale land investments in October 2011 to provide further guidance to the region on the challenge of increased demand for land by investors. The Nairobi Action Plan emphasizes the need to minimize the negative impacts of LSLA. One of the commitments under the Nairobi Action Plan was the development of a set of principles to guide African states on the issue of LSLA.

In 2014, the LPI, develop the Guiding Principles on Large Scale Land Based Investments. The framework consists of 6 fundamental principles (Box 2), supported by 19 operational Principles. Of critical importance is that the Guiding Principles draw attention to the fact that the Guiding Principles describe establish the principle that the aim of LSLA should be to maximize returns for the host country, promote equitable distribution of costs and benefits within the country 'and respect biodiversity and ecological balance.' Further, the Guiding Principles stress that it is in the interests of Member States and their citizens to consider material breach of social and environmental management norms and plans as constituting grounds for termination or rejection of LSLA. States are encouraged to effect this by monitoring of investments throughout their life cycle, but particularly early on, to ensure compliance with the conditions specified within investment documentation and commitments made during community-investor negotiations (AU, AfDB, ECA, 2014).

It is noteworthy that wildlife and conservation organizations did not participate meaningfully in the development of these Guiding Principles. This is possibly reflective of the absence of direct references to forests and wildlife, a major gap.

Some good lessons merge from the exercise of developing the Guiding Principles. The Guiding Principles are African-owned. They were drafted and reviewed by teams of experts on land governance and agricultural investment in Africa before being finalized based on the outcomes of a multi-pronged consultation exercise with a wide range of land governance constituencies and stakeholders. Ownership implies a greater likelihood of implementation and allocation of African resources for implementation. Secondly, the Guiding Principles drew lessons and derived momentum from related global initiatives on land governance. These include the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security and the Principles for Responsible Agricultural Investments in the Context of Food Security and Nutrition. By seeking to build on and complement such initiatives, the Guiding Principles received the recognition of (and hopefully the support of) international actors. Finally, the authors of the Guiding Principles were successful in securing the support of policy makers within governments resulting on the adoption of the Guiding Principles by government and ultimately endorsement of this decision by African Heads of States. Having been formally adopted by Africa Heads of States, the Guiding Principles stand a good chance of being implemented by Africa states. This does require follow up technical provisions for their practical inclusion into regional and country processes.

Successful Approaches by Non-state Actors

Building the evidence base

Members of the media, academic institutions, civil society organizations and farmers' organizations have played a key role in highlighting the implications of LSLA on the rights and livelihoods of communities, especially those of women and the poor and in proposing some policy responses. Examples include local NGOs and national land alliances. The Eastern Africa Farmers Federation is an example of a regional organization which has been working to backstop the efforts of national organizations to highlight the implications of LSLA on the livelihoods of farmer. ⁶

International NGOs have made a considerable contribution to highlighting the issue of LSLA. Organizations such as Oxfam International have undertaken research and produces in depth country case studies in support of their advocacy efforts. On the basis of such information, organization like Oxfam have run ongoing, ongoing campaigns. The Oakland Institute, a US based think tank has conducted detailed case studies of LSLA in Ethiopia, Sudan and Tanzania among others to determine the social, economic, and environmental implications of land acquisitions in the developing world. The case studies are based on the thorough examination of the actual agreements, field research, review of literature, interviews with local informants, affected communities, government officials, civil society and investors in order to provide evidence of the actions of governments and investors in relation to LSLA. Other actors have also undertaken research to highlight the role of donors, international agencies (including the World Bank) and multinational companies in promoting LSLA which have negative impacts on communities and the environment.

⁶ http://www.eac.int/index.php?option=com_content&view=article&id=495:press-release-eac-outlines-plans-to-promote-industrialisation-in-region&catid=146:press-releases&Itemid=194

The Land Matrix, a global initiative lead by international academics has made a significant contribution to efforts to build a credible evidence base for assessing LSLA and quantifying their impacts. The Land Matrix is a global and independent land monitoring initiative that promotes transparency and accountability in decisions over land and investment. It takes approach of a global observatory whose main product is a website for documenting information about large-scale land acquisitions.⁷ The information on the web site is subject to various levels of verification and updated on an ongoing basis in an effort to maintain a comprehensive and accurate source of data. The Land Matrix is widely accepted and quoted as a credible source of information on LSLA. It demonstrates a very highly successful advocacy approach.

Engaging the Private Sector for change

Members of civil society, researcher and media have played a significant role in placing the issue of LSLA under the global spotlight. However, these stakeholders are generally characterized by poor linkages with private sector. Hence, direct engagements with private sector have been woefully few compared to the magnitude of the issue and the multiplicity of reports and other exchanges taking place on the issue. Nevertheless there are a few examples of good practice in engaging private sector.

Oxfam has established a successful campaign aimed at using the power of brand reputation to change the practices of large multinationals in relation to LSLA which it refers to as 'land grabs'. The organization's *Behind the Brands Campaign* ranked the biggest 10 companies behind some of the world's favorite consumer brands on their engagement with issues such as climate change, water and use of grabbed land. Oxfam then used sustained pressure from its global supporters to pressure the companies to improve their performance on the selected issues. Some notable results have been reported with respect to the land indicator. In 2014 Coca-Cola, Pepsi and Nestle and committed to zero tolerance for land grabs throughout their supply chains. By committing to the zero-tolerance standard, these leading multinationals were committing that they would ensure that all suppliers were not engaged in LSLA which drive communities, farmers, or indigenous peoples off their land. Associated British Foods, Kellogg's, Nestle and Unilever committed to the principle of free, prior and informed consent of communities to ensure that they have a say over their land. The campaign goes beyond the initial commitment by companies. In an effort to ensure that companies deliver on their commitments, Oxfam lobbies the companies to agree to a roadmap of milestones indicative of progress on the commitment. See Table 4.

⁷ <http://www.landmatrix.org/en/>

Table 4: Roadmap for the Coca-Cola Company's commitments on land (*Behind the Brands*)

IMMEDIATELY: Disclose top sourcing countries and suppliers Disclose the top 3 sugar cane suppliers and top 3 sourcing countries	✓
31 DECEMBER 2013: Impact Assessment in Colombia and Guatemala Begin Human Rights Impact Assessments in Colombia and Guatemala	✓
31 MARCH 2014: Make commitments reality Incorporate commitments on the principle of Free and Prior Informed Consent, and auditable land policy guidelines, into Supplier Code and Supplier Guidelines	✓
31 MARCH 2014: Engage with others Join Roundtable for Sustainable Palm Oil	
JUNE 2014: Publish internal company action plan Make public the internal company plan to implement changes to Supplier Code and Supplier Guidelines	✓
OCTOBER 2014: Engage with others Participate in Committee on Food Security in October 2014 (including in Responsible Agriculture Investment working group) http://www.fao.org/cfs/cfs-home/resaginv/en/	✓
31 OCTOBER 2014: Impact Assessment in Brazil Begin Human Rights Impact Assessments in Brazil	✓
31 DECEMBER 2014: Publish Impact Assessment Publish Human Rights Impact Assessments in Colombia and Guatemala	
31 DECEMBER 2014: Publish progress reports on disputes Release report on action taken in relation to the 3 disputes highlighted by Oxfam in Brazil and Cambodia	
31 MARCH 2015: Impact Assessment in India Begin Human Rights Impact Assessment in India	
31 DECEMBER 2015: Publish Impact Assessment Publish Human Rights Impact Assessment in Brazil	
31 MARCH 2016: Publish impact assessment Begin Human Rights Impact Assessment in India	
31 MARCH 2016: Impact Assessment in Mexico Begin Human Rights Impact Assessment in Mexico	
31 DECEMBER 2016: Engage with others Advocate for industry wide commitment	
31 DECEMBER 2016: Make suppliers public Publish list of all direct sugar cane suppliers	
31 DECEMBER 2016: Make sourcing countries public Publish list of all sugar cane sourcing countries	
31 MARCH 2017: Publish impact assessment Publish Human Rights Impact Assessment in Mexico	
31 DECEMBER 2020: Publish impact assessment in South East Asia and elsewhere Conduct Human Rights Impact Assessments in Thailand, South Africa, Philippines, and eight other top sourcing countries.	
2020: Commit to 100% sustainably sourced sugar Commit to 100% of sugar in all products to be from sustainable sources (Bonsucro: http://www.bonsucro.com/)	

Source: <http://www.behindthebrands.org/en/campaign-news/land-roadmap>

Private sector organizations are, in their own right, increasingly taking an interest in issues of policy making, establishing government relations as well as public engagement departments. Similarly, they are increasingly and more systematically engaged in corporate social responsibility initiative, more so in light of the ‘making money doing good’ concept. These trends all provide conservation organisations such as AWF with increasing opportunities to engage private sector organisations which were previously inaccessible but whose operations have an impact on landscapes, people and wildlife. So, for instance 34 private sector companies were among the stakeholders who signed the New York Declaration on Forests at the Climate Summit in 2014.⁸ The declaration aims to reduce deforestation and thus to use to lobby private sector signatories to change any harmful practices in their value chain. It is noteworthy that of the 34 companies, some of them, including Kellogg’s and Nestle, have also signed up to responsible investment in other fora. Similarly, Coca Cola and Nestle which signed up under the *Behind the Brands Campaign* also signed up for responsible investment under the New Alliance for Food Security and Nutrition partnership which seeks to constraints to inclusive, agriculture-led growth and support country-level actions through policy change and responsible private investment in African agriculture.⁹ So some front runners on responsible agricultural investment begin to emerge. Some of these can be considered (credibility and motives) as allies by conservation and other organisations in their campaign.

Advocating for policy change

As indicated by the AU Guiding Principles, good governance of LSLA is contingent upon good governance of natural resources. In other words, the negative implications of LSLA have been allowed to emerge due to gaps and weaknesses in the legal and regulatory frameworks existing in many African countries. If legal and regulatory frameworks were strongly in place, they would provide the check and balances required to prevent the widespread disenfranchisement of citizens who are often already marginalized in other ways. Hence, civil society organizations such as those who participated in the process towards the Nairobi Action Plan on Large Scale land Based Investments, are actively advocating for strengthening of policy and regulatory frameworks in order to provide an environment in which LSLA which do not support national development objectives and which do harm cannot be implemented.

Operationalizing Regional and Global Solidarity

As is evident from this report, over the last few years there has been a proliferation of regional and international standards and guidance on governance of land and LSLA. Some question arise with respect to the efficacy of these frameworks, and also with respect to the feasibility of replicating these from a conservation perspective.

Firstly guidelines generally stress the importance of access to justice and a need for an accessible complaints procedure by the company and the government at the level of the project. Many of these channels still do not exist in reality. Follow up advocacy is required. However, IIED identifies some examples of accountability mechanisms. For instance, the IFC’s Compliance Advisor Ombudsmen, the World Bank’s Inspection Panel and the African Development bank’s Independent Review Mechanism. An increasing number of cases of these mechanisms are said to be used in response to agricultural investments. For instance The Roundtable for Sustainable Palm Oil¹⁰ has a Complaints and Dispute

⁸ See <http://www.un.org/climatechange/summit/wp-content/uploads/sites/2/2014/09/FORESTS-New-York-Declaration-on-Forests.pdf>

⁹ <http://new-alliance.org/>

¹⁰ <http://shapingsustainablemarkets.iied.org/roundtable-sustainable-palm-oil-rspo>

Settlement Procedure which has registered many concerns over impacts to land and livelihood impacts as well as conservation and failures to comply with RSPO standards on consultation and consent (IIED, 2014)

A second consideration is the fact that while prolific, these frameworks are often overlapping in their considerations and recommendations. This has implication for coherence of implementation at the country levels. Thirdly, implementation is made difficult by the fact that few of these mechanisms include guidelines for assessment. Further still, for countries which implement more than one of these frameworks simultaneously (as has already begun to happen), what single systematic monitoring. Countries will need to establish for themselves the extent to which these frameworks actually contribute to accountable governance of LSLA.

A third issue relates to prioritization. Many African countries find themselves confronted with negative impacts of LSLA because they are developing democracies where the legal and institutional frameworks necessary for vibrant democracy are still nascent. Such countries to carefully weigh up to added value of focusing on strengthening sector specific governance systems in the absence of a general environment of good governance – versus focusing on establishing the policies, laws and institutions necessary for good governance in general. Organizations such as AWF may advocate for the use of these emerging governance frameworks as an opportunity to improve good governance in national systems of resource tenure, rather focusing on the frameworks in a standalone manner.

Finally, the frameworks are voluntary, whether this is specifically articulated or not. This is a considerable weakness and a frequently raised area of criticism. Given the strong drive by corporate and multinationals, the expressed interest in and drive for LSLA by African governments, voluntary may well mean that the frameworks are not acted upon.

Building capacity for engagement

A major consideration which mitigates again community interests in the face of LSLA is the inability of communities to engage in relevant processes and discussions in a meaningful manner. Some civil society organizations have identified capacity building of communities as their contribution. Interventions range from helping communities to realize the value of their lands, the value of their products, and the value of their own knowledge. Communities are also assisted to gain understanding and skills to engage in the more technical aspects of the discussions and negotiations. In other cases, civil society organizations provide support to communities by facilitating access to expertise – including legal advice to understand and secure their rights. In Uganda, the Uganda Land Alliance has been engaged in educating and raising awareness among communities on their rights in the context of LSLA. The Kenya Land Alliance has played a similar role in Kenya. In West Africa, Oxfam has played a similar role.

Emerging Policy Priorities for Improved Outcomes

The complementary efforts of land governance actors have identified policy priorities for ensuring more equitable and sustainable investments LSLA.

- ✚ Policy changes relating to the governance of land: Certain African countries have engaged in reforms regarding their land governance in order to guard against arbitrary appropriation of land and to facilitate more inclusive development.
- ✚ Inclusive development models and processes: Some countries have started to develop initiatives leading to broader processes promoting relationships between communities and investors, mainly based on the promotion of grassroots initiated development and of the free and prior informed consent. This means going beyond relying on LSLA and investors to, of their own accord, include communities and promote local development.

- ✦ More rigorous approach to the evaluation and approval of LSLA investor contracts, including the terms of leases awarded to investors.
- ✦ More favorable negotiations of investment agreements and bilateral investment treaties: There is a growing awareness of the need for more equitable investments and the need for investment agreements and bilateral investment treaties which reflect these values.
- ✦ Improved international and continental guidance: There is now a much better regional international guidance to guide LSLA.
- ✦ Need for solidarity These is now recognition of the regional dimension to LSLA and the need for African States to act in solidarity with each other in order to even out the power balance between investor and local interests.
- ✦ The need to evaluate the compatibility of proposed LSLA investments with domestic priorities along the entire agricultural product value chain.
- ✦ The need to enhance the capacity of governments, traditional leaders and other stakeholders to facilitate fair and transparent LSLA
- ✦ The need to establish monitoring and evaluation frameworks to ensure LSLA are beneficial to the host country and its people while doing no harm to the environment

Coverage of environmental and Biodiversity Considerations

LSLA have the potential to exacerbate loss in biodiversity already occurring from habitat loss degradation arising from human activities which the East Africa region has long been trying to address.¹¹ LSLA tend to be characterized by intensive forms of agriculture involving the clearance of huge amounts of land, often for monocultures; the use of chemical fertilizers, herbicides and other inputs and irrigation with significant implication for water resources. As a result, LSLA can result in damage to the environment including deforestation, loss of biodiversity and soil degradation, especially when large scale investments are implemented on soils that are not suitable for intensive modes of agriculture For instance, the growing flower industry in Kenya and Ethiopia has the potential of lucrative returns. At the same time, the industry depends on fertilizers to increase yields and improve quality as well as pesticides and fungicides to control pests, the industry can have unintended consequences.

In spite of these outcomes, the majority of commentary on the impacts of LSLA has, to date, been on the land rights of communities and the associated implications for food security and livelihoods. **Most reports mention in passing, that LSLA have implications for environment, usually as a result of the non-compliance with the need for prior environmental impact assessments. However, comprehensive coverage of impacts on landscapes has been limited and that of wildlife and biodiversity even more limited.** This report attempts to collate and raise the profile of the emerging implications which are, to date scattered in the literature.

In the first instance it should not appear that the concerns of conservationists differ from the concerns of those who are concerned about the rights of communities in the face of LSLA. When communities lose their land rights there are often implications for biodiversity and forests due to the change in land use. Organizations engaged in conservation work have largely been absent from platforms addressing issues relating to land rights, in spite of the importance of land tenure issues to conservation efforts. This is because the issue of rights has not been a traditional concern for conservation organizations. In addition, the complexity of land rights and use debates, and their variability from country to country, has been a barrier. Conservation organizations should see this as

¹¹ IGAD, 2007

a strategic area of focus and participate in land rights discussions and processes either directly or by developing partnerships with organisations which are engaged in promoting progressive approaches to land governance. Often the best way to prevent large-scale conversion of forests or rangelands to alternative commercial land uses is by strengthening local communities' collective land rights. Secure local land rights offer a foundation for managing natural resource use sustainably — supporting long-term conservation outcomes as well as local resilience and livelihoods. A greater collaboration between conservation and local community land rights interests (and their supporters) is therefore warranted (Blomely et. al., 2013).

A good example of opportunities which can be exploited by conservation organisations such as AWF is that the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT) developed by FAO. The VGGT enjoy considerable acceptance by a wide range of stakeholders as a result of their widespread consultation and review by state and non-state actors, globally. However they are currently being applied more to land than to fisheries and forests. Conservation organisations have had little engagement with related processes but have the opportunity to use the VGGT to further their advocacy for LSLA which have taken the wellbeing of landscapes and wildlife into consideration.

Reversal of Conservation efforts

Some researchers have pointed to the implications of LSLA on conservation efforts. Blomely et. al., point to examples from Kenya, Ethiopia, Mongolia, and India, to highlight areas of high biodiversity lost to commercial agriculture (sugar, biofuels, grain crops) and to mineral extraction. Many of the losses are said to be from within state-protected areas. Box 3 summarises a view on global the implications of LSLA for conservation,

Box 3

How Large Scale Land Acquisitions Affect Conservation

The global land rush is challenging many biodiversity conservation efforts. Examples from Uganda, Indonesia, the Democratic Republic of Congo, Liberia, Cambodia and Laos all highlight areas of high biodiversity lost to commercial agriculture (sugar, palm oil and rubber among other crops) and to mineral extraction. Many of these losses are from within existing state protected areas. In Liberia, for example, four large oil palm companies have concessions covering 622,000 hectares, much of it formerly forest land. The relocation of residents is intensifying forest use outside of the concession areas, creating further problems. In western Ethiopia, the government's land allocations to external agribusiness investors in and around Gambella National Park threatens local pastoralist communities' livelihoods, but also the antelope migration between Ethiopia and South Sudan (one of the largest remaining wildlife migrations). These are not isolated examples conversion to commercial uses is a key pressure driving governments around the world to de-gazette or downsize protected areas.

Source: Blomely *et. al.*, 2013

The loss in biodiversity which is experienced when a forest is cleared is irreversible. Accordingly, cash crops or tree monocultures simply do not carry comparable levels of species diversity as the indigenous flora and fauna which is cleared.

Certain land uses promoted by LSLA may have detrimental implications for soil conditions. Evidence indicates that the *jatropha curcas* plant may not be as economically lucrative nor as environmental-friendly as has been popularly depicted. The plant has been found to produce six times the amount of greenhouse gases that fossil fuels do¹². Furthermore, there have been reports of project abandonment based on various factors surrounding the plant's production. Key among these has been the misconception that because *jatropha* does not die when grown on marginal land and dry conditions means the plant is productive under adverse conditions. In fact, *jatropha* has been shown to be the least water-use efficient of 13 bioenergy crops.¹³

Whatever the source of the threat to biodiversity and the environment, the resulting environmental impacts must be quantified, and corresponding actions taken to promote encourage sustainable resource use while minimizing and mitigating negative impacts. Unfortunately, while such environmental impact assessments may be stated as a required component of the LSLA project approval process, they are often waived.¹⁴ For instance in South Sudan, the 2009 Land Act requires companies to conduct environmental impact studies before the allocation of land is approved. However, in practice, government institutions rarely pressure companies to conduct these studies and in many countries, EIAs are weak and the authority approves. The lack of prior impact assessments and mitigation plans increases the likelihood that the project will impact adversely upon surrounding landscapes and biodiversity.¹⁵

Quantifying long term implications

A key challenge which confronts the quantification of LSLA impacts is the uncertainty of the actual extent of LSLA. A trend has emerged since 2007/8. In most countries there are initial reports of huge areas of land being brought under LSLA. With time, these estimates are revised downwards, albeit remaining significant in terms of actual land mass. There have been several reasons for these inconsistencies in the quantification of extent of LSLA. Firstly, as a result of the opaque nature of negotiations between investors and governments, initial reports are frequently and unavoidably, based on speculative (often media) reports. Secondly, even where accurate records have been used for the initial reports on the land mass implications of LSLA, frequently the subsequent LDA activities utilize only a fraction of the contractually agreed land mass. Hence, while it is known that human activities such as intensive agriculture displaces more soil and rock than natural geomorphic processes and that they consume more water and result in changes in land-use patterns, difficulties in accurately estimating the land area implications of LSLA mean that the environmental implication emanating from the amount of irrigation water used by LSLA, sediment flux, changes in natural ecotones (transitional zones between two different ecological biomes) and human land-use frontiers have been difficult to map accurately. Nevertheless on the basis of emerging patterns, one analyst has inferred that LSLA and the changes inherent in these pervasive landscape transitions may force the largest human-driven environmental transformations that current earth-surface scientists will witness in their lifetimes (Lazarus, 2014).

¹² RSPB, "New Study Reveals Biofuels Carbon Con", 2011

¹³ *Ibid*

¹⁴ Deininger and Byerlee 2011

¹⁵ Oakland Institute, 2011(d)

6. Legal and Institutional Frameworks Relating to Land in Ethiopia

The objective of this section is to provide a detailed account of Ethiopia's policy, legal and institutions framework so as to highlight the contradictions, challenges and opportunities.

As indicated earlier, increasing agricultural growth through LSLA is an intrinsic component of Ethiopia's new Growth and Transformation Plan for 2010/11-2014/15. Subsequently, the institutional, legal and regulatory framework plays a critical role in determining the impacts of LSLA on various stakeholders. A review of the literature confirms that land, investment and environmental policy activities are being implemented at the regional level however these activities vary in scale and degree owing to an overall lack of institutional capacity and uniformity. Belachew and Aytenfisu (2010) indicate that the disparities between regional offices in carrying out their mandates are a direct consequence of their capacity to do so. This is evidence that development of an integrated approach at the institutional level is therefore necessary if LSLAs are to culminate in Ethiopia's realization of sustainable development and to be done in a way that does not have dramatic ecological decline for the country.

Policy measures

The Ethiopian government has created and implemented several land policies which amplify the state's constitutional provisions. The policies largely rest on the intensification in the use of land towards the country's objective of economic development and, ultimately the eradication of poverty.

The federal government has prioritized foreign investment as a tool to strengthen its domestic production capacity and accelerate productivity (Rahmato, 2011). To this end, the federal government has adopted an Agricultural Development-Led Industrialization strategy in which it aims to expand large-scale commercial activity and encourage private investors in agriculture and agribusiness (Vhugen & Gebru, 2013). This strategy is largely implemented by the Agricultural Investment Agency under the Ministry of Agriculture and Rural Development. It seeks to help investors by identifying land, carrying out land transfers, and providing varying degrees of support (Vhugen & Gebru, 2013).

Legislative measures

The above mentioned policy frameworks for land based investment need implementation. The legislative measures have also been taken towards implementation of the state's policy on land investments, ratification of MEAs, and establishment of institutional bodies such as the Agricultural Investment Agency, and the regional Land and Rural Development entities. A brief description of the laws and responsible institutions are given in Table 5 below.

Table 5

Law	Description	Institution
Rural Land Administration and Use Proclamation (456/2005)	Aims to conserve and develop natural resources in rural areas by promoting sustainable land use practices.	Ministry of Agriculture and Rural Development Regional governments Regional Environmental Protection Agencies Agricultural Investment Agency/ Agricultural Investment and Land Administration Agency
Investment Proclamation (769/2012)	Aims to encourage and regulate all foreign, domestic and joint foreign-domestic investments so as to accelerate the flow of capital and technology transfer and enhance Ethiopian living standards	Ethiopian Investment Committee Investment Board Regional investment organs
Environmental Impact Assessment Proclamation (299/2002)	Created to ensure prediction and management of environmental effects pertaining to proposed development activities.	Environmental Protection Agency Regional Environmental Entities/Agencies Sectoral Environmental Units
Expropriation Proclamation (455/2005)	Aims to determine principles for determining compensation	Ministry of Federal Affairs Regional state administrations Woreda or urban administration

Critical Analysis of the Land Related Legislation

As noted before, Ethiopia has adopted a land policy of state ownership which is explicitly expressed in the Constitution of the Federal Democratic Republic of Ethiopia (1/1995). Several articles in the FDRE Constitution make clear allowances for investors to acquire rural land for agricultural investment on the basis of adequate payment arrangements. These are to be promulgated at the regional land administration level yet there is a general lack of empirical evidence to determine the adequacy of regional laws and regulations towards this end (Ambaye, 2012). In fact, the decentralization of law enforcement and implementation has resulted in a varied scale and quality of the desired federal outputs (Belachew & Aytenfisu, 2010). According to Keeley, et al. (2014), only four of the nine regions possess satisfactory government capacity to implement federal laws relating to land governance without intervention. Interviews conducted by Keeley, et al. (2012) indicate that there seems to be some confusion amongst officials with regards to regional and federal responsibilities. Such factors contribute to the government's limited realization of its land policy objectives which include ensuring social equity and tenure security. Consequently, smallholder farmers and pastoralists are increasingly exposed to the displacement due to LSLA (Ambaye, 2012).

Under the Investment Proclamation (769/2012) the government aims to increase the inflow of capital and speed up transfer of technology so as to improve the country's overall living standards. Article 30 of the proclamation issues directives for a "one-stop-shop service" to facilitate the investment process (Keeley, et al., 2014). To this end, the Ethiopian Investment Commission executes investor requests for EIA studies however, under the Environmental Impact Assessment Proclamation (299/2002) these same Environmental Impact Assessments are to be evaluated, authorized and monitored by the Environmental Protection Agency and/or regional environmental agency (International Federation of Red Cross and Red Crescent Societies, 2013). The Agricultural

Investment and Land Administration Agency (AILAA) facilitates the land based investments process by investigating investor technical and financial capacity; identifying land from the land bank; carrying out a feasibility study; and signing of leases (Keeley, et al., 2014). The guidelines of this process require EIA to be conducted within three months of signing the land use agreement. EIAs are intrinsic to the safeguarding and sustainable use of environmental resources yet there is no clear distinction of roles and perhaps an overlapping of duties and responsibilities with regards to the EIA process for LSLA in Ethiopia.

Moreover, the Agricultural Investment Support Directorate has set out the procedures and rules for guiding large-scale land investments however these are not been enforced for most land related deals with investors (Gobena, 2010). Belachew & Aytenfisu (2010) cite corruption and a general lack of good governance as the major contributory factors to this shortcoming.

The Ethiopian land policy has been criticized for its lack of provisions for ensuring land tenure security in an agrarian dependent society. This land policy allows the Ethiopian government to pursue the goal of achieving land equity. In reality, Ethiopia's land policy has resulted in farm fragmentation, forced evictions, rising food insecurity, and impoverishment of rural smallholders across Ethiopia (Ambaye, 2012) (Gebreselassie, 2006). The Ethiopian government has enacted a land registration process in which landholder certificates have been issued to individuals so as to minimize the adverse effects. However, there still remains no distinction between land that has been formally certified under an individual's name and that not certified. Thus, the government has leeway to expropriate both certified and uncertified land according to its discretion with limited public participation or consultation (Vhugen & Gebru, 2013).

The continued occurrence of forced evictions and poor compensations to rural smallholder farmers under the current Expropriation Proclamation (455/2005) raises a concern regarding the implications of LSLA in Ethiopia. Expropriation is the forced taking of land by the government for '*public purpose*' activities and usually with little fair payment of compensation (Ambaye, 2012). Land which is unoccupied or underdeveloped is allocated by the government to investors however an official definition of "unoccupied" or "underutilized" land does not seem to exist (Vhugen & Gebru, 2013). Therefore, the Expropriation Proclamation (455/2005) increasingly jeopardizes the land tenure security of Ethiopian smallholders by placing them at risk of displacement by LSLA. In fact, the expropriation law does not mention consultation with the land user as a mandatory requirement of the government prior to seizure of land (Vhugen & Gebru, 2013). This is in direct violation of communities' rights to Free and Prior Informed Consent (Oakland Institute, 2013). Subsequently, rural smallholders who are dependent on the land for their livelihood are very much excluded from a land decision making process which directly – and adversely so – affects them. In addition, failure by the state to fairly compensate for loss of property effectively violates and contradicts the FDRE constitutional measures against arbitrary state eviction which states that "...the government may expropriate private property for public purposes subject to payment in advance of compensation commensurate to the value of the property" Article 40(8) (Ambaye, 2012).

According to the Proclamation on Rural Land Administration and Use (456/2005), private investors that engage in agricultural development activities have the right to use rural land under Article 5 (4)(a). To this end, regional governments and their subsequent bureaus shall determine the duration of rural land use rights, expropriation of rural landholders and compensation thereof. However, a review of the literature suggests that regional states have been inefficient and lacking in the necessary technical capacity for administering land for LSLA in Ethiopia (Ambaye, 2012) (Vhugen, 2012). The Ministry of Agriculture and Rural Development has delineated standards for the rent, the lease periods and the size of land to be transferred in LSLAs, yet regional states still do not adhere to

the central figures adopted by the federal government (Ambaye, 2012). The government's failure to enforce its own rules is evidence of a lack of cooperation and cohesion between the federal and regional institutional bodies.

One of the most apparent loopholes in LSLA related legislation is that no specific law exists to indicate or protect the land and water rights of Ethiopian pastoralists. This legislative gap implies that pastoral communities are at grave risk of LSLA particularly as this will affect their access to pastureland and water resources upon which they rely for their subsistence (Vhugen & Gebru, 2013). The existence of limited data on pastoralists, smallholder farmers, and the large-scale agricultural investments themselves will make it difficult to assess the impacts of LSLA in Ethiopia. Such loopholes in the policy and legislative framework for land administration give leeway for local authorities to wield the land policy as a political instrument (Gebreselassie, 2006) (Ambaye, 2012).

The administrative institutions also reflect some inconsistencies and this augments the already present implementation challenges. In particular, the Ministry of Agriculture and Rural Development is responsible for implementation of the Rural Land Administration and Use Proclamation (456/2005), Development, Conservation and Utilization of Wildlife Proclamation (541/2007) and the Forest Development, Conservation and Utilization Proclamation (542/2007). This presents some difficulty as the ministry is expected to ensure the success of extensive agricultural activities whilst simultaneously safeguarding the state's natural forest lands which are generally regarded as fertile cropland. The same is true with regards to investment in LSLA and environmental concerns. As such, the structure falls short of rendering the required extent of autonomy and capacity to the land administration and environmental conservation system.

The Environmental Impact Assessment Proclamation (299/2002) requires that "any licensing agency shall, prior to issuing investment permits...ensure that the Authority or environmental agency has authorized its implementation." Enforcement of this law presumably hampers realization of the country's development goals and consequently investment offices are reluctant to implement this legal requirement as a prerequisite for the issuing of licenses (Mwebaza, et al., 2009).

Concurrently, the EPA has failed to enforce this EIA requirement as well as to prosecute failures to comply with them. As such, EIA related to LSLAs have been weak or non-existent (Keeley, et al., 2014). This is particularly evident in the public participation phase where communities have indicated that consultation has generally occurred after a project site and details have already been approved. EIAs for large-scale projects are managed from Addis Ababa with the aid of international consultants and limited input from the regional environmental authorities and the communities affected (World Bank, 2013). The Environmental Protection Authority has cited financial constraints as a major contributing factor to its lack of implementation and enforcement (Cesar & Ekbom, 2013). Above all, the lack of an assertive national institution which clearly directs policy, legal, technical and financial sectors in an integrated system of land administration has resulted in uncertainty and duplication of efforts by various institutional stakeholders (Belachew & Aytenfisu, 2010).

7. Ethiopia Experiences Relating to Large Scale Land Acquisitions

In order to understand the dynamics relating to LSLA it is important to summarize the overall situation in relation to land governance. Federal legislation in Ethiopia devolves authority to address many land administration and land use planning responsibilities to regional governments. It is evident that as a result of capacity constraints, neither the federal government nor regional governments have been able to meet strong demand for improved land tenure and resource security. Nevertheless, in line with this division of labour between the federal and regional governments, regional governments have taken the lead in terms of developing and implementing policies and projects for the governance of land. The success and scale of these efforts differs across regions. For example, while the government has certified the land rights of many Ethiopians, this process has focused on highland regions and less work has been done in lowland/pastoral areas. At the moment, the national and regional legal frameworks make little provision for securing communal land rights for pastoralists and for settled agro-pastoralists rights. This, coupled with serious capacity constraints at all levels of government, means that the tenure rights of millions of citizens remain insecure. As a result of this tenure insecurity, incentives to invest in land and other natural assets are reduced, conflicts related to land continue, resources continue to be degraded and women continue to face challenges managing and controlling natural assets including land.

There are also significant institutional capacity issues as already observed. In addition there is a historic institutional issue which has had lingering implications. When LSLA were initially proposed, there was no body of law to govern LSLA. Proclamation 456 of 2005 established the precedence for LSLA but without detail guidance. Based on the proclamation regional government proceeded to enact their own regulations. This regulatory vacuum continued until the enactment of Proclamation 283/2013 which established the Investment Agency and established its mandate to administer agricultural investment lands under the domain of the federal government (even if by virtue of these lands having been entrusted to the federal government on the basis of power of attorney). Regions are now required to implement LSLA in accordance with the provisions of this proclamation. One of the provisions is that any LSLA above 5,000ha falls under the jurisdiction of the federal government and the direct authority of the Investment Agency. Smaller investments continue to be governed by regional governments.

Trends in implementation of LSLA

Over the last few years the narrative relating to LSLA in Ethiopia has predominantly been a negative one. Allocation of huge amounts of land to investors have been highly publicized in regional and global fora, often in a highly critical and emotive manner. Many of these reports and analyses have been informed by the same few reports. More recently, there have been fewer reports, demonstrating a more nuanced, more analytical approach.

Emerging trends in land allocation practices

The reality on the ground is that initially there was what is described by a respondent as an 'aggressive' drive to attract LSLA in line with the government directive. Admittedly, insufficient care was taken by government authorities to properly scrutinize proposals by investors. LSLA were characterized by a secretive approach with inadequate disclosure to interested parties. This resulted in polarization of actors and high levels of suspicion on the part of non-state actors. During the study, the consultant noted that there were somewhat reduced levels of suspicion.

Information from the Investment Agency indicates that the institution has adopted a slower, more thorough process of evaluating investor proposals. As a result of this more conservative approach,

between 2012-and 2014 no new applications have been approved by the Investment Agency. By the time of compiling this report 57 LSLA contracts were documented by the Land Matrix (Annex 1).

Investors

The Land Matrix data shows that as in other countries the investor profile is quite mixed however, investors from Asia and Middle Eastern countries, in particular India and Saudi Arabia, seem to be more numerous. However, unlike other countries very few domestic (Ethiopian) investors were represented amount those observed.

Intentions of Investments

As with other countries in the region the large majority of LSLA focus on crops for either food or biofuel. It is noteworthy that there is at least one LSLA which is set to be a conservation project, this is by an investor from the USA however at 8000 hectares is a relatively small project by Ethiopian standards.

Size of Project

According to various sources of literature Ethiopia tends to have relatively large LSLA in comparison to other countries in the region. According to the Land Matrix data most of the investments fall in the size bracket between five and fifteen thousand hectares however, much larger contracts are also seen but are not in the majority. It is good to note that increasingly the investment agency recognizes the importance of trying to reduce the initial amount of land requested by investors.

Leases

A more cautious approach to the issuance on LSLA contracts by the government is emerging. Based on the views of informants interview this is the result of a combination of factors including international advocacy on LSLA and poor performance of the early round of LSLA. As part of this new approach which ca the provisions in the standard lease agreement with investors are currently being revised by the Investment Agency.

The new lease agreement will take on board the guidance from the AU Guiding Principles on Large Scale Land Based Investments. Although not yet finalized, some of the new provisions which will now be addressed in the lease format include the following:

- 'Public purpose' and 'good agricultural practice' clauses are proposed. The former addresses issues relating to the interests of local communities
- More rigorous EIA provisions which include the need for annual reporting; submission of an investor compliance with a 'mitigation plan' to address impacts identified in EIA
- A set of provisions to ensure that investors commence and conduct proposed activities in a timely fashion
- Limitations on transfer of interests in the land to other parties
- Clarification of what constitutes 'breach' of the lease and provisions for terminating the lease in the case of such breach
- An entirely new section on the requirement for the investor to abide by applicable water use policies and guidelines
- Requirement for the investor to enter into a 'social contract' with the local communities affected by the LSLA

The old lease format included some reference to conservation the leased land and natural resources thereon, with particular obligations to conserving 'tree plantations' not cleared to make way for LSLA, applying appropriate working methods to prevent soil erosion in slopping areas, observing and implementing international and domestic provisions of legislations providing for natural

resource conservation, water resource management, human health and safety and pollution. The new lease format makes no provision to improve of these provision – for instance by extending the conservation obligation beyond trees ‘not cleared’.

It is anticipated that these provisions will make the lease much more progressing and offer more protections to communities and the environment. However, interested parties such as AWF are encouraged to engage with the Investment Agency with the view to lobbying the agency to make any further modifications which may offer additional safeguards.

Trends in the regulation of LSLA

The provisions for the regulation of LSLA remain tenuous as a result of the institutional arrangements. Of particular concern are the arrangements for regulating LSLA implications for the environment and biodiversity. Biodiversity issues are numerous and the Ministry of Forests and Environmental Protection does not have the capacity to address all these issues in relation LSLA. Accordingly, under a constitutional mandate, this role is assigned to the Investment Agency by way on a Memorandum of Understanding. The Agency requires investors to submit quarterly reports which the Agency evaluates. These reports can be accessed by the public. This is a very significant opportunity for civil society organizations to the keep abreast of the environmental impacts of the activities of investors. Of course a weakness is that the reports are based on a ‘self-reporting approach’.

However, there is some progress. A new Trade and Investment Proclamation requires investors to re-register every year. This presents an opportunity for the scrutiny of investor operations with respect to environmental protection and production efficiency. The processes for this are yet to be established. Non-state actors have an opportunity to influence this process.

The Investment Agency is also said to be now engaged in more capacity building work among communities and to mediate between communities and investors to address emerging conflicts. For instance between 2013 and 2014 the Investment Agency provided training for 50 youths as tractor operators. Half of these were taken up by the Karuturi investment project and the other half by Saudi Starr. What is not clear is the extent to which the Investment Agency as currently constituted has the requisite capacity to ensure compliance with these progressive proposals.

When asked about the issue of the investment dividend for communities, the representative of the Investment Agency indicated that it was not the role of the investor tie ensure development – it was the role of the regional government. Hence the Investment agency is said to be providing the guidance to regional governments in this regard.

Trends in Financing of LSLA

As with other countries in the region, LSLA deals are characterized by the over-incentivization of investors. A study on LSLA conducted on behalf of the LPI (Mbaya, 2013) analyzed contracts of 21 LSLA in Ethiopia. One of the study parameters was the nature and extent of incentives awarded to investors. The study observed that in line with the federal government policy to offer incentives to investors, land has been leased for as low as 20 Birr (about \$1.44) per hectare (in the case of Karuturi), and for an average value of 185 Birr (\$13) per ha.

For inexplicable reasons, the Federal Government provides financing for proposed LSLA in line with a provision under the Investment Proclamation. However, the actual provision of this financing has proven to be cumbersome. Partly as a result of this, the Federal Government is now experimenting with agro-economic zones. There were mixed views from informants interviewed on the viability of the concept. These apprehensions by Ethiopian stakeholders are in line with the observations of the African Development Bank which has made the assessment that the jury is still out: performance has been mixed and job creation has been limited¹⁶. Economic zones have been known to have negative implications for conservation efforts and biodiversity in other countries. This is therefore a development in which AWF should take an active interest.

Impacts of Large Scale Agricultural Investments in Ethiopia

Investments hold the promise of promoting development. Nevertheless, literature sources revealed only modest references to positive outcomes such as employment generation, increased government revenues and the construction of much needed social and other infrastructure to the benefit of local communities have been recorded as the consequence of some of the projects.¹⁷ In Ethiopia an investment has brought computerized irrigation systems and other agricultural technology. In Tanzania evidence of increased small-holder farmer incomes is reported. A sisal processing investment (Katani Ltd), purchases processed sisal, and provides training and loans to rural micro-enterprises which do the processing. Its investment allows the micro-enterprises to buy processing machines and sisal from local producers. This has had the impact of increasing incomes for 16,500 small-scale producers by 25 per cent.¹⁸ Similarly, in Ethiopia the Africa JUICE project encompasses an 'Out grower Incubator Program' which gives local farmers an opportunity to earn higher income to supply fruit to Africa JUICE for processing. These local farmers are also able to benefit from the new irrigation system as the growing of passion fruit allows them to practice intercropping with their own produce.

Community and environmental losses echoed

LSLA in Ethiopia have been accompanied by similar experiences as in other countries. Prior to any agricultural activity the land is cleared and prepared. This initial process of developing acquired land for development often involves extensive burning and deforestation of natural vegetation called slash and burn. This process of land clearance reduces vegetation cover, depletes soil nutrients and leaves the soil exposed to erosion, and may cause river siltation as well (Getnet, 2012). As a result, air pollution, soil erosion, deforestation, carbon emissions, and the associated loss of biodiversity are typical and expected environmental impacts of LSLA land clearance (Behr n.d). For example, in the rich biodiversity and wildlife region of Gambella, extensive clearing of forests (including within the Park), has occurred in order to make way for tea plantations (Dheressa, 2013). As a result, areas of high conservation value have been damaged and communities have lost their access to timber income, non-timber forest products, and firewood for fuel (Richards, 2013).

The intensive and large-scale use of agricultural chemicals as well as the abstraction of large water quantities is bound to have adverse effects on the soil profile and quality of water (Slow Food, 2014; Dheressa, 2013). This will effectively change the hydrological conditions in a specific catchment area

¹⁶ <http://www.afdb.org/en/news-and-events/article/special-economic-zones-are-not-an-end-in-themselves-nigerians-agriculture-minister-akinwumi-adesina-13178/>

¹⁷ Vhugen and Gebru, 2011

¹⁸ Sahan and Mikhail, 2012

with repercussions on the societies and environment that that hydrological system supports (Fisseha, 2011). Large-scale commercialized farming involves the use of pesticides and fertilizers which often leads to chemical run-off and the contamination of land and water resources, thereby increasing the health risks to humans, livestock and wildlife that consume this water (Fisseha, 2011). LSLA are linked to other soil and water quality degradation due to pollution by agro-chemicals, eutrophication, loss of biodiversity, ecosystem imbalances, leaching of the soil profile, soil erosion (gullies and rivulets), and the introduction of invasive species with regards to biofuels (Fisseha, 2011; Dheressa, 2013). The introduction of large-scale monocultures also adversely affects the soil quality and biodiversity of an environment and this too has implications for the ecosystems of a specific area.

Unmet expectations

Some of the justifications underpinning the drive for LSLA are indicated as local job creation, transfer of technology for better agricultural productivity, and increased food security. However these are seldom realized and actually culminate in the augmentation of poverty and low standards of living for rural people. According to ACCORD (2013), LSLA significantly increase rural people's vulnerability to dispossession, domestic food insecurity and human insecurity as subsistence farmers are displaced from their land and exposed to the negative environmental externalities of LSLA. Concurrently, extreme environmental degradation occurs as a result of unsustainable use of natural resources by local and foreign agricultural land investors. The pace and extent at which these entities develop and cultivate the land far exceed the natural resource capacity to recover. The ethical debate of LSLA is that, following such negative and detrimental environmental impacts the local communities rarely benefit and are often made worse off (Alter, 2013).

LSLA a driver for conflict

A report by the Human Rights Watch states that violent incidents of community displacement have already occurred in Ethiopia's Gambella region. According to this report, 70 000 people were forcibly evicted by the Ethiopian government and its police force from their land and homes in order to make way for a multinational agribusiness (Slow Food, 2014). Subsequently, the rising occurrence of LSLA and local food insecurities is set to result in instances of civil unrest. Evicted and displaced peoples invariably move into the territories of other communities or compete for access to already scarce resources such as water, land and fuelwood (Richards, 2013). In such an instance, existing communal conflicts and new tensions may be exacerbated as an indirect consequence of LSLA (Dheressa, 2013). The ethnical divisions that already exist in Ethiopia are set to exacerbate clashes between communities and peoples that may have to share resources for their livelihood (ACCORD, 2013).

In addition to the violation of land rights, locals may be denied access to their traditional sources of water. For example, in the region of Oromia, agricultural investment companies are awarded limitless rights to water and effectively restrict local access to these resources (Getnet, 2012). As a result, communities are forced to spend increased hours and distance searching for water which increases household competition and pressure on scarce water resources. An inability to access clean and safe water resources due to pressure and competition may also have negative impacts on health and lead to a reduced standard of rural living.

Communities have also lost water resources has occurred due to the conversion of wetlands and their surrounding vegetation for in favor of LSLA (Dheressa, 2013; Fisseha, 2011). Wetlands are invaluable natural resources which naturally purify water, control flooding, host aquatic and bird biodiversity, and provide a means of food and livelihood for the communities that they support (Fisseha, 2011). The loss of this vital environmental and social resource to LSLA adversely affects whole ecosystems, communities and downstream water users.

The Gambella region is perhaps the most fertile and water abundant in Ethiopia. LSLA proposed in the region have significant implications for biodiversity. For instance the 10,000 ha rice growing project comes at the expense of 100,000 trees¹⁹. The pace of land leasing for LSLA in the Gambella region and the accompanying levels of environmental impact have raised concerns among a range of spectators including President Girmo Wolde-Giorgis who was quoted as saying, “Whilst our country is representing Africa in international panels regarding global warming...for no reason should forest land be given out for agricultural purposes”.²⁰

The governance of LSLA in Ethiopia

Ethiopia employs investment facilitation agencies to handle public land and/or customary rights and identify and allocate land areas to investors. These fall under the Ethiopian Investment Agency and MoARD’s Agricultural Investment and Land Administration Agency. Significantly, MoARD is also responsible for ensuring that environmental/ natural resources are used in a sustainable manner that benefits local communities without compromising the ability of future generations to use and benefit from those same resources. To this end, there are several national level land, environment and investment related proclamations set out to guide the process of LSLA and create or ensure social and environmental safeguards vis-à-vis LSLA. Regional governments are left to interpret, adapt and implement theses in their regional states, however not all of these offices have adequate capacity and resources to successfully enforce and ensure investor compliance with those regulations.

The instruments used for safeguarding environmental and social aspects against LSLA are EIAs, Social Impact Assessments (SIA), stakeholder consultations, and assessment of local development needs. The extent of public participation in the LSLA process is extremely minimal and even ignored in some large scale land deals. In fact, research indicates that LSLA deals are initially made and concluded between governments (state/provincial) and the investors before state agencies conduct consultations with traditional authorities and communities. This makes for a weak consent process which is a vital component for ensuring that social and environmental safeguards are implemented especially as communities will have legitimate social and environmental concerns for their livelihoods.

The Environmental Protection Authority (EPA) is responsible for formulating environmental standards for pollution control (Fisseha 2012). Measures that facilitate the development of water resources for agricultural and domestic use are stated in Ethiopia’s Water Resources Management Proclamation No. 197/2000 and the Ethiopian Water Resources Management Regulation No. 115/2005. However – and despite the inclusion of provisions for wetlands and biodiversity management, the stated measures are largely insufficient for ensuring the safeguarding of these natural resources. In fact, Fisseha (2012) states that the ecological and economic value of wetlands and their associated biodiversity and contribution to the sustainability of rural livelihoods, is a topic that needs urgent attention both within the Ministry of Water Resources (MoWR) and at the national level of governance. As it stands Ethiopia is not a contracting party to the Ramsar Convention on wetlands which is a multilateral agreement for the protection and conservation of internationally important wetlands. In addition, LSLA are often granted limitless access and rights to common water without the enforcement of environmental pollution controls. In fact, environmental pollution

¹⁹ Van Kote, *ibid.*

²⁰ William Davidson, “Ethiopian President Concerned by Lease of Forest to Indian Firm”, 2011

standard and controls for large-scale agricultural activities let alone investments are not even stipulated in the national Environmental Pollution Proclamation No.300-2002.

It is clearly stipulated at national state level in the Investment Proclamation No.769-2012 that implementation of EIA is a requirement prior to the issuance of any investment license and that all investors shall give due regard to environmental protection. Under the large-scale land investment guidelines stated by the Agricultural Investment and Land Administration Agency (AILAA), an EIA is to be carried out within three months of signing the land use agreement. According to Proclamation 299/2002 the EPA is also mandated with the responsibility to evaluate all EIAs and monitor their implementation. However, these legal requirements have largely been disregarded due to the influences of corruption, poor capacity and resource limitations in Ethiopia. There is therefore a failure to account for and mitigate any foreseeable negative environmental impacts or externalities of LSLA on communities, biodiversity, and environmental resources. An assessment of local development needs is an inherent part of the EIA report yet these are seldom conducted due to a lack of capacity and capital, human, and technological resources. Consequently, local needs and opinions are excluded prior to the implementation of LSLA thus placing rural households and livelihoods at a great vulnerability to the adverse impacts of LSLA. Importantly, failure to comply with EIA regulation not only places rural communities at great risks it also limits the realization of the positive environmental and social impacts that could be experienced as a result of LSLA.

Moreover, general weak monitoring and evaluation of LSLA projects leaves people, livestock, land and the environment highly vulnerable. A review of the literature reveals that there are no clearly stated measures in which to ensure compliance with set out agreements and responsibilities to the environment and communities. The details of which normally include promised building of schools, health facilities, technology transfer, infrastructure, job creation, and the implementation of environmentally sustainable practices. Failure to realize these commitments is greatly due to a lack of enforcement, consequences, and penalty on the investors by the state and regional government. Consequently, this leaves locals and the natural environment largely at the mercy of profit driven companies. Through these cases, it is evident that the Ethiopian government is to a large extent complicit – a stance that is sure to limit the success of ALDI in Ethiopia and elsewhere in Africa.

There are major institutional impediments such as the land policy itself which fail to create sufficient and practical safeguards for the environment and society (Asefa & Zegeye, 2003). For instance, Ethiopia recently adopted a land registration and certification process which effectively awarded smallholders with formal recognition of land ownership. However, due to the Constitution of the Federal Democratic Republic of Ethiopia Proclamation No.1-1995 which states that all land is state owned and the Expropriation Proclamation of Landholdings for Public Purposes and Payment of Compensation No.455-2005, subsistence farmers remain exposed to forced evictions. Additionally, the compensation that these people are lawfully expected to receive as stated in the Expropriation Proclamation of Landholdings for Public Purposes and Payment of Compensation No.455-2005 severely undervalues their land if they do receive it at all. Research shows that people in the Gambella and Oromia regions have been forcibly evicted from their plots without any/adequate compensation despite possessing small-holder certificates (Oxfam, 2012; Fische, 2011). It is clearly evident that Ethiopia's land policy offers weak protection of people's right to land, water, natural resources and pasture.

In fact, as it stands Ethiopia does not have any formal recognition for pastoralists or their access to water and grazing land in its Rural Land Administration and Use Proclamation 456/2005. As there are three sectors (investment, land, and environment) involved in the LSLA process – each having their own measures, guidelines, and processes of handling/responding to LSLA – there are

subsequent gaps and opportunities for enforcing and improving social and environmental safeguards. The institutional bodies that regulate these sectors need to adopt a more integrated approach to LSLA.

The Social and Environmental Guidelines, Regulations and Safeguards: Gaps and Opportunities

Following the research carried out on LSLA in Ethiopia, the following gaps and opportunities emerge for consideration:

Feasibility studies

EIAs are intrinsic to the safeguarding and sustainable use of environmental resources yet there is no clear distinction of roles and perhaps an overlapping of duties and responsibilities with regards to the EIA process for LSLA in Ethiopia. The EPA needs to tackle its in-house challenges particularly corruption and capacity building so as to enforce the mandatory monitoring and evaluation of EIA reports prior to the implementation of LSLA deals. An assessment of local development needs and the social impacts of a LSLA deal need to be integrated into the EIA framework for LSLA in Ethiopia as this will enable planning for adequate mitigation and adaptation strategies for communities and thus limit adverse impacts on rural livelihoods.

Land Policy

With regards to Ethiopia's land policy, there is a need to strengthen land registration and title of local communities. This may be done through officially recognizing the land rights of small-scale farmers and pastoralists through land privatization and a complete revision of the rural land market system in Ethiopia.

Food security

The Ethiopian government also needs to implement strategies to keep enough African grown food on African soil so as to ensure some degree of national and local food security. A suggestion may be to enforce export controls on agricultural products from LSLA. At the grass-roots level local food security can also be ensured through smallholder inclusiveness initiatives such as contract farming, out-grower schemes, and joint ventures between communities and investors.

Biodiversity conservation

LSLA can present an opportunity for inclusive investment as the knowledge and traditional agricultural practices of locals could have a significant role in safeguarding the environment and its ecosystems. Specifically, for wetlands and biodiversity management the Ethiopian government needs to sign and ratify the Ramsar convention so as to recognize and effectively conserve the value of wetlands in light of LSLA. There will therefore be a need to translate these into laws and enforce compliance, monitoring and evaluation within the relevant institutional hierarchies.

Spatial Planning

Ethiopia is lacking overall biodiversity based spatial planning. This is required to ensure that LSLA does not take place in key biodiversity areas.

Water rights

The Ministry of Water Resources needs to draft and implement specific water use and pollution standards for large-scale agricultural activities. There is a need to make clear provisions on the use of water by LSLA. The Ministry can set standards for sustainable water use practices in LSLA such as smart irrigation and water re-use. In addition to these safeguards, the polluter pays principle must

be explicitly made intrinsic to LSLA process so as to incentivize against environmental malpractice and limit the social and environmental impacts of negative externalities.

Win-win situations

In order to realize the social benefits that investors promise to communities inclusive investment models need to be a mandatory aspect of LSLA. This can be achieved by including local communities in value chains as producers, suppliers, shareholders, employees or consumers in a manner that is both equitable and sustainable for local and national objectives. The Ethiopian government could also employ penalties, arrests, investment project suspension, and fines as measures to ensure that investors comply with set out agreements and fulfil their promised obligations to the environment and communities. The Government could consider requirements of out-grower schemes with communities are part of permitting.

Expropriation and compensation

There is an urgent need to revise the process under which compensation for expropriated land is given so that it reflects the real land value. Government should also make provisions to readily shoulder and facilitate the costs of relocation for displaced peoples.

Environmental concerns

Standards and controls need to be set so that there is a universal and legally recognized point of reference for safeguarding environmental resources and biodiversity in Ethiopia. Particularly, there is a gap for soil and water pollution standards to be set and monitored by the relevant ministries. In addition, there is no literary evidence of any document stating the subsequent restoration and compensation measures to be taken following an environmental hazard such as discharge of chemical pollutants into fluvial systems as a result of LSLA.

Institutional impediments

The poor enforcement capacity that is prevalent in the institutions that are key players in the LSLA process is an aspect that needs urgent address. This can be significantly addressed through institutional workshops to trained human capital, inter and intra institutional meetings to consolidate mandates and the LSLA process, socio-environmental awareness concerning LSLA, development of a shared database with information on large-scale land deals (land matrix). Such efforts will go towards improving the monitoring and evaluation associated with LSLA.

Free Prior Informed Consent (FPIC)

The United Nations Declaration on the Rights of Indigenous Peoples also embodies the principle of free, prior and informed consent which requires States to consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources. The VGGT and Guiding Principles both recognize this important principle. However, the bulk of literature sources examined indicate that states are not securing communities' rights to prior and informed consent, as well as the right to self-determination. Communities are rarely consulted on the terms of LSLBI. Where information is provided to communities, literature sources indicate that this is done after the fact, once LSLBI contract negotiations are already concluded.

Case Study Overviews

With over 50 documented LSLA in Ethiopia it is understood that experience with these projects has been mixed. The case studies selected below are intended to give an idea of the diversity of experience.

Saudi Star Agricultural Development Plc

Saudi Star Agricultural Development PLC, owned by Saudi-Ethiopian Mohammed Al-Amoudi who has acquired 10,000 hectares of land along the Alwero River in the Gambella region of Ethiopia for a 60-year concession (Oakland Institute, 2014). The total area Saudi Star has under lease in Gambela is 140,000 hectares, but the company aims to increase this to 500,000 hectares for the primary production of rice.

The company is currently engaging in the Saudi Star Agriculture and Irrigation Project in the Abo area of Gambella which is part of Saudi Arabia's King Abdullah Initiative for National Food Security (Saudi Star Agriculture and Irrigation Project in Gambela, Ethiopia, 2014). So far, Saudi Star has grown rice on 3,000 hectares (in January 2013) and has constructed 30.6 km water channel project (the second biggest water project in Ethiopia) from the Alwero irrigation dam (Yassin, 2014). Development has been reportedly slow, however the company has taken several strides to accelerate production and socio-economic benefits.

Several challenges including violent conflict, poor contractor performance issues, project delays, and infringement on the Gambella National Park have been addressed through a change in management, redesign of the farm, and a successful trial of rain-fed rice. Since 2012, the project has seen successful development of rice production and an irrigation project using water from the Alwero River. However, the Ethiopian government does not formally impose performance requirements on foreign investors thus quantified data of the project progress is scarce.

Despite this, the success of the project is evidenced in Mohamed al-Amoudi plans to invest an additional \$100 million in the rice farming project, which will subsequently increase local job creation to 5,000 (Yassin, 2014) (Davison, 2013). Currently, the project has created job opportunities for locals through the distribution of rice and ploughing of land. In 2011, Saudi Star project employed on average 250 workers of which 50 - 60 are skilled and permanent employees and the rest were daily laborers from the local population (Desalegn, 2011). Presently, the company reported that there are 695 employees and 359 of them are locals from the region. In 2011, from February to March, training on machine operation was provided for 51 locals in Technical Vocational Education and Training colleges (Oakland Institute, 2014). The company reported the trainees were employed in the organizations. In addition, Saudi Star continues to plan to provide infrastructure such as roads and vocational education which is set to benefit 13,000 regional locals (Oakland Institute, 2014). The company has also reported that it is building two factories for packaging and processing purpose which will provide 4,000 thousand people with employment. Saudi Star also distributed 500 quintal cereals for food consumption in 2013 in order to directly benefit the community for the project (Oakland Institute, 2014). Additional developments have occurred in hotel and other service provisions both in Jikawo and Abobo area (from 2011 - 2013) due to the company's presence in the area (Yassin, 2014).

Karuturi Agro Products PLC

In 2008, Karuturi Agro Products PLC became the first Indian company to lease 300,000 hectares of land for the production of palm, cereals, rice and sugar cane (Davison, 2013). Karuturi has invested USD 140 million in the agriculture project in Ethiopia so far. The company reported that it has bought equipment worth over USD 50 million and built 120 km of drainage, 120 km of dykes and almost 50 km of canals for its operation. It publicized its plans to develop Gambella as agro-economic zone by establishing sugar factories, oil processing plants, rice mills and other food processing plants with joint ventures with companies that have specialized knowledge and organizational infrastructure (Yassin, 2014) However, the company's success in agricultural production has been relatively stifled

owing to several challenges. Karuturi reported natural disasters such as flooding and infrastructural problems in Gambella as major obstacles in the performance of its farms. Additionally, delays in approval from the Federal Bureau for lands initially provided some hold-ups in farm operation. The Ministry of Agriculture also concurs that the conflict between local farmers and LSBI, the subsequent negotiation processes, and clearing out of conflicting interests has impeded Katuri's operation (Ministry of Agriculture, 2012)(Yassin, 2014).

There is also a limited job market opportunity extended to regional locals due to their lack of skilled labor. At the managerial level, Katuri has been criticized that many of its current managers have no experience in industrial farming and this is leading to many incorrect decisions, lost revenues and increased costs. In response, training was provided to 51 local youth on tractor operations in Feb 2012, but the current capacity at which these youth are working is not verifiable (Yassin, 2014). In addition, lands that local people have always presumed to be part of the park have already been cleared by large-scale investors, including Karuturi and Saudi Star. Wetlands, with abundant fish populations and bird life, are presently being altered for rice production by Karuturi (Oakland Institute, 2014).

Emami Biotech

Indian firm Emami Biotech abandoned a *jatropha* project – one of the largest in the country - for low yield reasons. The firm returned 75% of the 40,000 ha leased after it attributed the low yield to the land's "unsuitability for agricultural purposes."²¹ In its letter to the Oromia Investment Commission, Emami claimed that only half the land initially allotted to Emami was suitable for agriculture, and even that land didn't have enough water. The company claimed to have \$1.5 million in the project, dug several boreholes, and constructed a dam. It also said to have tried to grow maize, pulses, soya bean and sunflower but was unable to return profitable yields. The company is said to have also claimed that parts of the land lay along a disputed border between Oromia and the neighboring province of Somaliland. Additional cited by the company included crop damage by members of local communities and their cattle and a lack of cooperation from the local administration. Reports were made by other parties indicating the company and the villagers had clashed over scarce water supplies. The government's response was skeptical of the company's claims, pointing to the fact that since the company had carried out a feasibility study and should therefore have been fully acquainted with the available water resources (The Hindu, 2012).

Not all gloom and doom

There is increasing clarity and agreement among stakeholders with respect to the importance of good governance of LSLA. There is also increasing clarity in institutional mandates and in required regulations and actions in order for LSLA to benefit the country and its citizens. In this context, some corrective actions have been undertaken successfully.

- In Gambella and South Omo, the EWCA managed to negotiate key biodiversity areas back from investment concessions, once their high conservation value was recognized.
- In the Karuturi project, an 8,000ha corridor was negotiated to allow the migratory movement of the white eared kob.
- Karuturi has been brandished globally as an example of a massive LSLA – which it is. However, upon closer inspection there is a positive story. The highly publicized allocation of

²¹ Aman Sethi, "Indian Firm Reap Bitter Harvest in Africa", 2012

300,000ha was initially made by the regional government. Under the leadership of the Investment Agency, the size of the allocation was revised downwards to 100,000ha.

Measures taken to mitigate impacts of LSLA in Ethiopia

Establishing a foundation of good land governance

Good governance of LSLA cannot be achieved in the absence of good land governance. Although the political space for advocating for good governance in Ethiopia is limited, some advance are evident. For instance, in 2013 the Federal Government entered a partnership with members of the G8 (governments of the United States of America, the United Kingdom, and the Federal Republic of Germany) to improve land governance in Ethiopia. The partnership aims to improve rural land governance for economic growth and to protect the land rights of citizens through increased coordination and collaboration between the Government of Ethiopia and its development partners. Specific components to be addressed include rural land tenure security for all, including through appropriate land use management in communal and pastoral areas; transparency in land governance, including by promoting responsible agricultural investment through an improved legal framework and coordinating and harmonizing support from existing and potential new development partners in the land sector (USAID, 2013). Such initiatives will be crucial in establishing a firm foundation of good land governance upon which will strengthen efforts to govern LSLA.

Identifying hotspots

Civil society actors are working to identify endangered landscapes and species, areas of high biological diversity and to highlight the importance of these places. A good example highlighted earlier is the mapping of biodiversity hotspots undertaken by EWNHS. As part of the same long term advocacy strategy, EWNHS also published directory of birds and their habitats.

Delineation efforts

As indicated above delineation of areas worthy of conservation has emerged as a priority. It is noteworthy that non state actors have been active partners in the process. In the absence of a federal land use plan and of an effective inter-sectoral coordination mechanism, there is a high risk of conflicting plans for the use of land resources by government departments.

Education and capacity building

Capacity within government

Addressing existing capacity gaps within government at all levels is critical for improved governance of land and LSLA. As in many African countries Ethiopian efforts in this regard are highly dependent on the support of development partners. Development partners have pledged their support to deepen capacity in various sectors. An example within the land sector of how such support is being implemented can be seen in the case of support by the US government through the Land Administration to Nurture Development Program (LAND). This program builds on previous land administration support projects to Ethiopia by USA. The LAND program works at the national and regional levels of government to improve the legal and regulatory framework related to land tenure and property rights in Ethiopia. In addition, the program supports training for dispute resolvers who are handling cases related to land – such cases represent a substantial portion of the formal and informal “case load” in Ethiopia, particularly at the local level. As a complementary activity, the program supports at Ethiopian university to train those government officials and professionals who are needed to support a robust land governance environment while also building capacity at

Ethiopian universities to engage in policy analysis of land issues. In addition, the program works at all levels of government to support needed land use planning.

Capacity among non-state actors

Respondents unanimously highlighted persisting high levels of ignorance on issues relating to the environment and biodiversity conservation. Some examples highlighted are noteworthy. The Movement for Ecological Learning and Community Action (MELCA) is focusing on communities and youth with an emphasis on the cultural perspective. The organization employs two powerful methodologies in its efforts to revive ecological knowledge and strengthen practices which conserve biodiversity; participatory mapping of resources and good practices as well as promoting youth as change agents.

Another capacity issue relates to support which is needed by communities build their capacity to participate in discussions (negotiations) relating to benefits accruing to them out of proposed LSLA, compensation for land lost benefits that would accrue to them from the land and other terms of agreements with investors. In view of the tremendous disparity in the capacities of communities and investors, the playing field should be leveled somewhat through capacity building for communities or providing them with legal support for their meaningful engagement in contract related discussions.

Partnerships for increased impact

Due to the limited political space for civil society to undertake advocacy activities, one of the approaches used is that of working in partnership with other organizations. For instance, EWNHS is a part of the BirdLife Partnership²². This is a global partnership of organizations whose work is aligned to the four pillars of the BirdLife strategy: Species, Sites and Habitats, Ecological Sustainability and People. Within this framework, the BirdLife Africa Partnership emphasises developing positive linkages between birds, biodiversity and the livelihoods of people.

UNESCO has established the concept of biosphere reserves. These are sites established by countries and recognized by UNESCO to promote sustainable development based on local community efforts and sound science. Biosphere reserves seek to reconcile conservation of biological and cultural diversity and economic and social development through partnerships between people and nature. They are ideal to test and demonstrate innovative approaches to sustainable development from local to international scales.²³

However the study identified potential areas of further development with respect to coalition building and partnerships. Partnerships with private sector were under developed and emerged as an area of opportunity. Similarly, the study noted that the role of the parliament is not well appreciated. Very few agencies (e.g. EWCA) indicate a good engagement with the parliament.

²² <http://www.birdlife.org/africa/partnership/about-birdlife-africa>

²³ <http://www.unesco.org/new/en/natural-sciences/environment/ecological-sciences/biosphere-reserves/>

8. Conclusions and Recommendations

An urgent need to close implementation and regulatory gaps

Over the past few decades Ethiopia has enacted several laws aimed at achieving sustainable development, biodiversity and environmental protection. Since 1997, efforts have been made to mainstream biodiversity and environmental concerns into the country's constitution, social and economic policies. However, while the policies of the federal government increasingly highlight environmental sustainability as a crucial prerequisite for lasting development, significant gaps remain between these policy articulation and commitments and their implementation. The ongoing prevalence of environmental problems in Ethiopia is evidence of its limited enforcement and capacity challenges. Organisations such as AWF have an important role to play in continually highlighting these gaps and calling for these redress.

Effective enforcement requires substantial investment with respect to courts and other legal and policing institutions and, above all, the political will to enforce change. The Ethiopian government must therefore accelerate the mainstreaming of environmental governance and strengthen the relevant institutions' ability to fulfil their mandates. This includes the Environmental Protection Agency. In this respect, a platform for inter-sectoral coordination which will enable treatment of implication of land the various sectors including wildlife emerges as a priority.

There remain some policy considerations which have to be addressed. The overlaps and conflicts in agriculture and conservation plans speak to the urgent need for a national land use plan. Closely related to this and in the interim, there is need for AWF to work with partners to delineate spatial biodiversity targets for adoption at federal level by relevant authorities to improve inter-sectoral coordination in the use of land resources.

Position communities as key actors

A shift in the mindset of policymakers is required with respect to the engagement of communities in conservation efforts. It is important for authorities to recognize that in the absence of sustainable community access to protected area benefits, conservation efforts will likely fail. Advocating for the recognition of communities as key actors in efforts to secure to protect the environment and conserve biodiversity is key. However, the general lack of awareness at the community level of environment and conservation issues mitigates against their effective participation in the successful implementation of Ethiopia's environmental management and conservation strategies. Therefore community engagement emerges as another priority. AWF is well suited for this role based on its long track record of working with communities to empower them as agents of conservation.

The challenge of aligning protected area benefits and local community interest is a key outstanding issue mitigating against sustainable conservation efforts. This requires increased innovation in approaches to the engagement of communities in conservation efforts as well as radical changes in the sharing of benefits emanating from protected areas, including royalties. Early efforts at participatory approaches to resource management have provided positive lessons. These emerging results should now be used to secure the support and commitment of government for participatory approaches to the management of natural resources. An organization such as AWF has the requisite capacities to make a meaningful contribution to efforts to systematically review, document and disseminate these experiences in a strategic manner (an important aspect of advocacy).

Depoliticize institutional leadership

Public institutions have a responsibility to deliver services to citizens in a manner which is non-partisan and freely accessible to all citizens. In order to do so, research and global trends have established the importance of managing political interference in the appointment of public, and increasing emphasis on professionalism, merit and competence in appointment processes.

Recast the role of the state in land allocation

The Federal Government has promoted policy regulations intended to position LSLA as a driver of agricultural and economic development. Sadly, LSLA are introduced in the context poor land governance. This is characterised by pervasive insecurity of land and resource tenure resulting from the extensive powers of executive offices that are empowered to dispossess citizens of their landholdings and reallocate these to investors as well as complex and over lapping institutional mandates in the face of chronic incapacity. Progress has been made and continues to be made to address all these issues. However, there is a particular need to recast the role of government to that of *custodian* and not *owner* of the land resource as outlined in constitution. Closely associate with this is the need to moderate discretionary powers of executive offices, especially in the form of land transfers made without prior mapping and demarcation of protected forests and wildlife, and transfer of land awaiting registration and the issuance of land-holding certificates to smallholder farmers and pastoralists. In view of the peculiar regulatory environment which prevails in Ethiopia, engaging these issues calls for a long term, carefully considered and context-appropriate strategy for CSO working in solidarity and in a complementary manner. This requires the commitment to coalition building.

Conservation organisations - from spectators to actors

It is now evident that land issues have significant implications for efforts to conserve landscapes and biodiversity. Conservation organisations have, to date, been conspicuously absent from land related platforms. This has contributed to key processes and platforms on land and development which do not adequately address conservation and biodiversity concerns. In order to safeguard their investments and efforts, conservation organisations should endeavour to identify strategic ways of engaging in critical land rights discussions and processes such as implementation of the FAO VGGT and the AU Guiding Principles on large scale land based investments. They can do this directly or by developing partnerships with organisations which are engaged in promoting progressive approaches to land governance.

Shaping future LSLA

There are some specific opportunities immediately available to conservation and other organizations, such as AWF, with an interest in addressing the negative impacts of LSLA. Regional and global guidance frameworks on LSLA all converge on the fact that the content of investor contracts determine the extent to which LSLA realize benefits or cause harm. There is therefore need for the careful negotiation of agreements with investors. The Investment Agency responsible for the allocation of land to investors (federal level) is currently reviewing the format of the standard lease for investors. AWF has the opportunity to engage with the Investment Agency with the view to lobbying the agency to make any further modifications which may offer additional safeguards. But perhaps even more fundamentally, conservation organizations should call for a shift in mindset regarding the definition of development. The government in Ethiopia needs to accept that conservation is also development.

Improved the regulation of LSLA

Another opportunity arises from the fact that the Investment Agency in Ethiopia requires investors to submit quarterly reports detailing any impacts of investor operations in biodiversity. AWF and its partners can access these reports to keep abreast of the environmental impacts of the activities of

investors to inform their advocacy activities and strategies. In addition, new Trade and Investment Proclamation which requires investors to re-register every year. Non-state actors have an opportunity to influence the requirements which investors will be required to satisfy in order for their operating licenses to be re-issued.

Governance and capacity considerations remain key

There are indications that the Federal Government is taking efforts to learn from early experiences in the governance of LSLA. This learning approach promises to deliver improved methodologies and improved outcomes. Non-state actors including AWF can shape this process by identifying information gaps in government documentation and engaging with government to share the data or considerations not acknowledged by government agencies in their perspectives on the governance of LSLA. In as much as some changes can be seen in the approach of some government agencies in the governance of LSLA, much more change is required. CSO can use the small changes seen to date as a spring board for advocating for greater changes. Perhaps a key ask would be the more meaningful incorporation of biodiversity and conservation considerations into texts which describe the mandates and deliverables of government agencies responsible for the governance of LSLA, as well as in texts which describe the obligations of investors.

The points raised in relation to the need to improved governance of LSLA points to the role of parliament. Parliament has a constitutional mandate to oversee government implementation of stated priorities and programmes. There is opportunity for non-state actors build their collaboration with parliament. Such a collaboration will be key to the long term efforts of non-state actors to impact the policy and regulatory environment for LSLA.

Institutional challenges within government agencies at both federal and regional levels, including those relating to capacity constraints and mandates loom large and present themselves as potential obstacles to improved governance of LSLA. Required actions on the part of the federal government include institutional reform defining responsibilities, establishing a mechanism for inter departmental coordination and ensuring effective decentralization. The need for the more established CSO and development partners to continue supporting efforts and capacities of government agencies is apparent.

A final word of caution

In spite of the observed early modifications in the positioning of the federal government in relation to LSLA, there is still need for vigilance. A case in point is the emerging direction of adopting the special economic zones approach for LSLA. If this approach is adopted for wide scale replication, it can have significant implications for landscapes and wildlife. This is a potential area of AWF engagement and advocacy with the authorities in Ethiopia.

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