



Mitigating violent resource conflicts in the Somali region of Ethiopia

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Title picture

Land enclosure in Harshin district (Somali region),
(Photo: T. Hagmann)

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1 Introduction

Recently, “pastoral conflicts” in the Horn of Africa and other regions of Sub-Saharan Africa have emerged on the agenda of conflict researchers and development organisations alike. African drylands provide numerous examples of warfare and reflections on how to mitigate these conflicts are thus relevant. However, the discourse on pastoralist violence reveals a somewhat stereotypical view, which closely, if not intrinsically, links pastoral communities and ways of life to uncontrolled and anomic resource-based violence¹. Peace research is thus challenged to provide analytical tools and heuristic models, which grasp the complex realities of conflictive *and* cooperative behaviour by pastoral societies and their relation to natural resources. Representing work in progress, this paper is part of an attempt to respond to this challenge.

The first section (chapter 2) summarizes the discussion about and contexts of pastoral conflicts and proposes an actor-centred conflict typology on the basis of an anthropogenic approach to natural resources. The following chapter discusses the role of institutions, rules and rights in pastoral resource and conflict management on the conceptual level. Three working hypotheses guiding our research are briefly outlined. Both chapters heavily draw on the author’s original PhD proposal (Hagmann 2002). Chapter 4 in turn is a brief case study of land conflict (management) in one of the districts of Ethiopia’s Somali region. The empirical material presented stems from field research carried out between May and July 2003 in Ethiopia’s Somali National Regional State (SNRS) (also known as “region 5”)² which has been described as a classic example of “internal colonialism”. Ethiopian and foreign scholars working in the country have paid little interest to it so far (see Khalif and Doornbos 2002; Yacob Arsano 2000). The concluding section (chapter 5) partly relates the case study to the previous chapters and proposes a number of points for discussion and reflection.

¹ This discourse materializes in the many projects addressing “pastoral violence” and “peace building” in pastoral contexts in dryland sub-Saharan Africa in recent years.

² On the history and contemporary politics in the Somali region see Barnes, Cedric. 2000. *The Ethiopian State and its Somali Periphery, circa 1888-1948*. Unpublished PhD thesis, Trinity College, University of Cambridge, Cambridge, UK, Brons, Maria, Martin Doornbos, and M. A. Mohamed Salih. 1995. *The Somali-Ethiopians: The Quest for Alternative Futures*. *EASSR XI* (2):45-70, Escher, Reinhard. 1994. *Nationalism and Particularism of the Ogaden Somali in Ethiopia*. In *New Trends in Ethiopian Studies: Papers of the 12th International Conference of Ethiopian Studies. Vol. 1: Humanities and Human Resources*, edited by H. G. Marcus and G. Hudson. Lawrenceville, New Jersey: Red Sea Press, Hagmann, Tobias. 2003. *Tücken des äthiopischen Föderalismus: Destabilisierende Machtspiele im Teilstaat Somali*. *Neue Zürcher Zeitung*, Nr. 158, 11. Juli 2003, 5, Khalif, Mohamud H., and Martin Doornbos. 2002. *The Somali Region in Ethiopia: A Neglected Human Rights Tragedy*. *Review of African Political Economy* 29 (91):73-94, Markakis, John. 1994. *The Somali in the New Political Order of Ethiopia*. *Review of African Political Economy* 21 (59):71-79, Markakis, John. 1996b. *The Somali in Ethiopia*. *Review of African Political Economy* 23 (70):567-570, Schröder, Günther. 1998. *Von Äthiopisch-Somaliland zum Somalistaat Äthiopiens*. Mimeo, Addis Abeba.

2 Violent conflict in pastoral Africa

2.1 Changing rationale of pastoral conflicts

Violent conflict over renewable resources between livestock keepers, peasant cultivators and other user groups in arid and semi-arid Sub-Saharan Africa is a phenomenon of growing concern to local and international observers. During the past decades “traditional”, localised land and water use conflicts and cattle raiding have yielded to more “political” and “commercial” conflicts (Krätli and Swift 2001). Conflict and civil strife dominate many pastoral¹ areas nowadays at great social and economic cost (Scoones 1996a). However, there is no consensus as to the alleged increasing frequency of cattle raiding and other forms of resource-based violence in pastoral Africa (Hussein, Sumberg, and Seddon 1999). Some anthropologists and range ecologists maintain that violent conflict has always been an entrenched feature of nomadic lifestyle and a regrettable yet integral part of shifting social interactions between pastoralists and farmers (Blench 2001). Another and currently dominating school of thought, mainly authors with a development or conflict research background, claims that the increasing scarcity of resources has increased the frequency *and* intensity of violence among pastoralists and farmers in semi-arid and arid hotspots during the last decades. This scarcity has been exacerbated by state interventions supporting agricultural production systems, nationalisation of rangelands, sedentarisation of nomadic populations, privatisation of land, the breakdown of customary governance, and the availability of cheap small arms (Abbink 2000; Abdi Umar 1997; Lane and Moorehead 1996; Mkutu 2001). This perspective has become “conventional wisdom” in policy-oriented research, although there seems to be little empirical evidence to support this interpretation (Hussein, Sumberg, and Seddon 1999). As the type of violent conflict that is referred to is often not specified and consistent and rigorous time-series data is inexistent, neither claim can be validated. Nevertheless, it is clear that the *rationale* and *dynamics* of pastoralist conflicts has been changing in the last two decades under the combined influence of the factors mentioned (Hendrickson 1997).

2.2 Phenomenology of resource-based conflicts

Case studies and accounts of violent resource conflicts in the Greater Horn of Africa are abundant². Most of them are authored by social anthropologists. Recently, pastoral conflicts have also shifted into the focus of the “peace building” community (Mkutu 2001; MSI 2002). Conflicts in pastoral areas can be differentiated according to their intensity ranging from “competition” to “violent conflict” as well as a number of other criteria according to the outcomes, actors, level or scale, duration or the issues involved in conflict. Violence is only one possible outcome of *conflicts of interest* that are

¹ Pastoralism is defined as “the use of extensive grazing in rangelands for livestock production” (Blench 2001:6).

² For a detailed literature review see Hagmann, Tobias. 2002. Mitigating violent resource use conflicts in pastoral areas of the Horn of Africa. Berne.

portrayed as “consensual conflicts” involving competition over tangible resources or rewards (Druckman 1993; Jabri 1996). Physical violence occurs in different intensity forms ranging from cattle raiding to large-scale armed conflict between resource user groups. The rivalry between actors competing for goods and services derived from renewable resources is at the centre of this research (Knoepfel, Kissling-Näf, and Varone 2001a). Thus, we propose a simplified taxonomy classifying conflicts according to the conflict parties and the disputed resource uses implicated. Three ideal-type resource conflicts can be distinguished for the drylands of the Horn of Africa, namely “herder-herder”, “herder-farmer”, and “multiple resource user” conflicts.

Herder-herder conflicts: Armed conflict between transhumant livestock keepers often arises between receiving groups invested with “sovereignty” over their territory’s resources and incoming groups searching for water and pastures (see Sharif Harir 2000). Pastoral societies have become militarised and “predatory and violent forms driven by a criminal and acquisitive logic” more and more characterise herder-herder conflicts (Hendrickson 1997:18). The privatisation, commercialisation and institutionalisation of violence have led to situations of permanent insecurity and a “sociology of warfare” (Osamba 2000) in many dryland areas. Resource-based conflicts have in many cases reached “unprecedented levels of violence” (Mkutu 2001:17) in a “virtual civil war over resources” (Abdi Umar 1997:2), often leading to loss of human and animal lives in the hundreds. The altered nature of herder-herder conflict is best seen through the changing levels of violence involved. While killing had also a symbolic value in “traditional” pastoral conflicts, the physical elimination of rival group members becomes a deliberate aim in the “new” forms of herder-herder conflicts.

Herder-farmer conflicts: Competition between peasant cultivators and nomadic livestock owners is a traditional feature of semi-arid African lowlands. The cutting of cattle corridors by agricultural plantations, stray animals causing damage to crops or disputes over access to water often trigger violence between herders and farmers (Blench 2001). The dry season constitutes the most critical time, as pastoralists need to move their herds in search of greener pastures and water, frequently clashing over scarce resources with farmers. Colonialism shifted the balance of power between pastoral and agricultural production systems in Sub-Saharan Africa (Abdi Umar 1997). Pastoral populations saw their land base diminish and their traditional migration patterns curtailed as a result of expanding and intensified crop farming in their semi-arid and arid homelands. Yet the complex interactions between pastoralism and agriculture in African drylands have too often been apprehended in static and dichotomous terms (Babiker 2001). In reality, pastoralist and agricultural production systems are mutually dependent and “this mutual dependence co-exists with tensions” (Hussein, Sumberg, and Seddon 1999:409). While reference to “pastoral” or “cultivator” identity is frequently made in situations of conflict, many households de facto engage in some form of agro-pastoralism combining crop-cultivation and animal husbandry (Blench 2001; Turner 1999).

Multiple resource user conflicts: With the development of large-scale irrigation projects, mechanised farming and national parks by government and private companies, new user groups have entered into competition for land and water in the Horn of Africa. Huge increases in irrigated and rained agriculture and the introduction of

extensive networks of conservation areas for game and tourist parks have increased competition over meagre resources with and between small-scale cultivators and pastoral populations (Ayalew Gebre 2001; Mohamed Suliman 1999b). According to Cousins (1996) multiple resource users conflict involve different categories of users (individuals; households; kinship groups; corporate groups; villages; communities; tribes; ethnic groups), users of different status (owners; co-owners; users of the primary, secondary, and tertiary sectors; leasers and lessees, unrecognised or “illegal” users), different uses (i.e. different goods and services derived from a same renewable resource), resources of differential productivity, economic value and ease of control and different sets of rights and obligations for users of resources. They differ from “traditional”, localised land conflicts (Baechler et al. 1996) by the number and interests of resource uses and stakeholders involved and the socio-economic and political linkages they create with the larger political economy and political system. The continuing heterogenisation of resource uses, production systems and social groups is the driving force behind these multiple resource user conflicts. As a central feature of contemporary resource-based violent conflicts in the Horn of Africa, this category is at the centre of our research.

2.3 Pastoral conflicts in the wider context

Resource use practices are increasingly shaped by interactions with larger-scale processes (Mehta, Leach, and Scoones 2001). Disputes over user rights are in many cases carried out by *different identity groups*. In situations of increasing competition, collective identity or ethnicity can be strategically invoked by local leadership to mobilise for conflict (Hendrickson, Mears, and Armon 1996). Pre-existing cleavages and historical relations of group conflict blur the line between “ethnic” and “resource” conflicts and exacerbate violent actions (Moore et al. 1999). However, “tribe is only used as an organising principle and as a means of drawing the battle line when conflict arises” (Seyoum Gebre Selassie and Tesfu Baraki 2002:231). Many pastoralist conflicts evolve in the context of the *governance crisis* that characterises sub-Saharan Africa. Resource conflicts are linked to the competition for influence over the state and open violence is an affirmation of political autonomy from the government (Abdi Umar 1997; Fukui and Markakis 1994). The “frontier phenomenon” of banditry and chronic insecurity occurs in provincial areas where state authority is weak in terms of monopoly of violence, legitimacy, and institutional capacities (Moris 1999). Legitimate political authority is often eroded and the existence of privatised forms of violence is widespread (Allen 1999; Trotha 2001). Historically, relations between the state and pastoral communities have been characterised by systematic marginalisation, physical violence, misguided development policies, frustration and distrust (Blench 2001).

Local resource use conflicts are connected with regional, i.e. *transboundary conflict arenas*. This is especially the case for the countries in the Horn of Africa where (de-)nationalisation processes are ongoing, national societies are divided along ethnic and religious lines and political loyalties often cut across state boundaries (Markakis 1996a; Tekle Amare 1996). Conflicts in the region are characterised by long endurance, relatively low levels of intensity, multiple group rebellions against central governments, proxy-warfare across national borders, fragmentation and factional fighting among opposition groups, quickly changing alliances and non-inclusive peace

agreements (McGinnis 1999). In the Horn of Africa, “internal” and “external” conflicts are often intermingled and insecurity cannot be contained inside sub-regional units as borders have limited meaning in transboundary production systems (Cliffe 1999; Klein 2002; Mwangiru 2000). Multiple user conflicts and increasing levels of violence are also related to *chronic forms of poverty* in conjunction with the process of commodification and integration into national and global market economies (Blench 2001; Waller 1999). Colonial history, centre-periphery struggles, the one-sided promotion of agricultural livelihoods and the loss of control by pastoralists over the terms of trade have aggravated the economic status of large parts of populations in the border areas of eastern Africa (Hogg 1986; Markakis 1993). In situations of ongoing food insecurity, socio-political volatility and ecological non-equilibrium, physical force becomes a coping strategy to defend and acquire access to vital resources (Hendrickson, Mears, and Armon 1996).

Figure 1: Typology of resource conflicts

	Conflict type	Conflict parties	Disputed renewable resources		Role of State and pastoralism in conflict
			Resource	Main disputed use(s)	
a	Herder-herder	pastoralists ↔ pastoralists	Land	- grazing land	
Water			- water for livestock		
Vegetation			- pasture		
Wildlife			- livestock		
b	Herder-farmer	pastoralists ↔ agro-pastoralists; ↔ cultivators	Land	- grazing land - rain-fed agriculture/ irrigated farms - land for settlement	
Water			- water for livestock - irrigation schemes		
Vegetation			- pasture - cash and subsistence crop - fuel wood		
Wildlife			- livestock - fishing		
c	Multiple resource user	pastoralists ↔ agro-pastoralists; ↔ cultivators ↔ conservators ↔ developers ↔ urban dwellers	Land	- grazing land - rain-fed agriculture/ irrigated farms - land for settlement - national parks - agrobusiness	
Water			- water for livestock - irrigation schemes - hydropower - water used to dump waste		
Vegetation			- pasture - cash and subsistence crop - firewood		
Wildlife			- tourism - livestock - fishing - tourism		

Hagmann 2002

3 Rules, rights and resources

The understanding of resource conflicts requires a thorough understanding of institutions, which determine, or rather, shape human agency in regard to conflict as well as to natural resources.¹ In order to overcome the unhelpful dichotomy of customary/traditional versus state/modern institutions as well as to reconcile natural resource management perspectives with a conflict transformation viewpoint, institutions are, in a first moment, apprehended from a sociological and ethnographic perspective (Ensminger 1998; Ensminger and Rutten 1991; Mehta, Leach, and Scoones 2001). In line with a conception of agent-structure interaction (Bourdieu 1998; Giddens 1984), we apprehend institutions as established practices, which “homogenise individual behaviour, (...) generate patterns of perception and interpretation, normative settings, and bearable modes of action in society which allow for the peaceful co-existence of any social group” (Sottas et al. 1998:73). Moreover, they are “sets of working rules that are used to determine who is eligible to make decisions in some arena, what actions are allowed or constrained, what aggregation rules will be used, what procedures must be followed, what information must or must not be provided, and what payoffs will be assigned to individuals dependent on their actions” (Ostrom 1990:51). Institutions thus regularise patterns of behaviour through embedded “rules in use” (Giddens 1984) which constrain *and* enable social behaviour. Institutions themselves are part of normative orders, societal values and representations that are historically constituted.

In the sub-Saharan African context, the discrepancy between official rules and laws and actual local practice can be apprehended through the concept of *legal pluralism* (Benda-Beckmann 2001; Woodman 2001). While formal institutions are backed up by state legislature, informal institutions include kin networks, local cultural administrative structures, customary land tenure rules, as well as conventions about marriage, inheritance or trade and customary procedures to resolve conflicts over resources (Swift 1996; Watson 2001). Customary institutions in environments marked by unpredictability are “fuzzy” in regard to resource tenure, ownership, ethnic identity and institutionalised cognitive patterns (Krätli and Swift 2001). In the “frontier” zone, formal state law is not the exclusive source of legitimate normative order and cannot be opposed in a dichotomous fashion to informal normative orders such as customary law (Cleaver 2001). Rather, legal and customary orders are complementary, interactive, overlapping and mutually constitutive (Meinzen-Dick and Pradhan 2001). Where there is no longer one unambiguous set of rules about resource use, actors pick and choose which set of rules they will base their actions on and appeal to. Therefore, people use a *combination* of formal and informal political institutions to define and enforce property rights to resources (Ensminger and Rutten 1991; Krätli and Swift 2001). Property,

¹ On institutions see the growing “new institutionalist” literature of which Clemens, Elisabeth S., and James M. Cook. 1999. POLITICS AND INSTITUTIONALISM: Explaining Durability and Change. *Annual Review of Sociology* 25:441-466. provides an excellent overview and synthesis. For anthropological and sociological viewpoints see Ensminger, Jean. 1998. Anthropology and the New Institutionalism. *Journal of Institutional and Theoretical Economics* 154 (4):774-789. and Brinton, Mary C., and Victor Nee, eds. 1998. *The new institutionalism in sociology*. New York, N.Y.: Russell Sage Foundation., respectively.

rather than a material object, is a social relation defining the property holder with respect to something of value against others: It is “a claim to a benefit stream rather than a static entity” (Bromley 1991:2). Property rights are socially embedded and only as strong as the normative social order and the actor groups that support them (Donge 1999; Widlok 2000). As pastoral resources are usually held under “communal land tenure” systems, exclusionary barriers “are porous and rules of access highly socialized” (Turner 1999:652). Access to land is thus based upon membership of a group (Lane and Moorehead 1996) and ultimately depends on power relations.

The conceptualisation in terms of common property rights (CPR) has exerted a considerable influence on research and practice in the past, namely in developing countries where CPR approaches have informed many community-based natural resource management. However, CPR studies and “design principles” (Ostrom 1990) usually frame resource management in terms of “crisp” property rights, i.e. the number of resource users, the boundary of the resource and the availability of the resource at any time are known to all members involved in a given natural resource setting. These conditions are only partly existent in complex, multiple resource eco-systems.¹ A one-sided focus on user and property rights thus only partly grasps the realities of pastoral areas which are likely to be used by different ownership groups with overlapping claims to territory derived from particular, season-specific claims to different resources within (Behnke 1994). Policies and rules determining how, when and by whom goods and services of resources are to be used are of equal importance. The concept of institutional resource regimes (IR) which integrates property rights and policy design(s) as well as procedural and substantive dimensions of institutions meets this concern (Kissling-Näf and Varone 2000; Knoepfel, Kissling-Näf, and Varone 2001b; Knoepfel, Larrue, and Varone 2001). An IR is thus defined as a combination of property, entitlement and user rights to a resource and directly related public policies with specific protection and user aims, causal hypotheses, target groups, intervention instruments and actor’s arrangements [author’s translation] (Knoepfel, Kissling-Näf, and Varone 2001b:11).

¹ Critics argue that CPR approaches fail to account for the increasing complexities and ecological, economic and socio-political uncertainties of NRM; that they tend to have an overly static and technocratic approach to institutions and institution-building; that they frame local communities in terms of shared norms and relative homogeneity neglecting social fragmentation and power structures and that their analysis is largely based on management regimes for single resource units rather than multiple uses and users with moving boundaries and membership. Last but not least, they reject “the evolutionist notion that better institutions can be “crafted” by resource users and policy makers” (Cleaver 2000:365). See Cleaver, Frances. 2000. Moral Ecological Rationality, Institutions and the Management of Common Property Resources. *Development and Change* 31 (2):361-383., Leach, Melissa, Robin Mearns, and Ian Scoones. 1997. Challenges to Community-Based Sustainable Development: Dynamics, Entitlements, Institutions. *IDS Bulletin* 28 (4):4-14, Marty, André. 1993. La gestion des terroirs et les éleveurs: un outil d'exclusion ou de négociation? *Revue Tiers Monde* 34 (134):327-344, Turner, Matthew D. 1999. Conflict, Environmental Change, and Social Institutions in Dryland Africa: Limitations of the Community Resource Management Approach. *Society & Natural Resources* 12 (7):643-657.

3.1 Assumptions and working hypotheses

3.1.1 Collaborative peace building

A first hypothesis assumes that *conflict management¹ is enabled through the inclusion and participation of stakeholders who are not directly involved in violent disputes over natural resources*. Contemporary resource conflicts in semi-arid and arid hotspots not only engage direct resource users such as pastoralists, cultivators or developers, but also businessmen, politicians, warlords, administrators, chiefs, security forces, civil society organisations, refugees, etc. (Krätli and Swift 2001). Not all of them are physically involved in resource consumption on the ground. Yet many affect and/or are affected by conflict dynamics relating to resource use and their interests need to be articulated and taken into account. Yacob Arsano (2002) argues that an inclusive procedure involving a wide variety of stakeholders is the most beneficial way of sharing scarce resources. Suliman (1999a) demonstrates that the exclusion of the local leadership from peace negotiations was the determinant variable explaining the failure to reach peace in the Sudanese Fur conflict. Broad actor alliances are often more legitimate as they encompass crosscutting “horizontal” and “vertical” linkages with and among different stakeholder groups (Lederach 1997). Furthermore, they allow for sharing and transfer of resources among those actors represented in local peace committees as the Wajir (north-eastern Kenya) and the Boran-Degodia (southern Ethiopia) examples illustrate (Getachew Kassa 2000; Ndegwa 2001). “Joint peace committees” are cases in point of such collaborative and inclusive peace building strategies (Heinrich 1997). Composed of representatives of conflict parties (mainly elders), local government officials, religious leaders, and members of different community-based organisations, the formation of such committees has been suggested as a valid strategy to mediate and de-escalate longstanding violence over natural resources on the community-level (Ndegwa 2001).

3.1.2 “Institutional bricolage” and negotiation platforms

A second hypothesis postulates that *the integration of customary and modern institutions and rules for conflict and resource management is an effective conflict transformation² strategy*. Conflicts not only relate to observable contentious issues such as the access to natural resources, but are also motivated by dissimilar conceptions about the appropriate and legitimate way to resolve it (the procedural dimension of institutions). This is especially the case in multiple resource conflict settings where actors base their actions and claims on different, often incompatible rules. Authors have emphasised the need to strengthen “negotiation platforms” and “procedural rules for negotiating” access to resources (Hendrickson 1997; Scoones 1996b; Turner 1999). Therefore, we hypothesise that the existence of arrangements blending informal and formal, customary and modern rules establish effective platforms for the negotiation and arbitration of resource conflicts (Meinzen-Dick and Pradhan 2001). By

¹ Defined as outcome-oriented actions with the aim of reducing violence used by conflict parties as well as engaging them in a dispute settlement process.

² Defined as process-oriented interventions targeting structural and underlying conflict causes.

incorporating a plurality of normative orders, these “mixed institutions” integrate competing legitimacies, reconcile customary and modern procedures, attribute political recognition to different (also marginalised) stakeholder groups and therefore bear greater acceptability for the heterogeneous resource user groups (ibid.). Quam (1997), Atta El-Battahani (2002), Sharif Harir (2000) and others have provided examples of successful community based peace building in which government officials who based their interventions on customary conflict resolution processes were able to prevent further outbreaks of large-scale armed conflict. The *institutionalisation of negotiation procedures* therefore passes through an innovative process of “institutional bricolage” which blends existing rules and establishes new ones acceptable to all stakeholder groups (Clever 2001; Kriesberg 1998).

3.1.3 Institutional resource regimes providing flexible user rights

This hypothesis focuses on the condition under which negotiated agreements between multiple resource users emerge. It proposes that *violent multiple resource user conflicts are more easily transformed under institutional resource regimes with differentiated bundles of user rights for diverse resource users and uses*. This proposition is based upon empirical evidence as well as recent research findings in range ecology and non-equilibrium livelihood systems that recognise the need for flexible tenure arrangements (Blench 2001; Mohammad A. Jabbar, Ehui, and Saal 2000; Scoones 1996a; Turner 1999). The exchange of (differentiated) rights has been described as a key factor in the ending of longstanding violence between Somali and Boran clans in southern Ethiopia (Baechler et al. 1996; Mohamed Suliman 1999a) as well as for the conclusion of a peace agreement between Karrayu and Ittu pastoralists in the Awash Valley (Ayalew Gebre 2001). In cases in which conflicting user groups adopt “negotiated paths to conflict termination” (Kriesberg 1998:262), outcomes are likely to consist of a redefinition and/or redistribution of flexible bundles of property rights among the main stakeholders involved. Flexible bundles of property rights refer to jointly agreed solutions differentiating the rights to access, withdraw, manage, exclude and alienate goods and services derived from disputed resources. As Suliman (1999a) demonstrates, the temporary and asymmetric sharing of contested resources, and the mutual recognition of differentiated property rights facilitate the peaceful settlement of resource conflicts. Once conflict parties adopt a non-exclusionary conception of resource access and decide on “fuzzy” rather than crisp property rights, which reflect the diverse needs of competing production systems, chances for a negotiated conflict settlement increase. The quid pro quo exchange of seasonally and spatially differentiated rights is therefore seen as a basis for non-exclusive land-use regimes as flexible bundles of property rights have a higher chance of accommodating the heterogeneous livelihood strategies implicated in multiple resource use conflicts, although they imply higher transactions costs (Behnke 1994).

4 Land enclosure and conflict resolution in Harshin *woreda*

4.1 Context and setting

Harshin *woreda*¹ is one of four districts of Jijiga zone of the Somali National Regional State (SNRS). Situated at approximately 120 km from Jijiga town, Harshin borders the self-declared Republic of Somaliland to the north and east (international border) as well as Degehabur zone (Ethiopia) to the south. Topographically, the area is almost flat at an altitude of about 1400 m. Vegetation cover consists of various acacia species, bush trees and grasses which form the life-sustaining resources for local Somali pastoralists. The southeastern parts of the district marks the beginning of the *haud*, a grazing “reservoir” of strategic and historic importance for Somali pastoralists that stretches between Aware and Dibile. The district receives an annual average of 330.4 mm of rainfall, starting from April to September (SERP 1994)². Livestock economy, mainly selling of milk, is the predominant livelihood in the area, although cross-border and petty trade as well as charcoal production provide alternative incomes. Due to recent and recurrent droughts as well as a livestock import ban imposed by Arab Gulf States, herd sizes are on the decrease, yet terms of trade had been unfavourable for pastoralists even before the import ban (OXFAM GB 2002). Camels and small ruminants represent over 90% of the district’s total livestock population. Surface water is harvested in cemented cisterns (*birked*) and natural ponds which have spread continuously in past decades – in combination with an increase of small permanent settlements (Ayele Gebre Mariam 1996; Hogg 1997; Jama Sugule and Walker 1998). Water is sold by private *birked* owners as well as by water tankers coming into the district from Somaliland.

4.2 Land enclosures and violent conflicts

The district is inhabited by an estimated population of 66’000³, although figures lack reliability due to important cross-border population movement and weaknesses of the data collection process. Communities settle in clusters comprising 6 to 7 families which are known as *deris*, each family having 10 to 20 members (OXFAM GB 2002). For decades, the area has been “inhabited” by nomadic pastoralists and the rangelands were de facto used as common-pool resources for the local (mostly) Habar Awal clans of the Issaq clan family⁴. Since the beginning of the 1990s violent conflict in the district is

¹ *woredas* constitute the second lowest administrative unit in Ethiopia (regional state; zones, *woredas*, *kebele*).

² The main seasons are *xaga* (short dry season), *gu* (main rains), *jilaal* (long dry season) and *dayr* (short rains). Rainfall is erratic and characterized by high temporal and spatial variability which determines migration patterns of herders.

³ Central Statistical Authority (1998): The 1994 Population and Housing Census of Ethiopia. Results for Somali Region. Volume 1. Statistical Report. Addis Abeba: Central Statistical Authority.

⁴ On the (traditional) patrilineal and segmentary clan lineages of the Somali see, among others, Ambroso, Guido. 1994. *The Somali Clan System: An Introduction to Somali Society and History*. UNHCR Sub-office Jijiga, Jijiga. Lewis, I. M. 1998 [1969]. *Peoples of the Horn of Africa: Somali, Afar and Saho*. 4th ed.

intimately linked to *changing land use* patterns, a phenomena first observed by staff of the now defunct South-East Rangeland Project (SERP) (Hogg 1993; 1997). The spread of land enclosures, i.e. fencing of land units for grazing and – to a limited extent – for agricultural production (maize, sorghum, *khat*) in the district exemplifies a profound transition from communal grazing to semi-private land ownership. Rain-fed agriculture is a relatively recent phenomenon in the district (20 years old). The privatisation of the “commons” is driven by the continuous expansion of agricultural and agro-pastoral production and associated land use patterns of the neighbouring districts to the west and southwest (“Jijiga plains”). The eastward extension of sedentary agriculture is, in theory, restricted by climatic, biospheric and technological (water availability) conditions. However, land use practices of the surrounding (agro-)pastoral districts “spill over” into Harshin due to a break-up of traditional grazing reciprocity. Neighbouring pastoralists have a longer history of land enclosures, mainly for the purpose of grass and fodder production. During the rainy season these pastoralists conserved their enclosed land for the dry season and thus grazed their livestock in Harshin district. This was rendered possible by Harshin’s *communal grazing* regime (non-excludability of other resource users) and the existence of traditional contracts and (dynamic) political alliances between the various Issaq as well as other Somali clans of the area¹. The cumulative effects of increased demographic pressure in the course of massive population influx after the outbreak of the Somali civil war in 1988² and recurrent droughts throughout the 1990s exacerbated land pressure in and around Harshin district. Pastoralists in Harshin thus started to enclose land spontaneously, yet massively in different waves since the mid-1980s in order to safeguard grazing resources as well as to “pre-empt the area becoming farmland” (Hogg 1993:81). This in turn accentuates the competition between the different Issaq sub-clans as the control over land is strongly tied to economic survival and political power.

Harshin’s history of massive violent intra-clan conflict dates back to June 1992 when over hundred people were killed and several thousand displaced. The fighting lasted one month and involved the Issaq clans of Samatar and Liban (respectively Yasuf) and although it was sparked by a minor interpersonal argument, was related to land and power politics within the district. A SERP staff who visited Harshin in the aftermath of the conflict identified farmer-pastoralist tensions (i.e. divergent land uses), clan politics

Lawrenceville (NJ)/Asmara: Red Sea Press, Lewis, I. M. 1999 [1961]. *A Pastoral Democracy: A Study of Pastoralism and Politics Among the Northern Somali of the Horn of Africa*. 3rd ed. Hamburg: LIT. For a recent contribution of the relationship between Somali society, conflict and land see Ibrahim Farah, Abdirashid Hussein, and Jeremy Lind. 2002. Deegaan, Politics and War in Somalia. In *Scarcity and Surfeit. The Ecology of Africa's Conflicts*, edited by J. Lind and K. Sturman. Pretoria: Institute for Security Studies (ISS).

¹ These “contracts” continue to exist as the ongoing mobility of Issaq *geel gire* (lit. camel keepers) within the areas inhabited by the Ogadeni clans, namely Degehabour demonstrates. Yet, sporadic incidences of armed conflict between mobile camel keepers and host communities are frequent and longstanding. As baseline data is next to inexistent, the often hypothesised increase of such violent encounters is difficult to prove.

² The civil war commenced with fighting between Siad Barre’s national army and the rebel Somali National Movement (SNM) which was mainly supported by Issaq (and some Gadabursi) clans. The “Ethiopian” Issaq hosted large numbers of “Somali” Issaq refugees after the outbreak of the war. See Brabant, Koenraad Van. 1994. *Bad Borders Make Bad Neighbours: The Political Economy of Relief and Rehabilitation in the Somali Region 5, Eastern Ethiopia*. Humanitarian Practice Network Paper No. 4, Overseas Development Institute, London.

in Somaliland and local rivalry between the two clans as the primary underlying conflict causes (Hogg 1993:81-83). Immediately after peace was restored, the district's clan elders decided that all "farms" and land enclosures in the district should be disbanded, as they were perceived as creating clan hostilities. The call for the reestablishment of open access to the range has since then been repeated by elders after each major conflict incidence in the district. However, all attempts to return to communal grazing proved futile as local livelihoods become increasingly dependent on enclosures. After the 1992 incidence sub-clan groupings started to separate and settle on defined territorial units within the district "while before the clans used to intermingle" (and so did the livestock)¹. Since the mid-1990s, the spread of land enclosures regained momentum with massive portions of land being fenced during recent years. The continuous enclosing of land was and to this very day² is accompanied by countless conflictive encounters ranging from disputes between individuals to organized clan conflict. Cumulative casualty figures for the past five years add up to approximately forty to fifty persons killed in separated incidences. The genesis and escalation of land disputes in Harshin usually follows a similar pattern. Disputes start between individuals and households claiming land ownership for their animals or settlements. If a peaceful conflict settlement fails or if physical violence is applied by the disputants (brawls, shootings, killings), containment of further escalation from the interpersonal level towards full-fledged clan conflict becomes difficult. Physical harm, namely the deliberate killing of one of the disputants represents an important threshold as it automatically implicates the clan lineage(s) of the individuals and households involved in the dispute. Conflicts between individuals thereby immediately *escalate* into clan conflicts and clan relatives and their weaponry³ are mobilized and brought to the battlefield in a very short time span.

4.3 Conflict management and the *guurti* elders

A range of different conflict management strategies is applied in response to the numerous conflicts sparked by land enclosures. In accordance with Somali custom, elders are the key actors in ending hostilities and negotiating agreements between dispute parties. Conflict management practices can schematically be differentiated according to levels of violence involved. At the initial, interpersonal stage of the conflict, local and neighbouring *deris* elders usually intervene to settle the argument amicably between those involved. Furthermore, district inhabitants since recently have the possibility to present their case in front of the district court (secular) or the *sharia* court (religious, yet state-controlled) based in Harshin town. The court then attempts to establish land ownership and (in-)validate claims by the parties based upon investigations of the district authorities. Although the Ethiopian constitution and (land) legislation does not provide for private property, but only for rights of use, the court attributes "full" land ownership based upon "proofs" of seniority of resource use.

¹ Interview, Harshin.

² During the author's stay in Harshin, elders and district authorities were permanently engaged in mediating land conflicts in the various corners of the district.

³ All pastoralists in the district possess firearms, a result of the Somali civil war and the influx of small arms.

Violent intra-clan conflicts are resolved in close collaboration between the district authorities and the elders of the district. In recent years and through consecutive conflict interventions, a proper *conflict management structure* has been set in place: As soon as the authorities and/or elders are informed about the outbreak of clan violence within the district, an intervention team composed of security forces (federal military located in the capital town of the district as well as militiamen), district officials and elders is organized which then rushes to the conflict sites. The conflict parties are separated by force and fighting clansmen disarmed. Once physical hostilities are contained, a conflict resolution process is initiated based on the customary Somali *xeer* and thus the compensation of the victim's relatives through blood money (*mag*). The modalities of blood money compensation are negotiated between the elders of the clans involved in conflict as well as a neutral "third-party" delegation of mediating elders who are summoned by the district authorities¹. Blood compensation is implemented according to a precise procedure which involves three consecutive steps: In the first phase, known as *axan and kafan*², the killer has to hand over his gun and 3000 Ethiopian Birr to the victim's clan³. It is only after *axan and kafan* that the amount of compensation will be decided upon (usually 100 camels for a male victim, exceptions apply). Within five to 20 days a first part of the *mag* known as *rafiso* has to be handed over, usually comprising 20 to 30 young camels in good physical condition. The mediating elders as well as some district officials remain at the conflict site until the *rafiso* is paid. During this period, the killer's family has to provide them with food (including *khat*) and accommodation. Upon completion of *rafiso*, the *mag dheer* (lit. long *mag*), i.e. the remaining part of the compensation is paid within two to four months after the initial agreement. Camels to be paid under the *mag dheer* can be weak and old, but the number of female should exceed the number of male camels. In addition, the disputed piece of land is either divided between the two conflict parties or, if "ownership" can be established, attributed to one of the parties.

All important steps of the conflict resolution process and the decisions of the mediating elders are brought to paper in order to document the modalities of the *mag*. This paper is then signed by the elders of both conflicting clans who commit their groups to refrain from further hostilities and to abide to the modalities negotiated. Copies of these agreements are kept for record by the district and zonal administrations. The district officials and elders encounter numerous difficulties in the conflict settlement process such as the insistence of relatives to bury their victim at the conflict site⁴ or, if two powerful clans are involved, the refusal by parties to compromise. The "mediators" have developed a range of strategies to respond to these challenges: The forceful collection of firearms as well as the arrest of innocent clan relatives of the perpetrator provides the district authorities and associated elders with the necessary leverage to pressure the conflict parties to accept the blood money compensation. The latter is largely preferred to the legal system (district court) who might sentence perpetrators for

¹ In the past three years, 22 "third-clan" delegations of this type were set up to mediate clan conflicts in the district.

² *axan* designates the camel slaughtered at the funeral while *kafan* refers to the white garment used to cover the dead body before burial.

³ Actually, to the *jiffo* or blood money group of the victim.

⁴ Which corresponds to the land under dispute and thus allows the victim's relatives to claim ownership over the land.

many years to prison which constitutes an economic loss for the killer's as well as the victim's relatives.

The close collaboration between district authorities and clan elders not only reflects the important social status of elders and of *xeer* as the dominating normative order, but has also been actively propagated and instrumentalised by the regional government¹. As of 1999/2000 the region established what is known as the *guurti* (clan elders) system that represents an integration of the traditional political role of elders into regional governance². On all administrative levels (i.e. *woreda*, zone, region) clan elders have been recruited to advise and support the administration, namely in conflict and security related matters. Thus, Harshin district has three *guurti* elders who closely assist the district authority and who receive their salaries from the government. The *guurti* system thus represents a formalization of the elder's governance role and the establishment of a "semi-governmental traditional institution" (Donovan and Tsegaye Regasse 2001:30)³. While the integration of elders into government services certainly constitutes a novelty for regional politics and governance, the distinction between state or *guurti* elders vs. other elders is of limited meaning in the conflict resolution process in Harshin district (and probably other parts of the region). Functionally, elders are used and needed to represent and defend the interests of specific clan lineages in political processes. Individually, elders boast legitimacy because they have (or have not) a reputation of personal integrity. In terms of dispute settlement in Harshin district, the question is thus less one of "state" vs. "non-state" elders, but to what degree elders are actually capable of exerting control and authority beyond the immediate blood compensation process. While their role as *peacemakers* is unquestioned, their role as *resource managers*⁴ is heavily eroded (see also Hogg 1993:84)

¹ The same process of formalizing the political role of elders has occurred in Ethiopia's Afar region.

² Parallels with Somaliland's *guurti* council are obvious, yet the political motive behind the establishment of the *guurti* system in region 5 is of a different kind than the one in Somaliland.

³ The establishment of the *guurti* in Somali region has up to now encountered limited interest by researchers, respectively is not yet widely known.

⁴ Apart from banning land enclosures in the district, the elders had equally and repeatedly agreed that charcoal production for commercial purposes should be forbidden. Neither one of these decisions were implemented by their fellow clan members.

5 Discussion and reflections

5.1 Points to ponder

The brief and simplified description of land use conflicts in Harshin district reveals a number of points, which are of special interest for discussion¹:

5.1.1 Resource use rules and conflict transformation

As the Harshin case study demonstrates, conflict management and resolution mechanisms are solidly institutionalised. The combination of the traditional *mag* blood compensation based upon the normative order of the Somali *xeer* with (modern) state rules and actors renders conflict resolution greatly effective. However, the intervention of elders and district officials resembles the work of firemen rushing from one hot spot to the next. The underlying and driving causes of these land conflicts, namely the absence of a consensus among the local Issaq clans on *how* to use their pastoral resources, is and cannot be resolved by such measures. From a conflict mitigation point of view, the issue is thus less one of conflict resolution than of conflict prevention and transformation. As long as there is no agreement on the rules governing the rights to access, withdraw, manage, exclude and alienate resources (Ostrom 1999) within the district, violence will continue. From the viewpoint of institutional resource regimes, there is a need for a negotiated procedure between the different clans in order to define flexible and differentiated resource use rules which are able to accommodate multiple resource uses and users' strategies. As the perimeter of such an institutional regime would largely exceed district boundaries, a regional land use policy is desperately needed.

5.1.2 Atomisation of clan identity and “prisons for livestock”

The enclosing, division and approbation of land in Harshin district is concurrently the expression and the motor of profound transition of local pastoralism (see also Jama Sugule and Walker 1998). The political geography of land is directly related to the *reconfiguration* of clan identities and relations. Previously, Hogg (1993:27) observed that “only at clan and to some extent sub-clan level (...) is there a marked association between lineage and territory”. In Harshin district this does not hold true any longer. Through the process of land enclosing, the association between an identifiable, i.e. spatially circumscribed territory and smaller lineage groups becomes more and more marked². On the one hand, clan lineage membership is needed to claim and legitimatise land ownership, on the other hand, the settlement process furthermore atomises sub-

¹ The hypotheses guiding this research will be discussed in detail in future publications by the author. Other “points to ponder” include platforms for negotiating resource rules (the procedural or deliberative dimension of resource and conflict management institutions), the co-existence of normative orders as a basis of institutionalised rules as well as the limits of clearly defined property rights and CPR (common-property resource) approaches.

² The fact that violent conflict is carried out “in the family”, i.e. between close lineages in genealogic terms is illustrative in this regard.

clans identities and disentangles clan groupings spatially and socially. Such a process might be interpreted in evolutionary terms as a decline of an outdated pastoral production system and way of life that in the long run will be replaced by settled agriculture and, eventually, industrialisation. The mindset of Ethiopian (highland) culture and government policies towards the country's pastoral areas are characterized by such a perspective. However, the ongoing land use changes first and foremost embody the transformation of social relations among and between pastoralists of the area. Land enclosures, which have also been described as "prisons for livestock", not only and seriously limit the mobility of herds, but redefine a number of social institutions (such as grazing reciprocity between distant clans) with far reaching consequences for social organisation of pastoralists.

5.1.3 Relationship to land

The permanent enclosing of land is a phenomena previously "alien" to Somali pastoralism - at least in its nomadic form and the conception of static, delimited and individualised property in many ways contrary to the customary values propagated by Somali pastoralists¹. Land enclosure and land competition in the case of Harshin district is best captured by the idea that people *claim land*, which has a double connotation. On the one hand, land is claimed because it provides goods and services necessary for the survival of animals and humans, on the other hand land is claimed in order to exert and establish permanent political control. While the political dimension of land tenure is nothing new per se, it is of specific historic significance in Somali region as it partly reflects the realities of "ethnic federalism"² which ties political representation and thus access to political and financial resources to circumscribed territoriality. In the case of Harshin, the establishment of pastoral settlements claiming status of *kebele* and thereby access to food aid and political representation is illustrative. Furthermore, land enclosures and disputes are partly accompanied by the eviction of minority (Issaq) sub-clan households that are pushed out of the district by their more powerful brother clans.

5.2 Researching the Ethiopian „frontier“

The analysis of armed conflict on the local level, most often carried out on the basis of a case study research design, provides fascinating insights in the microcosm of local politics, resource use practices and conflict dynamics. While allowing to invalidate some of the all romantic view of local community's (traditional) capacities to manage resources in a sustainable manner, local level perspectives need to be complemented by

¹ Somali elders described agricultural production which is associated with these property characteristics in a derogatory manner as "scratching the ground with one's testicles" to the author.

² "Ethnic federalism" was introduced by the current EPRDF government upon arrival to power in 1991. See Aalen, Lovise. 2002. *Ethnic Federalism in a Dominant Party State: The Ethiopian Experience 1991-2000*. R 2002:2, Chr. Michael Institute, Bergen, Asnake Kefale. 2002. Federalism, Some Trends of Ethnic Conflicts and Their Management in Ethiopia. Paper read at 7th Congress of the Organization for Social Science Research in Eastern and Southern Africa (OSSREA), December 15-19, 2002, at Khartoum, Young, John. 1996. Ethnicity and Power in Ethiopia. *Review of African Political Economy* 23 (70):531-542. Pausewang, Siegfried, Kjetil Tronvoll, and Lovise Aalen, eds. 2002. *Ethiopia since the Derg: a decade of democratic pretension and performance*. London and New York: Zed Books.

and integrated with an examination “higher”, i.e. regional and national units of analysis. As one informant pointed out, “the instability of the regional political level (regional state government, parliament and administration) reflects the instability of local communities and vice versa”¹. Therefore, research needs to bring forward credible explanations on the *dynamic links* between regional and local realities. Obviously, the Somali clan structure constitutes such a link. According to this view, which deserves further scrutiny, tensions escalate from the household level to intra-clan and inter-clan competition, which then translates into political instability at the regional echelon². However, Somali “clanism” is all too often misunderstood by external observers who tend to apprehend clans in an essentialist manner and as the expression of an archaic polity unable to modernize towards liberal statehood (see also Brabant 1994).

State actors and public policy represent another hypothetical link between different levels of analysis. Yet, understanding the role of the state in the Somali region is as challenging as deciphering the logic of Somali clan politics. The extremely weak presence of public administration and services in region 5³ would probably be explained as a typical example of state failure or erosion if the region were located in another part of the world and not, as it is, in Ethiopia. The question of *statehood* in Somali region challenges conventional, i.e. western conceptions of the state no less than the existence of a self-declared Somaliland or a collapsed Republic of Somalia. There is thus an omnipresent danger of applying analytical concepts and explanatory schemes that inadequately grasp the political realities of the region. Bradbury’s (2003:22) observation that “(...) development exists in Somalia not because of official development assistance, but despite it” equally applies to Somali Ethiopia. While the region’s record in terms of development, human rights and service delivery remains one of the poorest in Eastern Africa, there is a political rationality to its ongoing instability which needs to be apprehended by an “Africa works” framework as proposed by Chabal and Daloz (1999) rather than by political science concepts framing reality on the premise of the European nation-state (see also Chabal 1992; Médard 1991; Trotha 2001). Region 5, together with other “backward regions” of Ethiopia, represents a fascinating laboratory of “frontier”⁴ dynamics and politics which partly challenge the conventional discourse and analysis of African politics in the era of globalisation, state “failure” and complex political emergencies (Ferguson and Whitehead 1992; Geiger 2002).

¹ Interview Jijiga (13-7-03).

² Seven regional presidents have been ousted since the establishment of the Somali region within Ethiopia’s federal structure.

³ In Harshin district, for instance, state interventions are limited to providing food aid, mediating in conflicts, and maintaining security (federal army). All other, very limited, services are provided by non-governmental organisations active in the area.

⁴ Frontier as a sociological rather than a spatial concept designates “the zone where the state or actors operating in consent with the state substantially influence tribal societies, without exerting complete control over them” (Ferguson and Whitehead 1992).

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