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# Investment in the National Park? Encounters between Land Investment and Wildlife Conservation in Gambella Regional State

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- 1 Located in Ethiopia's western lowlands bordering South Sudan, the Gambella Regional state has repeatedly made the headlines of international newspapers over the last five years (Al-Jazeera English, 2014; Vidal, 2011; Smith, 2014 & 2015; Stienne, 2013). The place is described, with some reason, as one of the world's land-grabbing hotspots. Over the past fifteen years, several thousand hectares have been transferred to private investors announcing their intention to engage in commercial farming in the region.
- 2 Gambella region is also home to a natural park that has been, for some time, under threat. National parks are key components of a country's biodiversity conservation and environmental policies as well as symbols of a nation's (re)presentation of its natural and cultural heritage, and Ethiopian national parks are no exception. However, in Gambella, the priority seems to have been put rather on allocating land for private investors, rather than upgrading the national park by providing rangers with sufficient resources to effectively protect the area. Land grab could have encroached into the park, with deep consequences in terms of wildlife conservation. But generally speaking, this did not happen, and the park was redelineated in 2011 so as to make sure land investment would not threaten protected areas.
- 3 Even if it is hosted by a panel focusing on conservation policies, this communication does not deal directly with conservation matters. Rather, it aims at shedding light on how the Ethiopian government administers its land resources in a peripheral region. This, in turn, informs us on how the conservation policy is negotiated in practical terms. Based on ethnographic observations of land administration agents' work, the paper does not focus on the park *per se* but on what surrounds the park – *i.e.*, investment land. It shows how

the land investment policy implemented by the government meets conservation objectives, and how these two policies are articulated on the ground.

- 4 I will first give a brief overview of the government's agricultural policies. The policy of encouraging land investment is a rather new trend in Ethiopian agricultural policies, which used to focus almost exclusively on the peasantry. In a second section, I will give further details on how land is transferred. In contrast to analyses that look only at procedures in the abstract, without considering how these procedures are implemented, my work is grounded in in-depth observation and interviews with land administration and national park agents. Then, in a brief third section, I will try to show how this land policy meets the conservation agenda, with regard to the national park.

## Leasing land to private investors in the peripheries

- 5 The transferring of land to private investors is a manifestation of the government's shift in its agricultural policy. Up to the mid-2000s, the *Ethiopian Peoples' Revolutionary Democratic Front* government followed a policy of Agricultural Development-Led Industrialisation (ADLI) that aimed at rendering the peasantry self-sufficient. Public ownership of land was a key element of this policy (Lavers, 2013), since the government wanted to protect smallholders from potentially harmful market forces. The provision of seeds and fertilisers, aiming at allowing substantial productivity gains by modernising the peasants' techniques, is also to be counted as a core element of this policy (Planell, 2014). Although it is not our main concern here, it has to be noted that this policy was also directed, to a large extent, at the political control of the peasantry (see Lefort, 2010; Lefort 2012).
- 6 In 2005, a new plan was issued. The Plan for Accelerated and Sustained Development to End Poverty (PASDEP) did not entirely disavow former measures such as fertiliser sales to the peasantry; nevertheless, it allocated a new place for agricultural investment and large-scale agriculture (MoFED, 2005; Dessalegn, 2011; Lavers, 2012). Agricultural investment replaced the peasantry as Ethiopia's agricultural engine, and the peasants are now encouraged to engage in market-oriented production. In a capital-poor country like Ethiopia, a substantial role was to be given to foreign investors as well. Tax exemptions were designed to attract investors, as were ridiculously low rents. In 2011, the yearly land tax paid by farmers investing in Gambella was 35 birr per hectare, i.e. the same amount the peasants had to pay. This tax was increased in 2014 to 111 birr per hectare, which still remains very competitive when compared to international standards. Foreigners who export more than 50% of their production are exempted from tax on profit for 5 years, and special customs are in place for investors desiring to import machinery.
- 7 As Dessalegn Rahmato underlines, land deals already existed before 2005; but they assumed a new scale after the adoption of the PASDEP, and still more critically during 2008-2011. According to the figures compiled by Dessalegn, 3,600,000 hectares were singled out for transfer in 2009; of these, 829,199 hectares were located in Gambella<sup>1</sup>. At the national level, the target as stated in the Growth and Transformation Plan was to have 3,3 million hectares transferred by 2015 (Dessalegn, 2011). Together with other lowland regions such as Benishangul-Gumuz and lowlands areas of Oromiya region, Gambella will host major land deals. In the widely spread national perception, Ethiopia remains divided between a highland centre and lowland peripheries (Markakis, 2011)<sup>2</sup>. This dichotomy remains very powerful when the central government identifies land to be

granted to investors. Lowland peripheries are considered as empty, ‘underdeveloped’, and land resources are thought to be waiting for investors to develop them.

- 8 There are many reasons to think, following Dessalegn’s estimates (2014), that the national target of 3,3 million hectares was indeed reached in 2014. However, not all the parcels allocated to investors are farmed, investors blaming the lack of infrastructure or environmental phenomena such as floods to explain the delay in commencing their activities. Squabbles between the Ethiopian government and the Indian firm Karuturi are now an open secret (Berhanu, 2015), and the government seems to be adapting its policy by favouring Ethiopian investors, and by being more rigorous in checking the ability of investors to implement their business plans. Allocating huge plots to foreigners seems to be a thing of the past (Dessalegn, 2014). But many hectares continue to be granted to Ethiopian investors. In 2014, out of the 382 investment projects in Gambella, only 7 were owned by foreigners (not including Ethiopian diaspora).
- 9 These figures about land deals are either quoted from the literature or taken from administrative reports from Gambella’s Land Administration Authority. However, I have to make it clear that they cannot be taken as face value, or as faithful representations of the reality, for two reasons. The first is the opacity of information surrounding land leases. The media coverage on this issue makes it a sensitive one, on which inquiries cannot be conducted freely. Secondly, the local Land Administration Authority itself is not a depositary of full information when it comes to large land leases to foreign companies, as these leases are administrated directly at the federal level by the Ministry of Agriculture.
- 10 Anyhow, figures never talk by themselves, and other raw facts and tangible elements are needed to comprehend fully how land is being allocated. The ‘great Ethiopian land grab’ (Lefort, 2011) must be understood in terms of procedures put in force, negotiated and administrated by civil servants, investors, peasants, etc. In short, land grabs deserve to be analysed as an ensemble of social practices.

## Official procedures and informal practices: who transfers land, and how?

- 11 Here, I will concentrate on the administrative procedure that investors must go through in order to get land. One of the prerequisites for investors is to get an investment permit<sup>3</sup>. To acquire this permit, candidates have to submit a business plan to the regional Investment Bureau. The business plan contains the committed capital, the number of people the investor is planning to hire, and other information concerning the project, sometimes including the location of the parcels the investor wants to farm. Most of the time, the administration remains in charge of identifying the parcel. Basically, the Investment Bureau is only in charge of issuing the investment permit, the allocation of land being formally the task of the Land Administration Authority. But from 2010 to 2014 at least, the Investment Bureau also gave parcels of land – even though it was not legally allowed to do so. A federal land administration expert complains:

The investment agency shouldn’t give both the investment permit and the land!  
 Wait, look, a driving training centre, does it give the car with the driving license?  
 No! So here it’s the same! The Federal Investment agency is giving both the license AND the car! Normally, they should only check if the investors have a good business plan, and if they have the capacity to implement it correctly... if they have the

capital needed [to implement it] and all those things. They shouldn't give the land too (Interview, translated from Amharic by the author, Mekelle, February 2014).

- 12 In 2013, the Regional Cabinet of Gambella put an end to the conflict by reconfirming the Land Administration Authority's jurisdiction as the sole administrative entity responsible for the allocation of land in the region. Before that date, at least four different administrations were granting parcels to private investors in the region: the federal Investment Agency, the regional Land Administration Authority, the regional Investment Agency, and the regional Cabinet. Although I didn't check this piece of information on the field, rumour has it that some weredas contracted land deals with private investors in the early 2010s. Indeed, some wereda officials have been sued on that ground. The quasi-absence of communication between these many administrative entities led to a situation where one and the same parcel was sometimes granted to several investors at the same time. To fully understand how blurred the situation was, one has to remember that there is no rural cadastre (land register) in Gambella, and the work towards construction of such a document began in one qebelé only in 2011 (see below).

- 13 From 2014 on, the Land Administration Authority succeeded in making other administrative branches respect its prerogative; it now effectively acts as the investors' main partner concerning the allocation of parcels. Nevertheless, conflicts over how land should be transferred and about how federal authorities should actually administer land in the peripheries are still taking place. Local land administration agents regularly complain about the lack of information concerning the precise location of the parcels granted to foreign investors. Federal authorities do not communicate with lower levels about the size of the parcels or the identity of the lessees. Even if some authors (Cherie, 2013) argue that Federal authorities only administer parcels larger than 5,000 hectares, this is not confirmed on the ground. Regional states remain, theoretically, in charge of administering land, but the Federal Investment Agency does transfer land plots, be they smaller or larger than 5,000 hectares. Behind this problem of determining where regional prerogative ends, the main issue is the opacity of federally administered land deals. Asked about the information communicated to his office, a national park agent makes this statement:

We don't know where the investors' parcels are. What we know is that 90% of the land that has been given to them is still not farmed. For now, they cultivate maybe only 1 or 2% of what they have been given. At least 90% hasn't been cleared. We just know they have huge parcels. And we don't know their location. What we know is that Karuturi had 100,000 hectares. They used to talk about bigger figures, but there have been renegotiations. For example, we have got some land back. For the rest, we don't know. And we have no way to know (Interview, translated from Amharic by the author, Gambella, March 2014).

- 14 Miscommunication between different administrative levels is not the sole reason behind the lack of information at the Gambella Land Administration Authority. As I underlined earlier, no land book is to be found in the offices, although land administration experts are currently working on the task of registering the land users' rights. The aim, after the completion of this work, is to have an up-to-date and geographically referenced rural cadastral map for Gambella. Among the announced goals behind this undertaking are the securing of peasants' land rights, and providing a clear picture of the situation for the state, which remains in crucial need of information about where to find 'free' land to develop – i.e., to transfer to private investors.

<sup>15</sup> However, during the whole year 2014, land administration agents were unable to go to the field, and had to spend their days at the office in town. The Land Administration Authority lacked sufficient budget to carry out registration activities. Registering the peasants' land rights implies hiring between 15 and 20 contractual surveyors in charge of making the cadastral surveys, under the supervision of land administration experts. In the absence of a dedicated budget, this additional workforce could not be hired. Furthermore, no money was at the civil servants' disposal to fill the motorbikes petrol tanks, forcing them to stay at their office. In 2011-2012, the parcels of one of the qebelés around Gambella were registered thanks to funds allocated by the World Bank through its Sustainable Land Management Programme. During the spring of 2015, the release of the budget of this programme's second phase enabled civil servants to start registration again. But between 2012 and 2015, no measurement or registration of peasant landholdings took place. Rather, for more than two years, the focus was not on peasants but on investors: one of the main activities of the Authority's employees was to take measurements and to issue maps of the investors' holdings.

<sup>16</sup> At this point, one might think: "so, how could these civil servants find the budget to leave their office to measure the investors' parcels, if they cannot do the same for the peasants' landholdings?" The thing is easy: everything necessary for the civil servants to work is provided by the investors. Wishing to make his holding more secure, an investor would come and present his investment permit to the Land Administration Authority office. After a short talk with the head of the Bureau, he would arrange a meeting for the following day, when he could come early in the morning with a car, to pick up one or two land administration experts. Then, they would drive to the parcel the investor had been granted (whether by the Investment Bureau, the federal Investment Agency or the Land Administration Authority), and register the location of the parcel with a hand-held GPS. Back in the office in the evening, civil servants could generate a map of the parcel, after downloading the GPS coordinates in a Geographical Information System software. The investor would usually pick up the map in the following days. One last detail, the investor also provides for the civil servants' per diem, paid in cash. It is paid hand-to-hand, usually once back in town. The amount is negotiated between the investor and the civil servants, but the former usually gives a rather high sum from the beginning, to make sure that the end of the procedure will go smoothly. Daily per diem can be as high as 1600 ETB, which can be more than the agent's monthly salary. A land administration agent recounts:

There is no fixed amount. It's the investor who pays, as he wants. You know, he wants to make a map, you go with him to the field, but the per-diem is not fixed. It is the way they want. When an investor wants to make a map, he pays. For the expert who comes with him, for the head of the Bureau and for the 'work process owner'. This is the way it works. Then, the head of the bureau shares between the agents. But sometimes, there are investors who directly give you. There is no fixed amount, it is not calculated by day, it is the way the investor wants. Myself, the maximum I ever had was 1300 birr. The guy was happy, it was a remote area, we had to climb a mountain to reach his parcel, and we damaged our clothes to reach there, so the guy was happy, he gave 1300 for each of the two of us. To A., and to me, when we came back to town (Interview, translated from Amharic by the author, Gambella, March 2014).

<sup>17</sup> This excerpt shows that to some extent, the payment of the per diem by the investor implies compensation (or a service) by the civil servant, in return. The agent quoted here made physical efforts when climbing the mountain, and thus he was hoping for a higher amount. It also goes the other way round: expecting a generous per diem, civil servants

might well be inclined to listen to the investors' suggestions during the measurement of the parcel. Frequently, investors ask the experts to take a GPS point 'under the next tree', some 200 meters outside the supposed boundaries of the parcel, thus adding substantial surface area to the registered parcel. It is worth noting that since the above-mentioned interview, the head of Gambella's Land Administration Authority has been jailed on corruption charges, as well as several land administration experts.

- 18 However, civil servants insist that per diems should not be considered as mere bribes. When I asked a young civil servant if the Anti-Corruption Commission was not inquiring about these practices, she answered: "But this is not corruption! This is just like that, it is the way they want" (Fieldnotes, translated from Amharic by the author, Gambella, March 2014). She insists she doesn't ask for a bribe: "it is the way they [the investors] want". The fact that administrative agents ranking high in the hierarchy not only know about the per diems but even take a share of it and announce it to the investors as a normal part of the procedure gives to this form of "corruption" the aspect of an official, bureaucratic practice.
- 19 To some extent, land administration experts only reproduce a practice which is widespread in Non-Government Organisations (Ridde, 2012), the main difference being the lack of transparency in the practice, and the possibility for both sides to negotiate the amount<sup>4</sup>. The per diem should be considered as a reflection of bureaucratic practices. It is an unofficial rule that arises "*as a result of the state's incapacity to provide sufficient resources to its administrations*" (Oumarou Hamani, 2014: 146). Together with the providing of a car by the investor, the per diem enables state agents to carry out their duties, and to deliver state services. Admittedly, parcel measurement or car delivery is not a "public or collective good and service" (Olivier de Sardan, 2014), and poorer farmers do not bother to pay any per diem for having their land registered: they just don't have it registered. Hence a situation arises where the activity of land administration offices is oriented towards the delivery of services for richer beneficiaries. And yet, despite everything, the construction of the cadastre is taking place, against all odds, thanks to these coping mechanisms put in force by civil servants. As long as the Land Administration Authority continues to be the single body in charge of land deals, the situation will hopefully become less blurred.
- 20 One question remains: in this context, how to explain the fact that the national park has been spared by land grabbing in recent years?

## Land issues and the national park

- 21 The boundaries of the national park were made official in 2011, after having been redelineated, thereby reducing the total area of the park from 5061 km<sup>2</sup> to 4575 km<sup>2</sup>. Although some area was lost, the park agents nevertheless consider it a good step, since they now have a precise map of their park, which used not to be the case.
- 22 If the boundaries were officialised, they were not publicised or published, and many land users around the park do not know the precise location of the borders. In fact, the park authorities remain, together with the Cabinet and some weredas, the only administration that knows precisely where the park starts and ends. It is true that the redrawing of the boundaries was done through a rather unofficial technique. By negotiating with investors and with the federal government, park authorities managed to have key parcels

retroceded to them. Such parcels included areas where migrating species settled during some months of the year, at the edge of Africa's second-largest migration corridor of large mammals (Cherie, 2013; Gatluak, 2015). Armed with hand-held GPS devices, employees from the national park went deep into the bush, taking GPS coordinates as far as they could. These coordinates were then declared the new boundaries of the park, and the regional Cabinet later recognised them. Even if the national park is a federal entity that depends on the Ethiopian Wildlife Conservation Authority created in 2007, the recognition of the boundaries by the Cabinet was crucial, since this body is responsible for many land leases.

- 23 After the redrawing of the boundaries, the national park was made a member of the Investment Board of the Region. Bringing together eight administrative entities including the regional Land Administration Authority, the Investment Bureau and the Agricultural Bureau, the Investment Board is thought to control land leases and to seek to reduce corruption in land deals. Although it works under the supervision of the Cabinet, many civil servants remain largely sceptical about the effectiveness of such a council, as one employee from the National Park underlines:

There are eight offices in the Board [...]. As a national park, we are a federal entity, but we have a chair in the Board. [...] Most of the time, there is no preliminary study. There are no studies done. They give land away just because the investor wants it, or because he pays. It should not happen this way. Well, this is a personal point of view, not the park's. We, as a national park, we just make sure that land investments are not located inside the park's boundaries. (Interview, translated from Amharic, Gambella, February 2015)

- 24 If land administration agents appear to know more about the precise location of investment land, the allocation process remains to a large extent an obscure one. Likewise, although the large land-sell-out policy towards foreign investors has stopped, the 'great Ethiopian land grab' that Lefort described continues to benefit national investors.
- 25 Lately, the national park has also had the support of foreign-funded programmes, international institutions and NGOs such as *Horn of Africa*, which is taking part in the setting up of a land use plan for the Gambella region. The national park also gets the support of the African National Parks Network, which sent experts to study how the park could be upgraded so as to host more (foreign) tourists. In April 2015, shelters were built for rangers in at least two places, enabling tourists and campers to spend the night in the park.
- 26 I will close this presentation with an anecdote that will help to explain why the national park was, to some extent, spared by the land-grab phenomenon. Many parcels given to investors, including a great deal of what had been granted to Karuturi, were located in swamps and wetlands that are completely flooded each year during the rainy season. No agricultural activities could be carried out in these places without involving huge amounts of money necessary to drain the swamps. Here, nature itself became the best conservation tool we could imagine!

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## NOTES

1. These figures concern land put in the « Federal Land Bank », which is a pool where parcels are administratively stocked before being allocated to private investors.
2. This is not the place to go more deeply into detail about the structuring of the Ethiopian polity over the centuries. Let us just keep in mind that the centre, where the practice of settled agriculture maximised the appropriation of surpluses by state-like entities, only succeeded in integrating the peripheries during the twentieth century (see Markakis, 1974, 2011; Donham & James, 2002). This integration of the peripheries to the core Ethiopian state was achieved by violent conquest.
3. Here, I am dealing with Ethiopian investors only. There are other procedures and administrative measures designed for foreign investors. People from the Ethiopian diaspora are considered first as Ethiopians, but many of them engage in joint ventures with a fellow citizen inside the country.
4. However, one could argue that NGOs also negotiate the amount of the per diem with their consultants before signing a memorandum of understanding or contract.

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## INDEX

**Mots-clés:** agriculture, enjeux fonciers, conservation, parc national, administration

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