



“Waiting Here for Death”

Forced Displacement and “Villagization” in
Ethiopia’s Gambella Region

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GLOSSARY OF ABBREVIATIONS

AAAS	American Association for the Advancement of Science
ACHPR	African Commission on Human and Peoples' Rights
CAT	United Nations Committee Against Torture
DAG	Development Assistance Group
DFID	United Kingdom Department for International Development
DRS	Developing Regional States
EDF	Ethiopian Defense Force
EIA	Environmental Impact Assessment
EPRDF	Ethiopian People's Revolutionary Democratic Front
EU	European Union
GPLM	Gambella People's Liberation Movement
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ILO	International Labour Organization
NGO	Nongovernmental Organization
OLF	Oromo Liberation Front
PBS	Protection of Basic Services
PSNP	Productive Safety Net Program
SNNPR	Southern Nations, Nationalities and Peoples' Region
SPLA	Sudanese People's Liberation Army
TPLF	Tigray People's Liberation Front
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WFP	United Nations World Food Program
ZPEB	Zhoungyuan Petroleum Exploration Bureau

SUMMARY

The Ethiopian government is forcibly moving tens of thousands of indigenous people in the western Gambella region from their homes to new villages under its “villagization” program. These population transfers are being carried out with no meaningful consultation and no compensation. Despite government promises to provide basic resources and infrastructure, the new villages have inadequate food, agricultural support, and health and education facilities. Relocations have been marked by threats and assaults, and arbitrary arrest for those who resist the move. The state security forces enforcing the population transfers have been implicated in at least 20 rapes in the past year. Fear and intimidation are widespread among affected populations.

By 2013 the Ethiopian government is planning to resettle 1.5 million people in four regions: Gambella, Afar, Somali, and Benishangul-Gumuz. The process is most advanced in Gambella; relocations started in 2010 and approximately 70,000 people were slated to be moved by the end of 2011. According to the plan of the Gambella regional government, some 45,000 households are to be moved over the three-year life of the plan. Its goals, as stated in the plan, are to provide relocated populations “access to basic socioeconomic infrastructures ... and to bring socioeconomic & cultural transformation of the people.” The plan pledges to provide infrastructure to the new villages and assistance to those being relocated to ensure an appropriate transition to secure livelihoods. The plan also states that the movements are voluntary.

Human Rights Watch interviewed over 100 residents affected in the first round of the villagization program in Gambella and found widespread human rights violations at all stages of the program. For example, immediately after the move to a new village, soldiers would force villagers to build their own *tukuls* (traditional huts) and villagers would be threatened or assaulted for resting or talking during the building process.

Instead of enjoying improved access to government services as promised in the plan, new villagers often go without them altogether. The first round of forced relocations occurred at the worst possible time of year in October and November, just as villagers were preparing to harvest their maize crops. The land in the new villages is also often dry and of poor

quality. Despite government pledges, the land near the new villages still needs to be cleared while food and agricultural assistance—seeds, fertilizers, tools, and training—are not provided. As such, some of the relocated populations have faced hunger and even starvation. Residents may walk back to their old villages where there is still access to water and food, though returning to their old fields they have found crops destroyed by baboons and rats.

Human Rights Watch's research shows that the program is not meeting the government's aims of improving infrastructure for Gambella's residents. On the contrary, it threatens their access, and right, to basic services. Due to this lack of service provision in the new villages, children have not been able to attend school, women are walking farther to access water thereby facing harassment or beatings from soldiers, and few residents are receiving basic healthcare services.

The impact of these forcible transfers has been far greater than the normal challenges associated with adjusting to a new location. Shifting cultivators—farmers who move from one location to another over the years—are being required to plant crops in a single location. Pastoralists are being forced to abandon their cattle-based livelihoods in favor of settled cultivation. In the absence of meaningful infrastructural support, the changes for both populations may have life-threatening consequences. Livelihoods and food security in Gambella are precarious, and the policy is disrupting a delicate balance of survival for many.

The villagization program is taking place in areas where significant land investment is planned and/or occurring. The Ethiopian federal government has consistently denied that the villagization process in Gambella is connected to the leasing of large areas of land for commercial agriculture, but villagers have been told by local government officials that this is an underlying reason for their displacement. Former local government officials told Human Rights Watch the same thing.

Since 2008 Ethiopia has leased out at least 3.6 million hectares of land nationally (as of January 2011) to foreign and domestic investors, an area the size of the Netherlands. An additional 2.1 million hectares of land is available through the federal government's land bank for agricultural investment (as of January 2011). In Gambella, 42 percent of the total land area of the region is either being marketed for lease to investors or has already been

awarded to investors, and many of the areas where people have been forcibly removed under the villagization program are located within these parcels.

Areas essential to livelihoods such as grazing areas, forests, and fields for shifting cultivation have been taken from the local populations with no meaningful consultation or compensation. The indigenous peoples of these areas, ethnic Anuak and Nuer among others, have never had formal title to the land they have lived on and used. The government simply claims that these areas are “uninhabited” or “underutilized” and thus skirts the Ethiopian constitutional provisions and laws that would protect these populations from being relocated.

Such population transfers are not new. Ethiopia has a long and brutal history of failed attempts at resettling millions of people in collectivized villages, particularly under the Derg regime, in power until 1991, but also under the current government of the Ethiopian People’s Revolutionary Democratic Front (EPRDF). The villagization concept has now been reborn in Gambella under the guise of “socioeconomic and cultural transformation.”

Foreign donors to Ethiopia assert that they have no direct involvement in the villagization programs, although several donors concede that they may indirectly support the program through general budget support to local governments and by underwriting basic services in the new villages. As a result of their potential responsibilities and liabilities, donors have undertaken assessments into the villagization program in Gambella and in Benishangul-Gumuz and determined that the relocations were voluntary.

Human Rights Watch’s research on the ground in Gambella contradicts this finding. We believe that donors to the Protection of Basic Services (PBS) Program that underwrites the creation of infrastructure in the new villages, such as the World Bank, European Union (EU), and United Kingdom, are involved in a program that is doing more to undermine the rights and livelihoods of the population than to improve them.

Human Rights Watch calls on the government of Ethiopia to halt ongoing human rights violations being committed in the name of villagization. Relocations should be voluntary and populations should be properly consulted and compensated. Mass displacement to make way for commercial agriculture in the absence of a proper legal process contravenes Ethiopia’s constitution and violates the rights of indigenous peoples under international law.

International donors should ensure that they are not providing support for forced displacement or facilitating rights violations in the name of development. They should press Ethiopia to live up to its responsibilities under Ethiopian and international law, namely to provide communities with genuine consultation on the villagization process, ensure that the relocation of indigenous people is voluntary, compensate them appropriately, prevent human rights violations during and after any relocation, and prosecute those implicated in abuses. Donors should also seek to ensure that the government meets its obligations to respect, protect, and fulfill the economic and social rights of the people in new villages.

RECOMMENDATIONS

To the Government of Ethiopia

- Uphold the rights under the Ethiopian constitution and international human rights law of Gambella’s indigenous populations prior to any further villagization including, at a minimum:
 - Implementing a land tenure registration system that increases land tenure security (including for shifting cultivators and for communal or grazing areas);
 - Protections from expropriation;
 - Implementation of compensation procedures.
- Engage Gambella’s indigenous groups on alternative livelihood provisions prior to the implementation of any further villagization, resettlement, or significant land investment activities. This process should respect indigenous values and rights while allowing development activities to be undertaken for the benefit of Ethiopia.
- Permit residents relocated by villagization to return to their old farms in the interim and take other necessary steps to ensure that affected populations have adequate access to water, food, and other necessities.
- Ensure that forcibly relocated indigenous communities have adequate redress, preferably by restitution or if not possible, just, fair, and equitable compensation for the lands, territories, and resources that they have traditionally owned or otherwise occupied or used.
- Ensure that future villagization efforts meet international standards prohibiting forced eviction and protecting indigenous peoples, in particular:
 - Involve communities in all aspects of program planning;
 - Are genuinely voluntary and allow the right of return to old farms and residences at any time without intimidation, violence, or other rights violations;
 - Occur only after required and promised infrastructure is in place and operational in new villages. This also includes the clearing of land, appropriate training, agricultural input provision, and appropriate interim food aid to ensure transitions to secure livelihoods;
 - Recognize the unique needs of agro-pastoral populations such as the Nuer, including provision of dry season water sources, ongoing access to grazing lands, among others;
 - Involve communities in site selection: sites should be fertile, adjacent to adequate year round water supplies, and old vacated areas should not be transferred to investors for a period of time in order to allow for the voluntary right of return;

- Occur only after land tenure provisions have been fully implemented in the villagized area;
- Are timed so as not to disrupt critical agricultural production times, namely harvesting and planting periods.
- Take all necessary measures, including issuing clear guidelines to regional and *woreda* (district) government officials, to ensure that the military and police abide by international human rights standards; minimize the role of the military in the villagization process.
- Discipline or prosecute as appropriate all government and military officials, regardless of position, implicated in human rights violations associated with villagization.
- Repeal or amend all laws that infringe upon the rights to freedom of expression, association and peaceful assembly, including the Charities and Societies Proclamation, the Mass Media and Freedom of Information Proclamation, and the Anti-Terrorism Proclamation, to bring them into line with international standards.
- Allow independent human rights organizations and the media unimpeded access throughout the Gambella region.
- Treat all individuals taken into custody in accordance with international due process standards.

To Ethiopia's Foreign Donors in the Development Assistance Group (DAG)

- Ensure that no form of support, whether financial (direct or general budget support), diplomatic, or technical, is used to assist in the villagization process in Gambella until the government investigates human rights abuses linked to the process, abides by donors' Good Practice Guidelines and Principles on Resettlement and takes appropriate measures to prevent future abuses.
- Support the prompt implementation of land tenure security provisions for the area's indigenous populations; press the Ethiopian government to ensure this happens prior to further villagization efforts.
- Press the government of Ethiopia to engage with Gambella's indigenous populations about alternative livelihood provisions prior to the implementation of any further villagization, resettlement, or significant land investment activities.
- Publicly call on the Ethiopian government to amend or repeal the Charities and Societies Proclamation, the Mass Media and Freedom of Information Proclamation, and the Anti-Terrorism Proclamation to bring them into line with international standards.
- Increase independent on-the-ground humanitarian monitoring in Gambella to identify humanitarian needs in anticipation of emergencies.

To Agricultural Investors

- Conduct due diligence to ensure that no people were forcibly displaced to make way for any concession, and ensure that the government is abiding by donors' Good Practice Guidelines and Principles on Resettlement in respect of any people moved in relation to a concession.
- Potential investors should not enter into leases with the Ethiopian government until:
 - A land tenure registration system has been implemented for customary users of the proposed lease area;
 - Environmental Impact Assessments (EIA) have been carried out that identify potential impacts and strategies to mitigate these impacts. These EIAs should be available publically and to impacted communities;
 - The investor has consulted with local indigenous communities. These communities must give their free and informed prior consent prior to the lease and compensation should be provided by the government, as per Ethiopian law, to any customary users of the land, including shifting cultivators and agro-pastoral populations.

METHODOLOGY

This report is based on over 100 interviews undertaken over a four-week period in Ethiopia from May to June 2011, and one week interviewing refugees at the Ifo refugee camp in Dadaab and Nairobi, Kenya, where many Gambellans are presently located. Another 10 donors and federal government officials were interviewed in Addis Ababa during August 2011. Interviewees from across the Gambella region included community leaders, farmers with direct experience of the villagization process in their communities, students, nongovernmental organization (NGO) workers, and former government officials.

Human Rights Watch visited 5 of the 12 *woredas* where the villagization process is presently being implemented, and obtained testimony from 16 of the villages affected during the first year of the program. The *woredas* visited were within the Anuak and Nuer zones. No Majangere areas were visited due to difficulty of access.

In addition, Human Rights Watch conducted 10 telephone interviews with members of the United States and Europe-based diaspora community, academics, and members of NGOs involved in Gambella. Human Rights Watch wrote to the government of Ethiopia and to the Development Assistance Group on November 16, 2011, summarizing our findings and requesting an official response. We received a response from the government of Ethiopia on December 19, 2011, and a response from the DAG on December 12, 2011. Both responses are included as appendices to this report.

Human Rights Watch identified interviewees through various contacts (including government officials, journalists, and Ethiopian diaspora). Efforts were made to interview a wide range of people across gender, age, ethnicity, urban and rural, and geographic lines. Interviews with villagers were conducted in safe and secluded locations, often in interviewees' villages, and were conducted in English, Amharic, Anuak, or Nuer, using local interpreters where necessary. Villages were chosen based largely on road access, researcher knowledge of those villages, and security considerations. In Kenya efforts were made to interview former residents who left Gambella from areas where villagization was being carried out and when the program was being implemented.

Human rights research and monitoring is very challenging in Ethiopia for both foreign researchers and Ethiopian individuals and organizations. This is the result of various factors: laws that severely infringe on the functioning of NGOs including the Charities and Societies Proclamation and the Anti-Terrorism Proclamation; restrictions on media freedoms; the government's intolerance of political dissent; and the intimidation and fear generated by government officials that permeates life in Ethiopia. Given this environment, it was very difficult to locate, identify, and interview individuals in a manner that respected the safety and security of interviewer and interviewee. The vast majority of interviewees in Gambella expressed concern over possible retribution from the government. Human Rights Watch has omitted names and identifying characteristics of individuals and certain locales to minimize the likelihood of government action against them and their communities.

BACKGROUND TO VILLAGIZATION IN ETHIOPIA

Ethiopia has a long history of brutally displacing rural populations through resettlement and so-called villagization programs during the former Derg regime and under the current government of the Ethiopian People's Revolutionary Democratic Front.¹ Often publicized as intended to provide remote populations with better services and socio-economic infrastructure, or to improve food and water distribution, in most cases the programs failed the populations that they were supposed to help.²

Displacement in the past has occurred primarily in two ways: resettlement from the highlands to the lowlands, and through villagization, defined as the clustering of agro-pastoral and/or shifting cultivator populations into more permanent, sedentary settlements. Past villagization programs were rife with problems: forced displacements of populations accompanied by serious human rights violations in which dissenting opinions were silenced by fear of retribution. A leading scholar on villagization wrote in 1991 about the Derg-era programs:

The verdict on villagization was not favorable. Thousands of people fled to avoid villagization; others died or lived in deplorable conditions after being forcibly resettled.... There were indications that in the short term, villagization may have further impoverished an already poor peasantry. The services that were supposed to be delivered in new villages, such as water, electricity, health care clinics, schools, transportation, and agricultural extension services, were not being provided because the Government lacked the necessary resources.... Denied immediate access to their fields, the peasants were also prevented from guarding their crops from birds and other wild animals.³

¹The Derg governed Ethiopia with extreme brutality from the fall of Emperor Haile Selassie in 1974 until 1991, when it was ousted by a coalition of insurgent groups led by the Tigrayan People's Liberation Front (TPLF). Since 1991 the TPLF has dominated the ruling ethnic-based coalition of political parties known as the Ethiopian Peoples' Revolutionary Democratic Front.

² Human Rights Watch/Africa, *Evil Days: Thirty Years of War and Famine in Ethiopia*, (New York: Human Rights Watch, September 1991), <http://www.hrw.org/reports/1991/09/01/evil-days-thirty-years-war-and-famine-ethiopia>.

³ Mulatu Wubne, "Resettlement and Villagization," in Thomas P. Ofcansky and LaVerle Berry, eds., *A Country Study: Ethiopia* (Library of Congress Federal Research Division, 1991), <http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field%28DOCID+eto056%29>, (accessed July 4 2011).

The History of Villagization

Villagization has the objective of grouping scattered farming communities into small villages of several hundred households each. Villagization in Ethiopia has a lengthy history, with dramatic impacts on rural populations, and was a key component of the Derg's socialist agricultural collectivization policies. The Derg's villagization program was ambitious: more than 30 million rural peasants—two-thirds of the total population—were planned to be moved into villages over a nine-year period.⁴ By 1989 the government had villagized 13 million people, when international condemnation, deteriorating security conditions, and lack of resources caused the program to dramatically slow down.⁵ Unlike the current program, villagization was not widespread for pastoralist and shifting cultivator communities.

The official rationale for villagization was to promote rational land use; conserve resources; strengthen security; and provide access to clean water, health and education infrastructure.⁶ However, these new villages were often the source of forced labor for government projects—whether for road construction, agricultural production, or other infrastructure development. For the most part villagization was implemented with the threat of force, rather than outright force, with some exceptions. For example, in Harerghe (in eastern Ethiopia) and Illubabor (modern day Gambella), government security forces implementing the process committed theft, arbitrary detention, extrajudicial executions, torture, rape, and burning of property.⁷

Many villagers fled the newly created villages. One estimate suggests that 50,000 people from the Oromo ethnic group fled their villages in Harerghe in 1986 and became refugees in Somalia.⁸ Between 1984 and 1986 as many as 33,000 settlers across the country (5.5 percent of the total number of people moved) may have died from starvation and tropical diseases, while at least 84,000, or 14 percent more, are believed to have fled these new settlements.⁹

⁴ Mulatu Wubne, "Resettlement and Villagization," <http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field%28DOCID+eto056%2>.

⁵ Ibid.

⁶ Ibid.

⁷ Human Rights Watch/Africa, *Evil Days*.

⁸ Thomas P. Ofcansky and LaVerle Berry, eds., *Ethiopia: A Country Study* (Library of Congress Federal Research Division, 1991), <http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field%28DOCID+eto103%29>, (accessed July 23, 2011).

⁹ Gebru Tereke, *The Ethiopian Revolution: War in the Horn of Africa* (New Haven: Yale University, 2009), p. 380.

Past Villagization and Rights Violations in Gambella

Many of the residents of Gambella¹⁰ who spoke to Human Rights Watch view the current villagization program as merely the latest in a long line of the government's discriminatory campaigns.¹¹ Gambella's first large-scale displacements for commercial agriculture began in 1979. Many of Gambella's indigenous Anuak were evicted en masse when the government set up irrigation schemes on the Baro River, the main navigable waterway in the region, with Amhara settlers brought from the highlands to farm the schemes.¹² In 1984, 150,000 settlers from the food insecure highland areas of Tigray, Amhara, and Oromia arrived in Gambella,¹³ a significant number for a region that today has a population of just over twice that, approximately 307,000.¹⁴

Some Anuak who lived along the riverbanks refused to be relocated. Government tractors cleared their crops and lands to "encourage" the river dwellers to move to the resettlement schemes. Conflict increased between settlers and indigenous populations over the loss of land and forested areas, while an increased military presence restricted indigenous people's movement around their traditional lands.¹⁵

Villagization of the rural Anuak began in 1986 with the new villages being described as "more akin to forced labor camps."¹⁶ Villagized and resettled Anuak, along with many highlander settlers, were forced to work on the new state farms, clearing forests, or building infrastructure. Government security forces beat, detained, and intimidated those who resisted, and many fled into southern Sudan. The Anuak were prevented from moving freely outside of the villages, and one source suggests that Anuak were denied access to

¹⁰ Unless otherwise noted in this report "Gambella" refers to the Gambella region.

¹¹ Human Rights Watch interviews, Gambella and Dadaab, Kenya, May and June 2011.

¹² Human Rights Watch/Africa, *Evil Days*.

¹³ While various sources list the figure as 150,000, several other reliable sources suggest the figure may be as low as 70,000.

¹⁴ Central Statistical Authority, Office of Population and Housing Census Commission, Federal Democratic Republic of Ethiopia, "2007 Gambella Census", 2007, <http://www.csa.gov.et/>, (accessed May 12, 2011).

¹⁵ See Gugo O. Kwot, "1984 – 1985 Ethiopian Resettlement Program and its curse on the Anyuaks Culture," July 27, 2006, <http://www.anyuakmedia.com/com727062.html>, (accessed August 15, 2011); and Genocide Watch, "The Anuak of Ethiopia," January 8, 2004, http://www.genocidewatch.org/images/Ethiopia_23_Jan_04_The_Anuak_of_Ethiopia.pdf, (accessed August 15, 2011); and Human Rights Watch, *Targeting the Anuak: Human Rights Violations and Crimes against Humanity in Ethiopia's Gambella Region*, March 23, 2005, <http://www.hrw.org/en/reports/2005/03/23/targeting-anuak>.

¹⁶ Genocide Watch, "The Anuak of Ethiopia," http://www.genocidewatch.org/images/Ethiopia_23_Jan_04_The_Anuak_of_Ethiopia.pdf, and Human Rights Watch, *Targeting the Anuak*.

the Baro River for fishing activities—a crucial part of Anuak livelihoods and identity. The authorities often beat those who were caught.¹⁷

Opposition to the Derg’s resettlement and villagization policies resulted in the formation of the Gambella People’s Liberation Movement (GPLM),¹⁸ allied with the Oromo Liberation Front (OLF).¹⁹ The Derg and the GPLM committed human rights abuses as the Ethiopian government targeted the GPLM and rural populations accused of supporting the GPLM, while the GPLM attacked individuals perceived to be linked to the government.²⁰

Tensions remained high culminating on December 13, 2003, when, in response to an attack on a government vehicle that killed seven Ethiopian highlanders and one Anuak, the Ethiopian military and highlander militia groups massacred hundreds of people over several days in Gambella town, Abobo town, and surrounding areas.²¹ Throughout 2004 the military then carried out a campaign of violence against Anuak communities amounting to crimes against humanity.²²

Sporadic, isolated, and disorganized attempts at forced displacement have occurred since that time, with one effort in November 2008 involving the forced displacement of Gambellans from Laare and Puldeng villages to a new area. The villagers resisted and the police responded, reportedly killing livestock, burning homes, and killing nine people and wounding 23.²³

¹⁷ Sandra Steingraber, “Resettlement and Villagization – Tools of Militarization in SW Ethiopia,” *Militarization and Indigenous Peoples: Part 2 Africa, Asia, and the Middle East*, 1987, <http://www.culturalsurvival.org/ourpublications/csqa/article/resettlement-and-villagization-tools-militarization-sw-ethiopia>, (accessed August 7, 2011).

¹⁸ The GPLM was founded in 1987 in opposition to the policies of both the Derg government and the Sudanese People’s Liberation Army (SPLA) who were active in Gambella at the time. The GPLM engaged in “armed struggle” against both the Derg and the SPLA. In collaboration with the EPRDF, the GPLM governed Gambella from 1991 to 1998.

¹⁹ The Oromo Liberation Front stems from Oromo nationalist movements in the 1960s. After a tenuous alliance with the TPLF against the Derg, the OLF’s relations with the EPRDF deteriorated by 1992, and the organizations took up what it called “armed struggle” against the current government. See Human Rights Watch, *Suppressing Dissent: Human Rights Abuses and Political Repression in Ethiopia’s Oromia Region*, May 9, 2005, <http://www.hrw.org/node/11759/section/5>. The OLF has been outlawed in Ethiopia and is frequently declared a terrorist organization by the Ethiopian government.

²⁰ Sandra Steingraber, “Resettlement and Villagization,” <http://www.culturalsurvival.org/ourpublications/csqa/article/resettlement-and-villagization-tools-militarization-sw-ethiopia>.

²¹ For a full description of the events of the period, see Human Rights Watch, *Targeting the Anuak*.

²² *Ibid.*

²³ Internal Displacement Monitoring Centre, “Ethiopia: Monitoring of conflict, human rights violations and resulting displacement still problematic,” January 20, 2011, <http://www.internal-displacement.org/8025708F004CE90B/%28httpCountrySummaries%29/ABE954230B08D5B5C125781700374C91?OpenDocument&count=10000>, (accessed May 11, 2011).

Background to the Current Villagization Program

Livelihoods and food security in Gambella are precarious. Policy changes are going to affect the survival of hundreds of thousands of people. According to the government, renewed villagization in Gambella is intended to improve socio-economic infrastructure. The local populations, however, fear that it is a tool to expropriate their land for commercial agriculture and natural resource extraction.

Livelihoods in Gambella

In comparison with the drier, relatively cool, and heavily populated highlands, the Gambella region is oppressively hot, richly endowed with high quality soils, abundant water supplies (part of the White Nile watershed), widespread forest cover, low relative population densities, and other natural resources.²⁴ According to the most recent census of 2007, the population of Gambella is about 307,000. Of those, 229,000 people—some 46,000 households comprising various ethnic backgrounds—live in rural areas. Approximately 46 percent of the total population is Nuer, 21 percent Anuak, 20 percent Highlander Ethiopian, 7 percent Majangere, 3 percent Opo, and 3 percent Komo.²⁵ In addition, there are approximately 19,000 (mainly Anuak) refugees from the Sudan civil war (in Pugnido),²⁶ along with thousands of Lou Nuer who arrived in 2009 following conflict with the Murle in South Sudan. Nuer and Anuak are by far the largest ethnic groups in terms of population and relative political power.

The livelihoods of the Anuak and Nuer are dramatically different from each other. As a result, displacements of any kind have radically different impacts on each ethnic group.

²⁴ For example, Amhara has a population density of 116 persons per square kilometer, whereas Gambella has a population density of just 10 persons per square kilometer. Central Statistical Authority, “2007 Gambella Census,” <http://www.csa.gov.et/>, and “1994 Population and Housing Census of Ethiopia: Results for Amhara Region,” vol. 1, part 1, December 2005, http://www.csa.gov.et/surveys/Population%20and%20Housing%20Census%201994/surveyo/data/docs%5Creport%5CStatistical_Report%5Ck03%5Ck03_part1.pdf, (accessed October 8, 2011).

²⁵ Central Statistical Authority, “2007 Gambella Census,” <http://www.csa.gov.et/>. There are widespread perceptions in Gambella that census numbers dramatically underestimate the true population numbers, as remoteness, difficulty of access, and the shifting or pastoral nature of the population present significant challenges in acquiring accurate and thorough information.

²⁶ World Food Program, “Ethiopia: Joint Mission (JAM),” 2008, WFP/UNHCR/ARRA, <http://home.wfp.org/stellent/groups/public/documents/ena/wfp221068.pdf>, (accessed August 3, 2011).

Anuak tradition suggests the Anuak moved into the Gambella region approximately 400 years ago.²⁷ Their language, from the Nilo-Saharan language group, is unique to the Gambella region, and is not understood by neighboring ethnicities. Their culture is also unique to the region, as is their reliance on shifting cultivation as a livelihood strategy. Their identity is intimately tied to the land and the rivers along which they live, and until recently, have had a traditional land base in Gambella that is used solely by their ethnic group. Tension between Nuer and Anuak over access to land has been an issue in Gambella.

The Anuak largely fall into two livelihood groups: the Openo clan who live along the region's main rivers and are thus more sedentary, and the upland or forest dwellers called the Lul clan. As a result, the Anuak are spread out geographically throughout the forest and along the major riverbanks, with more dense agglomerations in the towns.

The upland Anuak practice a pattern of shifting cultivation, whereby one parcel of land is worked for several years before moving on to another area. Two or three cycles of cultivation are carried out before returning to the first plot in seven to ten years. The Anuak typically live in small settlements of several families each, and utilize low levels of agricultural technology, resulting in low productivity. Maize and sorghum are the most common crops, and their livelihoods are enhanced through access to fish and forest products, such as roots, leaves, nuts, and fruits. Their agricultural knowledge and livelihood strategies are based on this continual shifting—a striking contrast to the more sedentary living envisioned under the villagization program. The riverside Anuak lead a more sedentary existence and their livelihood and identity is tied intricately to the rivers. In addition to agriculture that keeps them in one place, their livelihood also depends on fish and fruit trees.

The Nuer have a more recent history in the region. It has been suggested that the Nuer, along with other Nilotic groups, settled along the rivers of eastern South Sudan around the 14th century.²⁸ The Nuer first moved into the Gambella region during the late 19th century.²⁹ The seasonal movement throughout “Nuerland” is based largely on finding appropriate

²⁷ John Burton, “Anuak,” *Encyclopedia of World Cultures*, <http://www.encyclopedia.com/doc/1G2-3458001460.html>, 1996.

²⁸ John Burton, “Nuer,” *Encyclopedia of World Cultures*, 1996, <http://www.encyclopedia.com/topic/Nuer.aspx>, (accessed December 13, 2011).

²⁹ Dereje Feyissa, “The Ethnic Self and the National Other: Anywaa Identity Politics in Reference to the Ethiopian State System,” in Bahru Zewde, ed., *Society, State and Identity in Africa History*, (Addis Ababa: Forum for Social Studies, 2008), p. 130.

grazing lands for the Nuer's cattle—a practice directly threatened by the villagization process. The population also increased dramatically due to influxes related to the war in Sudan during the 1980s. As agro-pastoralists, the majority of Nuer have little experience living in sedentary settlements. These cattle are uniquely tied to their livelihood strategy, ethnic identity, and cultural patterns. They are a source of food, wealth, and prestige for the Nuer. Nuer language is unique within the Gambella region, and cannot be understood by any of the region's other ethnicities. The Nuer are also well-known for their unique cultural practices, including their ritual scarification.³⁰

Agricultural Land Investment in Gambella

One of the more dramatic recent trends in Ethiopia, and Gambella in particular, is the leasing out of large land areas to agricultural investors. Since 2008 Ethiopia has leased out at least 3.6 million hectares of land nationally as of January 2011—an area the size of the Netherlands. An additional 2.1 million hectares of land is available through the federal government's land bank for agricultural investment. In Gambella 42 percent of the total land area is either being marketed for lease to investors or has already been awarded to investors.³¹ This land is being awarded to large-scale foreign investors³² and small-scale Ethiopian or diaspora investors with no meaningful consultation and no compensation to farmers for lost farmland.³³

The environmental and social impacts of land investment in Gambella are significant, and are contributing to rapidly decreasing levels of food security for the poor and marginalized, particularly the indigenous population. There are no limits on water use, little in the way of accountability, and nothing in place to protect the rights and livelihoods of local communities in the vicinity of these investments.³⁴ While direct displacement from populated areas has thus far been minimized, farmland has been taken and many areas

³⁰ African Commission on Human and Peoples' Rights (ACHPR), *Indigenous Peoples in Africa: The Forgotten Peoples?* (Banjul: ACHPR, 2006), p. 15. The ACHPR lists the Nuer as one of the groups indigenous to Ethiopia.

³¹ Oakland Institute, "Understanding Land Investment Deals in Africa: Country Report: Ethiopia," 2011, <http://media.oaklandinstitute.org/understanding-land-investment-deals-africa-ethiopia>, (accessed August 1, 2011).

³² The two best known foreign investors are India's Karuturi and Saudi Arabia's Saudi Star, which is owned by Ethiopian/Saudi billionaire and EPRDF supporter Mohammed Hussein al-Amoudi.

³³ Oakland Institute, "Understanding Land Investment Deals in Africa," <http://media.oaklandinstitute.org/understanding-land-investment-deals-africa-ethiopia>.

³⁴ Oakland Institute, "Understanding Land Investment Deals in Africa," <http://media.oaklandinstitute.org/understanding-land-investment-deals-africa-ethiopia>.

that contribute to livelihood provision have been taken by investors with no advance notice such as areas of shifting cultivation, and forest.

As has historically been the case, the government considers these areas to be “unused” or “underutilized,” and therefore available for transfer to industrial agriculture.³⁵ Metasebia Tadesse, minister counselor at the Ethiopian embassy in New Delhi, sums up this perspective: “Most Ethiopians live on highlands; what we are giving on lease is low, barren land. Foreign farmers have to dig meters into the ground to get water. Local farmers don’t have the technology to do that. This is completely uninhabited land. There is no evacuation or dislocation of people.”³⁶

³⁵ For example see Anupama Chandrasekaran and Vidya Padmanabhan, “Investments in Ethiopia farming face criticism from activists”, *Livemint.com*, September 5, 2011, <http://farmlandgrab.org/post/view/19211>, (accessed September 7, 2011).

³⁶ *Ibid.*



GAMBELLA'S VILLAGIZATION PROCESS

The Government Villagization Plan

The Ethiopian federal government's current villagization program is occurring in four regions—Gambella, Benishangul-Gumuz, Somali, and Afar. According to published reports, this involves the resettlement of approximately 1.5 million people throughout the lowland areas of the country—500,000 in Somali region, 500,000 in Afar region, 225,000 in

Benishangul-Gumuz, and 225,000 in Gambella.³⁷ The movements in Afar and Somali are all one-year programs, while Gambella and Benishangul-Gumuz are three-year programs that started in the latter half of 2010. As of November 2010, 150,000 Somalis had been moved, with the remainder to be moved throughout the rest of the year.³⁸ Recent reports from Ethiopian state media indicate that involuntary displacements in the Southern Nations, Nationalities, and Peoples' Region (SNNPR) associated with irrigated sugar plantations are now being classified as part of a villagization program, with 10,995 pastoralist household villagized in 2010/2011 and over 20,000 more to be villagized imminently.³⁹

According to Minister of Federal Affairs Shiferaw Teklemariam, the programs in Somali and Afar are “primarily to resettle people in less arid areas near the Wabe Shebelle and Awash rivers,” while the Gambella and Benishangul-Gumuz movements are for “improved service provision.”⁴⁰ In a December 2011 letter to Human Rights Watch the minister said that “the villagization programs in Gambella ... are efforts to tackle poverty and ignorance” and that in addition “the targets are to provide efficient and effective economic and social services (safe drinking water, optimum Health care, Education, improved agronomy practices, market access etc.), create an access to infrastructure (road, power, telecommunication etc.) and ensure the citizens’ full engagement in good governance and democratic exercise.”⁴¹

According to the Gambella Regional Government’s “Villagization Program Plan 2003 EFY” for 2010, the goal of Gambella’s program is to “provide basic socioeconomic infrastructures” and “ultimately to enable them food secured [their food security] and to bring socioeconomic & cultural transformation of the people.”⁴² The original concept was to resettle 45,000 households across Gambella region over the three years of the life of the

³⁷ William Davison, “Ethiopia plans ambitious resettlement of people buffeted by East African drought,” *Christian Science Monitor*, August 1, 2011, <http://www.csmonitor.com/World/Africa/2011/0801/Ethiopia-plans-ambitious-resettlement-of-people-buffeted-by-East-Africa-drought>, (accessed August 1, 2011).

³⁸ William Davison, “Ethiopia Relocates 150,000 People in Eastern Somali Region in Five Months,” *Bloomberg*, November 29, 2010, <http://www.bloomberg.com/news/2010-11-29/ethiopia-relocates-150-000-people-in-eastern-somali-region-in-five-months.html>, (accessed August 1, 2011).

³⁹ “State to villagize over 20,000 pastoralist households,” *Waltainfo*, December 26, 2011, http://www.waltainfo.com/index.php?option=com_content&view=article&id=1111:state-to-vilagize-over-20000-pastoralist-households&catid=52:national-news&Itemid=291, (accessed December 28, 2011).

⁴⁰ William Davison, “Ethiopia Relocates 150,000 People,” <http://www.bloomberg.com/news/2010-11-29/ethiopia-relocates-150-000-people-in-eastern-somali-region-in-five-months.html>.

⁴¹ Letter from Minister of Federal Affairs Shiferaw Teklemariam to Human Rights Watch, December 19, 2011.

⁴² Gambella Peoples’ National Regional State, “Villagization Program Action Plan (2003 EFY)”, August 2002 EC (Ethiopian calendar), (2010 for the European calendar).

project, with approximately 15,000 households the first year. However, according to media reports and a subsequent implementation plan,⁴³ 26,000 households will be moved in the first year because, according to Gambella Governor Omod Obang, “the resettlers are showing keen interest for the program.”⁴⁴ In his letter to Human Rights Watch, Shiferaw Teklemariam stated that 20,243 households were moved the first year (2010/2011).⁴⁵

While implementation responsibilities lie with the regional and lower levels of government, it is widely understood that the federal government is the originator of the policy throughout the four regions. Former regional and *woreda* civil servants in Gambella informed Human Rights Watch that a “coordinator” from the federal government has been posted with the regional government and there are two federal representatives in each of the *woredas* to oversee the villagization process.⁴⁶

Many communities were told by the authorities they would be required to move for “improved infrastructure provision,” while others were told they were to be moved either to mitigate the problems associated with the annual flooding of the Baro River or for security reasons (mostly for Nuer communities that fear cattle-raiding).⁴⁷

Villagization is to occur in all *woredas* in Gambella, and is intended, according to government plans, to move people from smaller, more scattered settlements—whether practicing riverside agriculture, shifting cultivation, or agro-pastoralism—into larger settlements of 500 to 600 households each. People are to be moved within their *woreda* only—there is no intention of resettlement from one *woreda* to another.⁴⁸

Some of the 49 villages that people were being moved to in the first year of the plan already exist and have some infrastructure, while in other cases the new village is being developed from the ground up. According to the plan, newly developed infrastructure

⁴³ A copy of the plan was provided to Human Rights Watch by a former government worker, and contains information for those that are implementing it on the ground.

⁴⁴ “Villagization Process well in progress in Gambella State,” *Waltainfo*, January 11, 2011, http://www.waltainfo.com/index.php?option=com_content&task=view&id=24991&Itemid=52, (accessed September 1, 2011).

⁴⁵ Letter from Minister of Federal Affairs Shiferaw Teklemariam to Human Rights Watch, December 19, 2011.

⁴⁶ Human Rights Watch interview with former regional and *woreda* government employees, Dadaab, Kenya, June 18 and 19 2011. A *woreda* is an administrative district in Ethiopia, managed by a local level of government. *Woredas* are made up of village-level administrations called *kebeles*. The 12 *woredas* in Gambella make up the Gambella Regional State.

⁴⁷ Human Rights Watch interviews, Gambella, May 2011.

⁴⁸ Gambella Peoples’ National Regional State, “Villagization Program Action Plan (2003 EFY),” p. 2.

includes 19 primary schools, 25 health clinics, 51 water schemes, 41 grinding mills, 18 veterinary clinics, 195 kilometers of rural roads, and 49 warehouses/storage facilities. At the end of the program, the intention is that all Anuak, Nuer, and other indigenous peoples (not including South Sudanese refugees) will be gathered in towns of 500 to 600 households each farming on three to four hectares of land.⁴⁹ There is no mention in the plan of what will happen to the Nuer cattle under the villagization program. The widespread fears are that shifting cultivation, riverside cultivation, and agro-pastoralism will disappear.

The budget for the first year of the plan was 61.9 million Birr (approximately US\$3.7 million),⁵⁰ which does not include the 58.2 million Birr (US\$3.4 million) of food aid required.⁵¹ According to the plan, the “implementer” of the food aid requirements is supposed to be Non Governmental Organizations.⁵² The rest of the budget items are to be implemented by various levels of government. The plan is silent on human rights protections.

Affected Communities

Over the three years of this program all households of the indigenous inhabitants of rural Gambella are to be moved. In the first year, 2010/2011, villagization has occurred in *woredas* in Gambella region: Gambella, Godere, Gog, Abobo, Dimma, and to some extent in Itang and Jor. These *woredas* are for the most part Anuak, and these are the areas that are closest to the major infrastructure of the region, such as the main roads and the largest towns. These are also the areas of most intensive agricultural land investment.

Eight villages out of the total of sixteen that Human Rights Watch obtained testimony from already existed prior to the villagization process—villagers were being moved from scattered settlements to an existing village. The other eight villages were mostly located in dry, arid areas away from any dry season water sources such as a major river. Usually the areas were known to the Anuak as they often had used that land in the past as part of a shifting cultivation land use pattern, but had abandoned it due to decreased soil fertility.⁵³

⁴⁹ Gambella Peoples' National Regional State, “Villagization Program Action Plan (2003 EFY),” pp. 1-3.

⁵⁰ *Ibid.*, p. 9.

⁵¹ The food aid as described is to “overcome the lean period” according to the plan; *Ibid.*, p. 3.

⁵² The plan does not name the NGOs, nor whether they are local or international NGOS. It also does not indicate if these are resources that have already been committed by NGOs or whether they are resources that will be requested of NGOs.

⁵³ Human Rights Watch interviews, Gambella, June 2011.

Indigenous communities were moved within their own *woreda*, and movements thus far have respected ethnic or clan lines. Anuak fall into two main livelihood groups: those living along the rivers (more sedentary) and those in the upland forest (who usually practice shifting cultivation). All the new villages are located in the upland forest, and so Anuak relocated from the riverbank are facing an additional adjustment and interruption to their livelihoods by being relocated from the water sources on which they depend for water and to grow food.

Human Rights Watch visits to the Anuak and Nuer areas showed a very different government approach to villagization between each of those ethnic groups.

While the villagization process in the Anuak areas has severely affected the livelihoods of those affected, the loss of livelihoods in the Nuer areas is even more dramatic. The Nuer are agro-pastoralists and the needs of their cattle are of critical importance. The Nuer were told they would be villagized for security purposes—to reduce the likelihood of cattle raids from neighboring tribes, such as the Murle from South Sudan.⁵⁴ The Nuer interviewed by Human Rights Watch stated that the new locations and larger community size made the villages easier to defend. However, given the complete lack of a dry season water source, Nuer could not keep their cattle anywhere near the village. As a result, two new Nuer villages that had been created by the villagization process had already been completely abandoned.⁵⁵

⁵⁴ Human Rights Watch interviews, Gambella, May 22, 2011.

⁵⁵ Human Rights Watch interviews, Gambella, May 23, 2011.



A newly constructed but virtually abandoned Nuer village. In this village, villagers were often forced to build *tukuls* (traditional huts) that they will likely never live in. Additionally, the village lacked dry season water access and was vulnerable to Murle cattle raids.

Villagization is also happening to Anuak town residents who are not civil servants in certain areas of Gambella town, Pugnido town (Gog *woreda*), Dimma town (Dimma *woreda*), and Abobo town (Abobo *woreda*). Residents said that they were told that if they did not have a job with the government in these urban areas, then they must go to the villages.⁵⁶

⁵⁶ Human Rights Watch interviews, Dadaab, Kenya, June 18 and 19, 2011.

HUMAN RIGHTS ABUSES IN THE VILLAGIZATION PROCESS

We want you to be clear that the government brought us here... to die... right here.... We want the world to hear that government brought the Anuak people here to die. They brought us no food, they gave away our land to the foreigners so we can't even move back. On all sides the land is given away, so we will die here in one place.

—An Anuak elder in Abobo *woreda*, May 2011.

The government's plan asserts that the villagization process is voluntary, as does the letter from the minister of federal affairs which states that "[villagization] was fully conducted on voluntary basis and with the full consent and participation of the beneficiaries."⁵⁷ But Human Rights Watch's research found the process to be far from voluntary and has been accompanied by widespread human rights violations, including forced displacement, arbitrary arrest and detention, beatings, rape, and other sexual violence. Residents have been denied their rights to food, education, and adequate housing. These problems were similar for all areas in Gambella that Human Rights Watch visited.

The villagization process began in mid to late 2010, depending on the area. The first meetings between government officials and the community would be held several months before the move was to occur. In most cases these meetings were held in mid-2010. Government officials were usually from the *woreda* level, although for larger communities or those close to major towns regional or federal officials would be present. Usually there would be some regional police present, but participants said that security forces were usually at a minimum for the first meeting.

It was at these initial meetings that communities were first notified that they would be moved in the coming months. If communities were not cooperative, or indicated their

⁵⁷ Letter from Minister of Federal Affairs Shiferaw Teklemariam to Human Rights Watch, December 19, 2011.

refusal to move, the next meeting, usually several weeks later, involved visits from the Ethiopian army, regional police, local militias, and government officials.⁵⁸

Residents described to Human Rights Watch that any refusal or inquiries was met with beatings, arrests, or intimidation from the army. A woman from Abobo *woreda* said:

The first meeting was just with the *kebele* government officials, but we refused their [villagization] plan. They then arrested the village chief at night; the soldiers took him to the police station and he was there for one month. Then the next time the district officials, police, army, and militias showed up. They called a meeting, and nobody said anything because of the soldiers' presence.⁵⁹

In some cases the authorities told the villagers ahead of time when they should move. But for the most part, when it was time to go, government officials, accompanied by police and military, arrived and told them they should move.

Soldiers accompanied the villagers to the new sites and supervised the multi-week *tukul* (traditional hut) construction period. The distance from the old to the new villages typically involved a walk of two to five hours, though in Dimma *woreda* some people were relocated up to 12 hours away by foot. Once the villagers built the *tukuls*, the army typically left.

The moves began in October or November 2010, just prior to harvest time. Stated government promises were similar for all villages: the authorities would provide schools, health clinics, access to water, grinding mills, cleared land for crops, and food aid for seven to eight months. However, despite the promises of schools and clinics, the regional government's plan shows that these were not planned for the majority of villages. In short, the authorities did not tell the villagers the truth.⁶⁰ Some communities were also promised tools, agricultural inputs, clothes, and mosquito nets.

⁵⁸ Militias refer to armed groups of 5 to 10 villagers per village that were trained by the federal army over several months to undertake basic policing and security functions within the villages. This process happened just as the villagization process was commencing in the villages. The positions are unpaid.

⁵⁹ Human Rights Watch interview with a former resident of Abobo *woreda*, Dadaab, Kenya, June 19, 2011.

⁶⁰ According to the plan, of the 49 *kebeles* where villagization was to occur, the authorities planned to build 19 schools and 22 health clinics.

Human Rights Watch found that the actual assistance to the villagers invariably fell far short of the promises. Of the villages visited by Human Rights Watch, a grinding mill building had been completed in two, and a school and clinic had been built in one, but none of these was operational.⁶¹ The authorities provided a very limited amount of food aid to only five of these villages, and just two villages had any land cleared by the government for agricultural production. When it became apparent that little or none of the promised infrastructure or food was to be provided, some villagers simply abandoned the new villages. Some returned to their old farms, while many of the able-bodied men fled into the bush, to South Sudan, or to the UNHCR refugee camps in Kenya, leaving women, children, the sick, and the elderly behind.⁶²

The claims by Human Rights Watch that Gambellans are leaving Gambella to the refugee camps of Kenya were refuted by Minister of Federal Affairs Shiferaw Teklemariam who claims that this assertion is “further evidence of baseless allegation and total fabrication” and that “if this was even remotely true, there must certainly have been an official report from UNHCR....There is no such report, simply because there are no such refugees.” According to UNHCR, Kenya’s refugee camps have 1,474 refugees and asylum seekers of Gambellan origin as of May 2011⁶³ and 2,155 Gambellans as of December 2011,⁶⁴ an increase of 681 in the last seven months. Fifty recent arrivals were interviewed by Human Rights Watch at the UNHCR refugee camp in Dadaab in June 2011. Community leaders within Dadaab’s Anuak community report that 613 Anuak have arrived at UNHCR’s Ifo refugee camp in Dadaab during the last four months of 2011 (October to December 2011).⁶⁵ The photo below taken in June 2011 shows an Anuak refugee cultural celebration at the UNHCR camp in Kenya.

⁶¹ Human Rights Watch site visits, Gambella, May 2011.

⁶² Human Rights Watch interviews, Gambella and Dadaab, Kenya, May and June 2011.

⁶³ Email communication from UNHCR to Human Rights Watch, June 17, 2011.

⁶⁴ Email communication from UNHCR to Human Rights Watch, January 10, 2011.

⁶⁵ Email communication with Anuak community leader [name withheld] in Dadaab, Kenya, December 28 2011.



Anuak community members conducting an Anuak cultural celebration dance, at the UNHCR refugee camp in Dadaab, Kenya on June 19, 2011. Ethiopia's Minister of Federal Affairs claims there is no evidence of refugees in Kenya an South Sudan fleeing the villagization program, but according to Anuak community leaders, 623 Anuak arrived in Dadaab between October 2011 and December 2011 alone.

Forced Displacement

We were told, “If somebody refuses, the government will take action”—so the people went to the new village—by force.

—Villager in Abobo *woreda*, May 2011.

Gambella’s first year of the three-year villagization program has mirrored the forced displacements of Ethiopia’s past villagization efforts.⁶⁶

⁶⁶ Ofcansky and Berry, eds., *Ethiopia: A Country Study*, <http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field%28DOCID+eto103%29>.

Virtually all of the villagers interviewed by Human Rights Watch said that their move was an involuntary, forced process. While all villages reported being engaged in some form of “consultation,” it took the form of government officials “informing” people that they would be moved to a new location. Villagers said that in many of these meetings, they did not utter a word for fear of reprisal by the authorities. And their fears were justified: those who expressed concern or question the government’s motives were frequently threatened, beaten, and arrested by police or soldiers. A villager told Human Rights Watch:

The government came and talked to the village elders and those that are influential. Then the government together with the soldiers and elders called us for a meeting where we were told we were to be moved. There was no consultation or opportunity for dialogue, they were just informing us. Those that spoke up are considered “inciters,” and five of them were arrested from the two villages. They were in prison for between 20 days and one month, and were released on the condition they do not speak against villagization. So either they are silent or they flee.

Despite the intimidation, arrests, and beatings, some communities refused to move to the new villages. The government tried different techniques to persuade them, including dialogue, intimidation, and violence, but several of these communities continued to refuse and have been allowed, thus far, to stay put, but for some of them at a very high cost. A person from Dimma *woreda* said: “People left their crops behind then tried to return. Those who refused to go had their houses burned down by soldiers. Crops were destroyed. In [the village], where there were many mangoes and some sugar cane, government soldiers burned 100 houses.”⁶⁷

In Abobo and Gog *woredas* people who left the new villages tried to return to their old farming areas. Some communities have been allowed to go back to their old farms, given the absence of food available at the new villages. In the majority of these cases women, children, and the sick have remained in the new villages. The minister of federal affairs stated that “They have also all the right to return to their original locations whenever and if they want.”⁶⁸ It is evident that this has not occurred in all cases. A former Okula resident

⁶⁷ Human Rights Watch interview with former a Dimma resident, Dadaab, Kenya, June 19, 2011.

⁶⁸ Letter from Minister of Federal Affairs Shiferaw Teklemariam to Human Rights Watch, December 19, 2011.

said: “If you go back [to the farm] to get materials or for washing, you get harassed and beaten. They [the army] say we are *shiftas* [bandits]. They say that ‘You black men are our slaves.’”⁶⁹ A former Dimma *woreda* resident said: “The [army] told us ‘If you go back, we will destroy the old hand pump.’ There is no hand pump in our new village.”⁷⁰

Forced Displacement from Urban Centers

Without providing a credible reason, the government is also moving Anuak from urban areas into new rural villages. In at least four urban areas (Gambella town, Dimma town, Pugnido, and Abobo town), Anuak—and only Anuak—who were not civil servants or among the few Anuak business owners, were told by the authorities that they needed to leave town and settle in nearby villages. This process began in November 2010.

An Anuak from Dimma town recounted:

People from Dimma town were moved too. “We have a project here and you must go. Civil servants and businesses can stay—all other Anuak must go,” government told us. There are more and more Highlanders in Dimma town now. As Anuak move out of Dimma, Highlanders move in immediately—from Tigray, Amhara, Wollo. There is very good business in Dimma for gold. Even students had to leave Dimma—“There is a school where you are going” [there was not]. All Anuak have left Dimma, if you do not go, you get arrested.⁷¹

None of the reasons stated by the government, or the rationale expressed in the plan, readily explain urban displacement. The Gambella Regional Government’s Villagization Plan makes no mention of moving indigenous people such as the Anuak from urban areas to the new villages.

In Gambella town two main types of displacement are occurring: people who live along the Baro River on prime agricultural land on the periphery of town and those who live in the more dense areas of Gambella, where *tukuls* are more common. Many of the most egregious abuses were reported from those displaced from Gambella town. According to an attendee at

⁶⁹ Human Rights Watch interview with a former Okula, Dimma, resident, Dadaab, Kenya, June 18, 2011.

⁷⁰ Human Rights Watch interview with a former Dimma resident, Dadaab, Kenya, June 18, 2011.

⁷¹ Human Rights Watch interview with a former Dimma student, Dadaab, Kenya, June 18, 2011.

a public meeting in December 2010, the Gambella regional governor told people: “Lands you are using are not utilized. We have investors coming who will use more efficiently. Those who resist we will take all possible action.”⁷² Several other interviewees who attended the same public meeting provided similar accounts of the governor’s statement.⁷³

Displaced Anuak from Gambella town were told to go to the village of Wan Carmie. By May 2011 virtually no one remained in Wan Carmie, fleeing elsewhere. At the time, many Anuak were still present in Gambella town. Human Rights Watch is concerned that an underlying reason for the urban-based displacement is government support for private investment. Instead, individuals were being told that the reason for the forced relocation was the poor standard of their houses. A former resident explained:

We were told this place should have this type of buildings, and so on and [the authorities would say] “You have not done that so we will relocate you to Carmie. You should have certain building standards, so we will allocate this land to the Highlanders who will build to the standards contained in the Master Plan. You are not in the right area for that type of construction.”⁷⁴

A woman moved to Carmie was told by government officials when they visited her farm: “We have some projects to implement here. [Saudi investor name withheld] needs to use this area for a market so you must go.”⁷⁵ Similar testimonies were received from three different villagers who were displaced from along the Baro River.⁷⁶

A former resident of Pugnido town said he was told by *woreda* officials: “You have no land here. You take your tools and go build a house in the village. We don’t want people here doing nothing. We will make this area for business and farming.”⁷⁷

A former Dimma resident told us: “They held a town meeting in Dimma where we were told ‘if you have no job, all Anuaks should go away.’ A few days later, soldiers and district

⁷² Human Rights Watch interview, Dadaab, Kenya, June 19, 2011.

⁷³ Human Rights Watch interviews, Dadaab, Kenya, June 18 and 19, 2011.

⁷⁴ Human Rights Watch interview with a former resident of Gambella town, Dadaab, Kenya, June 18, 2011.

⁷⁵ Human Rights Watch interview with a former resident of Gambella town, Dadaab, Kenya, June 19, 2011.

⁷⁶ Human Rights Watch interviews with former farmers, Dadaab, Kenya, June 18 and 19, 2011.

⁷⁷ Human Rights Watch interview with a former resident of Pugnido town, Dadaab, Kenya, June 19, 2011.

officers were in town to tell people it was time to go ... some people resisted, so soldiers were ‘active.’”⁷⁸ In three of the four *woredas* where urban Anuak are being relocated (Gambella, Abobo, and Gog *woredas*) significant agricultural land investment is happening. In the fourth *woreda* (Dimma) there is increasing investment in the gold mining industry.⁷⁹

Suppressing Dissent

The Ethiopian government’s longtime tactic of stifling opposition to programs and policies through fear and intimidation is evident in the implementation of the villagization program. Citizens cannot voice their concerns without fear of reprisal, including possible arrest or mistreatment. The government has effectively silenced any public opposition to the program; there is no mechanism for communities to express their views or have a constructive dialogue; and many indigenous people inside Ethiopia were nervous about speaking to Human Rights Watch for fear of reprisal by the government.

The army or police were present at many, perhaps most, public meetings—an intimidating presence given the longstanding history of military abuses against the local population.⁸⁰ The security forces carried out many beatings and arbitrary arrests in a public fashion, perhaps to show what would happen to those that oppose the policy.⁸¹ One resident opposed to the villagization process said: “If we say any of this to them, they twist it and we go to jail.”⁸²

One man described what happened to his friend following a public meeting on villagization in Gambella town:

“If people are not being told why, do we have to go?” my friend [name withheld] said at the public meeting. This meeting took place in the day, then in the night, people were beaten by the EDF [Ethiopian Defense Force, army] and accused of mobilizing farmers against villagization. Two of my friends were beaten, arrested, and taken to hospital [he showed photos of

⁷⁸ Human Rights Watch interview with a former resident of Dimma town, Dadaab, Kenya, June 18, 2011.

⁷⁹ Kaleyesus Bekele, “Chinese Mining Giant commences operations in Ethiopia”, *The Reporter*, July 16, 2011, <http://www.thereporterethiopia.com/News/chinese-mining-giant-commences-gold-exploration-in-ethiopia.html>, (accessed August 1, 2011).

⁸⁰ For example, see Human Rights Watch, *Targeting the Anuak*.

⁸¹ Human Rights Watch interviews, Gambella and Dadaab, Kenya, May and June 2011.

⁸² Human Rights Watch interview, Gambella *woreda*, May 26, 2011.

two beaten friends]. The next day there was another meeting. And my friend [who had spoken up the day before] got emotional at the meeting. When the meeting was over the EDF followed him into town at night and shot him from behind through the neck [showed photograph]. The two army officers were at the earlier meeting.⁸³

The Ethiopian government has permitted very little media coverage of the program within Ethiopia. As a result, outside of affected areas there appears to be very little if any awareness of the program among ordinary Ethiopians. International media attention has also been stifled, with journalists subjected to questioning when staying in villages in areas where villagization is taking place. A Human Rights Watch researcher was questioned by *woreda* officials who told him, “We hear that foreigners are poking around trying to find out about villagization, and taking what villagers say, twisting it, and making our government look bad.”⁸⁴

Fear of speaking out about the villagization program and the suppression of information and dissent also extends to government employees. According to former civil servants who spoke to Human Rights Watch, many government employees are afraid to say anything for fear of losing their job or other forms of reprisal. For those who expressed concern about the program or seek clarification, the outcome was threats, demotion, or, in at least three cases known to Human Rights Watch, arrest.⁸⁵

A regional government worker, who was demoted twice and eventually imprisoned for three months for questioning villagization, explained:

I asked “Why do people need to go?” If you ask this then they will target you. I said “We should consult with them to see what they want, then it could be successful. They told me I was anti-government: “We have told you to go and tell the villages. You have refused. From this day on we will study you and your background.” Once you raise a question you are always targeted from regional to village level and your name will be recorded.⁸⁶

⁸³ Human Rights Watch interview, Dadaab, Kenya, June 18, 2011.

⁸⁴ Abobo *woreda* officials to Human Rights Watch, Gambella, May 26, 2011.

⁸⁵ Human Rights Watch interview with former regional and *woreda* civil servants, Dadaab, Kenya, June 19, 2011.

⁸⁶ Human Rights Watch interview with former regional civil servants, Dadaab, Kenya, June 18, 2011.

If villages resisted in any way or the program was not being carried out as quickly as desired, *woreda* or other junior government officials were targeted and blamed for the problems. Often this targeting took the form of demotion, firing, or occasionally arrest.⁸⁷ This happened at both the regional level and the *woreda* level. A former *woreda* development agent told Human Rights Watch:

Farmers in our *woreda* did not want to go. The *woreda* reported to the region that farmers are refusing to accept. The governor asked the *woreda* chairman to investigate. He did—“Yes, they are resisting. What shall we do?” he asked the governor. The governor told him that five development agents should be suspended from their job, and that he will bring in the soldiers. So that is what happened.⁸⁸

Arbitrary Arrest and Detention

The Ethiopian government has arrested individuals who expressed concern about the villagization process during meetings, traditional leaders of “anti-villagization” communities, and elders or young men accused of “inciting people to refuse.” In several *woredas* where communities were not cooperative, government officials were also detained or arrested. Human Rights Watch received credible accounts of arbitrary arrests in 9 of the 16 villages we obtained testimony from; the overwhelming majority were men who had spoken up during the initial meetings.

Those arrested have typically been detained for under two weeks, though some have been held much longer. Human Rights Watch is unaware of any of these individuals being charged with any offense, or appearing before a judge.⁸⁹ Many of the arrests appear to have been carried out publicly, and appear to have been used as a tool to intimidate and instill fear among the rest of the population.

Human Rights Watch interviewed three community leaders who were detained for openly questioning the government’s policy during the meetings. They were not charged, were never brought before a judge, and were released after several weeks on the condition that

⁸⁷ This was described by four former *woreda* and regional government employees during Human Rights Watch interviews, Dadaab, Kenya, June 2011.

⁸⁸ Human Rights Watch interview with a former *woreda* civil servant, Dadaab, Kenya, June 18, 2011.

⁸⁹ Human Rights Watch interviews, Gambella and Dadaab, Kenya, June 19, 2011.

they would support the moves, would no longer speak out against the policy, and would mobilize their community to move.⁹⁰ Another community leader said:

In our village, old men were arrested because they expressed concern—five of them. They were told they were “anti-villagization.” They are still in Gambella prison since [their arrest] around November [2010]. These village heads had a private meeting and they decided against villagization, and they would tell government when they came. They told them two weeks later, and they were arrested for “not being cooperative.”⁹¹

Beatings and Assaults

There have been many reports of government soldiers assaulting and beating people during the villagization process. Available information suggests that the overwhelming majority of these beatings happened when people expressed concern about villagization during meetings, or when they actually resisted when it was time to move. This happened mainly between October 2010 and January 2011 in many villages, including almost all of the villagized areas in Dimma and Gog *woredas*; Ukuna and Chobokir in Abobo *woreda*; Opagna and Wan Carmie in Gambella *woreda*; and around Gambella town.

Many beatings also took place during construction of the *tukuls* in the new villages, where displaced people were forced to build their own new homes. Soldiers supervised the building of these *tukuls*; in some cases soldiers were camped out near the villages, in other cases they would arrive in the morning and leave in the evening. In these cases, soldiers were there to intimidate and ensure that the villagers built their *tukuls* swiftly. If villagers were too slow or were seen talking in a group, they became potential targets for beatings and assaults by government troops. Often this would involve a kick, slap, punch, or hitting with the butt of a rifle, but other times the beatings would be more severe. According to one villager:

During construction, there were three situations in which you were beaten: one, if you are found outside the construction area; two, are sitting in a group; or three, if two people are seen talking. ‘You are mobilizing,’ they

⁹⁰ Human Rights Watch interviews, Dadaab, Kenya, June 18, 2011.

⁹¹ Human Rights Watch interview with a former Gog Depache resident, Nairobi, Kenya, June 19, 2011.

would say. More than 10 were beaten in our village and most of them ran off and haven't returned. It was mostly men beaten.⁹²

Human Rights Watch documented at least seven credible accounts of people dying as a result of the beatings inflicted by the military and heard of many more that could not be corroborated. One resident said:

My father was beaten for refusing to go along [to the new village] with some other elders. He said, "I was born here—my children were born here—I am too old to move so I will stay." He was beaten by the army with sticks and the butt of a gun. He had to be taken to hospital. He died because of the beating—he just became more and more weak. Two other villagers were taken to Dimma prison.⁹³

The military appears more likely to use violence against relocated villagers in less populated areas. For example, more arbitrary arrests, beatings, and deaths were reported in remote Dimma than in relatively more populous Gambella town. Most of those reported beaten in the new villages were village leaders or young men, although women and children were also occasional victims of beatings. One eyewitness said:

One day I went to visit relatives at a [neighboring village]. I immediately saw the mobilization of people to cut trees. It was almost 5 p.m. One of the community leaders expressed concern at the late start.... This person was then beaten in front of everyone and taken away. His hands were tied behind his back, he was beaten as people watched. They were unable to do anything, afraid to intervene. Police and *woreda* officials were also involved in this beating; they said he was "anti-villagization." He was held in jail for one month. There are eight of them that are in danger in that village and are being intimidated by the army because they were accused of forming an anti-villagization group.⁹⁴

⁹² Human Rights Watch interview with a former Gog *woreda* resident, Dadaab, Kenya, June 19, 2011.

⁹³ Human Rights Watch interview with a former Dimma *woreda* resident, Dadaab, Kenya, June 18, 2011.

⁹⁴ Human Rights Watch interview with a former Abolkir resident, Dadaab, Kenya, June 18, 2011.

News of the military's targeting of young men—considered to be the biggest threat to the authorities—has spread throughout the region. In some communities elders have told young men not to come to the government meetings to avoid interacting with the soldiers, while in many villages young men have just fled into the bush and to South Sudan.⁹⁵ A young villager said:

When I went back to my old village to gather belongings I was told [by a soldier] “Why are you here? You are thieves.” I was then beaten with sticks, and I still have chest pain. The day before this a friend was killed by soldiers. He was beaten with guns and sticks, was vomiting blood and died before we could treat him. He was 19 [years old]. Anuak were crying during the beating but no one could intervene—there were many soldiers there—and we are scared of them.⁹⁶

A woman, formerly of Gog Depache, said:

There was one day we were sitting under the trees, eating green cabbage. Soldiers called five boys and just beat them badly—three were taken to hospital, two of them died. The other three are still in serious condition. There were eight arrests. If you cry for someone who has been arrested or beaten they say, “He is a *shifita* [bandit].” They are still in prison. After witnessing all of this I fled. People are showing up dead along the roadside or in villages. Two old men were found dead along the road—they were the ones who had expressed concern at the meeting. Their throats had been cut. Those that were arrested were those that expressed concern and those that tried to go back to their farms.⁹⁷

Rape and Sexual Violence

Human Rights Watch learned of many instances of rape and other sexual violence by soldiers connected to villagization, and at least one instance of girls being abducted by soldiers to become their “wives.”

⁹⁵ There is also a large group of young Anuak men in the refugee camps in Dadaab, Kenya.

⁹⁶ Human Rights Watch interview with former Dimma resident, Dadaab, Kenya, June 19, 2011.

⁹⁷ Human Rights Watch interview with a former Gog Depache resident, Dadaab, Kenya, June 18, 2011.

Few young men inhabit the new villages created under the villagization process. Many have gone back to their original areas to farm. Others have fled military abuses that are frequently directed at them. The net effect is that in many of the new villages, women, children, the sick, and the elderly are left largely to themselves. Without the presence of male villagers the women have been at greater risk of rape and other sexual violence from soldiers. Rapes appear to occur particularly in areas where women are isolated and alone, and after dark.

The lack of available water at the new villages has increased the risk of sexual assault as women are walking longer distances to access water sources. Human Rights Watch is aware of about 20 rapes in three areas, most of which were alleged to have occurred when women were alone or travelling long distances to access water. Most of the rapes were alleged to have involved more than one soldier. Victims of sexual assault with whom Human Rights Watch spoke displayed various visible injuries. There were also multiple interviewees from one village that told us that when the army left after *tukul* construction, they took with them seven girls to become “their wives.” One eyewitness said:

When the soldiers finally left after the construction period they took seven young girls with them “for forced marriage.” They took them back to the Highland areas. I know the girls personally. They were taken right in front of their parents. They did not resist because the soldiers have guns. They were all taken in the same day, just at the end of construction.⁹⁸

At the time of the interviews there was no information of the girls having been returned to their village.

⁹⁸ Human Rights Watch interviews with former Gog Depache residents, Dadaab, Kenya. June 18 2011.

VIOLATIONS OF ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Infrastructure Commitments

The government of Ethiopia contends that villagization is being undertaken to ensure more efficient delivery of services to rural populations. But failure to provide promised infrastructure was a major failing of Ethiopia's past resettlement and villagization efforts and remains so today.⁹⁹ In at least 7 of the 16 villages visited by Human Rights Watch, residents were being moved from villages where infrastructure—schools, clinics, access to water—existed and was operational, to villages where infrastructure was non-existent.

In the new villages, villagers either were doing without this critical infrastructure or were walking to their old villages to access necessities. The government's claim that it is improving infrastructure is belied by the return of so many villagers to their old homes to access food, water, and health care. Some government officials have conceded that they did not have a budget to put the infrastructure in the new villages in place.¹⁰⁰ But there are indications that the 56 million Birr (US\$3.3 million) needed for the first year of infrastructure provision was provided by foreign donors, so it is not clear how these funds were spent.¹⁰¹

Of the 12 communities Human Rights Watch visited that were part of the government's implementation plan,¹⁰² infrastructure provision was planned to involve thirteen water schemes, seven flour mills, eight warehouses, two new health clinics, and two primary schools, along with roads and other public goods.¹⁰³ Visits to these villages revealed that just two water schemes were operational. One new school and one clinic in Tegne, Abobo

⁹⁹ T. Assefa, "Resettlement Impact on Environment and Host Communities," unpublished paper, December 19, 2005, Forum for Social Studies.

¹⁰⁰ Human Rights Watch interviews with a former regional government official and a former *woreda* official, Dadaab, Kenya, June 2011. Several village residents who spoke to Human Rights Watch also said they were told this by government officials.

¹⁰¹ For example, a former regional government official as well as villagers from three separate villages told Human Rights Watch of a joint assessment in early 2011 by representatives from DFID, UNICEF, USAID, and others to "see how their money was being spent." DFID acknowledged that an assessment had been carried out but declined to provide a copy of the assessment to Human Rights Watch and to a member of Parliament in the British House of Commons.

¹⁰² The other four villagized areas that we obtained testimony for were not listed in the Regional Government Plan for 2010/2011.

¹⁰³ Gambella Peoples' National Regional State, "Village level land holding registration and measurement in Gambella region; program for January 18-27, 2011," translated from Amharic.

woreda, had been built but were not operational. The buildings for the grinding mills were built in Atangi, Itang *woreda*, and Perbongo, Abobo *woreda*, but were not operational.

It is conceivable that the promised infrastructure and service delivery were provided to these villages since the time of the Human Rights Watch May 2011 visit, however the government plan identified the importance of having this infrastructure in place prior to villagers moving “when possible.”¹⁰⁴ For many of these communities the lack of infrastructure means that children are now not going to school, food is not available locally, illnesses are going untreated, and livelihoods have been decimated.

Right to Food and Food Security

In this village, we used to hear the pounding of maize all the time. Now listen, ... you hear nothing.... The silence is deafening.

—Elder in Gambella *woreda*, May 2011

One of the most common concerns voiced when government officials and soldiers showed up saying it was “time to go” was that communities were often just getting ready to harvest their maize crops, the staple of Anuak diets. Several villagers told Human Rights Watch that soldiers told people to come back for their crops at a later time. For example, a man in Dimma *woreda* said soldiers told them: “You must go now. Do not worry about your crops. You can come back for them after you have built your houses.”¹⁰⁵

Residents were usually not able to leave their new villages until the army departed. In almost every situation investigated by Human Rights Watch in which people were allowed to return to their original homes, they found that the maize crop had been destroyed by baboons, termites, or rats. In short, the timing of villagization could not have been any worse for those being moved. While individual experiences of villagization in Gambella vary largely among the *woredas*, the overwhelming majority of forced movements occurred precisely at or just before harvest time—a critical time for the communities. The livelihood disruption from the resettlement of villagers during harvest time was one of the major international criticisms of Derg-era resettlement programs, but the lesson appears to have been lost on the current Ethiopian government.¹⁰⁶

¹⁰⁴ Gambella Peoples’ National Regional State, “Villagization Program Action Plan (2003 EFY)”, p. 2.

¹⁰⁵ Human Rights Watch interview with a former Dimma resident, Dadaab, Kenya, June 19, 2011.

¹⁰⁶ Ofcansky and Berry, eds., *Ethiopia: A Country Study*, <http://lcweb2.loc.gov/cgi-bin/query/r?frd/cstdy:@field%28DOCID+eto103%29>.



A new village with land for maize cleared by hand by villagers, despite government promises to have such land cleared.

One of the government's commitments to the residents of new villages was the provision and clearing of adjacent land on which food could be grown.¹⁰⁷ Officials also pledged to provide food assistance for between six to eight months until the transition had been made to a more sedentary form of agriculture in place of shifting cultivation or agro-pastoralism.¹⁰⁸ In addition, communities were promised training in the necessary farming techniques as well as input provision (seeds, etc). The government villagization plan suggests that three extension workers would be posted in each village to assist with implementation.¹⁰⁹

¹⁰⁷ Villagers were promised between two and four hectares per household from government officials based on Human Rights Watch interviews. The plan shows "up to 3-4 ha /hh," Gambella Peoples' National Regional State, "Villagization Program Action Plan (2003 EFY)," p. 1.

¹⁰⁸ Villagers appear to have been promised between six to eight months of food assistance from government officials, according to Human Rights Watch interviews. The villagization plan shows "grain ration and cooking oil shall be considered for utmost [at most] 8 months." Ibid., pp. 3-4.

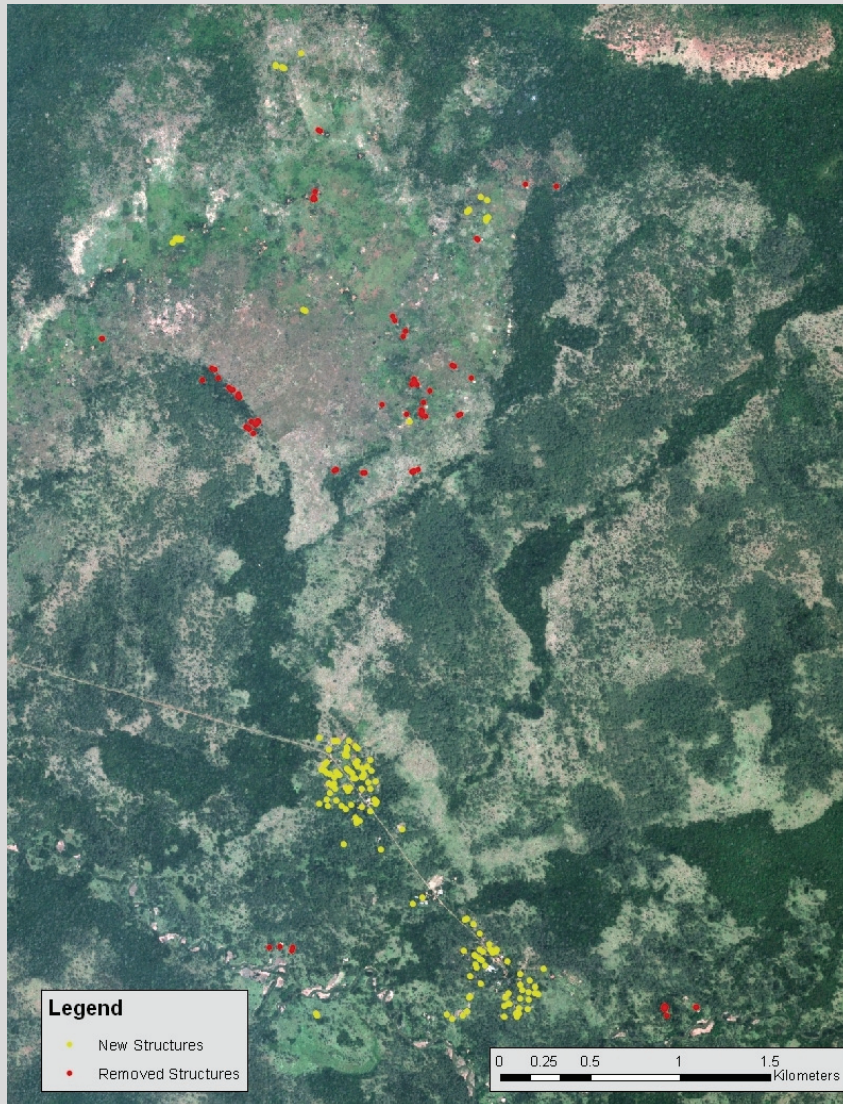
¹⁰⁹ Ibid., p. 3.

Evidence of Rural Displacement and Villagization in the Akuna Area

In October 2011 villagers were told they were to be relocated from their existing homes to the village of Akuna:

“In this location we have had more than enough food for the last 10 years, and enough now. [In the new location] there will be no food. They say there will be lots of water, small place for tukuls, and backyard for vegetables. They said they will provide relief food for the rest, but they never keep their promise, and here we can grow our own food.”

There was a verbal commitment from government to the villagers of four hectares of cleared land per household. The Regional Government Plan states that land would be provided for each household “up to 3-4 hectares.”



©2011 GeoEye, Inc. Location: 7°53'06"N, 34°39'27"E.

The image shows that 68 scattered structures in the area surrounding Akuna that were present in June 2009 no longer existed in December 2011. During that period an additional 124 structures were constructed in the central village of Akuna.

Major infrastructure already existed in Akuna prior to villagization. No evidence exists in the images of any new infrastructure.

Cleared Land in Akuna Area

There was a verbal commitment from government to the villagers of four hectares of cleared land per household. The Regional Government Plan states that land would be provided for each household “up to 3-4 hectares.”

In contrast to this pledge, villagers were told in April 2011 that 0.5 hectares would now be given for every two households. The lower red figure shows the area that was cleared adjacent to the new structures for agriculture: 32 hectares for 124 structures, which approximates to 0.25 hectares per household.

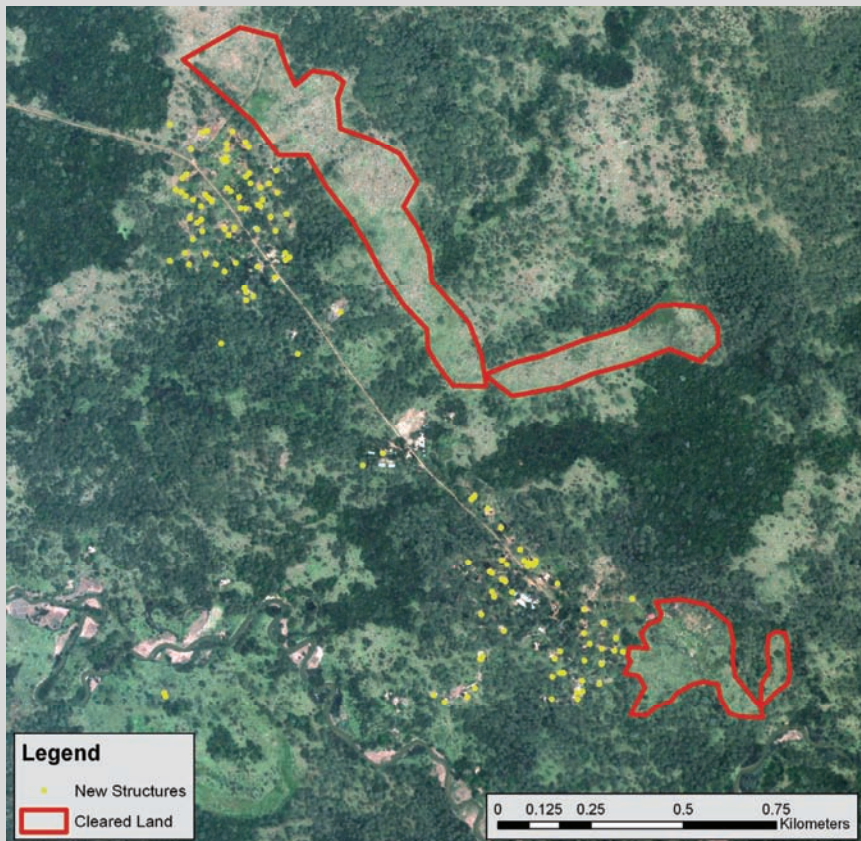


Image ©2011 GeoEye, Inc. Location: 7°53'12"N, 34°39'23"E.

A woman at a new village said:

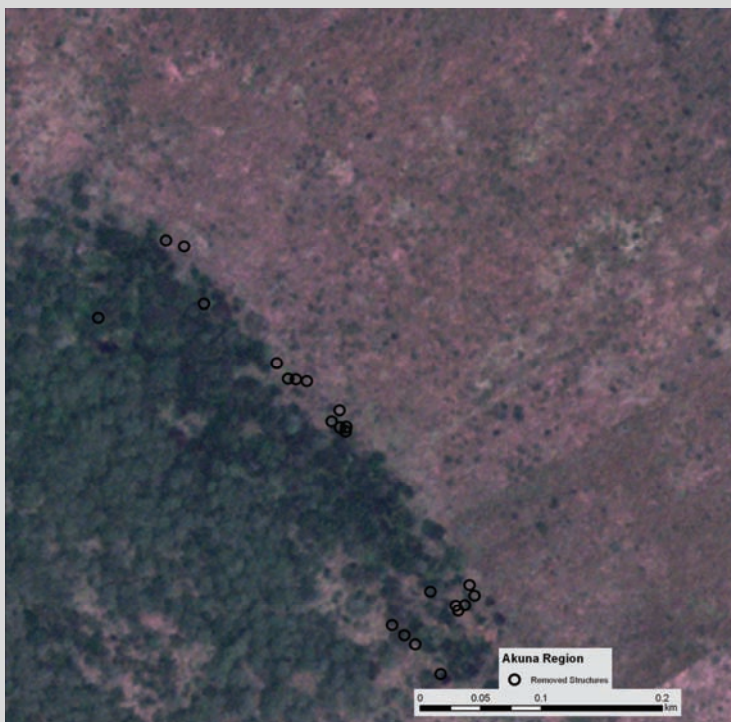
“We expect a major starvation next year because they did not clear in time. If they cleared we would have food next year but now we have no means for food. We are starving. They promised food-enough and excess for the first eight months, then no more [after 8 months] we would be on our own. But they have brought virtually nothing. Half a hectare is not nearly enough for a family. So after we came to [Akuna to] build tukuls, both men and women, we went back [to our old farms] to get our maize and it was gone—the termites had taken care of it all.”



June 2009. Image ©2011 GeoEye, Inc. Location: 7°54'36.2"N, 34°38'53"E.

Removed Structures in Akuna

In 2009, the Akuna farming community is visible, with multiple small structures visible near small agricultural fields. By late 2011, however, all these structures are missing (indicated by circles), and the adjacent fields have been abandoned.



December 2011. Image ©2011 GeoEye, Inc. Location: 7°54'36.2"N, 34°38'53"E.

The regional plan states that households will have access to “up to 3-4 hectare[s]” and the letter from Minister of Federal Affairs Shiferaw Teklemariam to Human Rights Watch states that “through villagization program, a household is given an average of four hectares of land.”¹¹⁰ Of the 16 communities where we obtained testimony none had received inputs and only two had any land cleared. In one of these communities, clearing was being done when Human Rights Watch visited, and the other village had cleared just 0.5 hectares (1.2 acres) per household for one-half of the households.¹¹¹ One woman complained about the lack of clearing: “The officials need to come with a grader. We are not forest people, we do not know how to cut trees. They need to clear.”¹¹²

Approximately one-third of these villages had received one small delivery of food (which seemed to last about two weeks), while the remaining two-thirds had no food deliveries at all. One villager expressed his sense of desperation:

The government is killing our people through starvation and hunger. It is better to attack us in one place than just waiting here together to die. If you attack us, some of us could run, and some could survive. But this, we are dying here with our children. Government workers get this salary, but we are just waiting here for death.¹¹³

The United Nations World Food Program (WFP) runs a program for “targeted beneficiaries” in some of the more food-insecure areas of Gog *woreda*. As part of their food deliveries under this program in chronically food-insecure areas, there were several food deliveries to the new villages. There were several accounts of *woreda* officials intercepting this food aid and eventually delivering it themselves to the affected populations. It is not clear how much of the intended assistance actually made it to the intended recipients. Human Rights

¹¹⁰ Letter from Minister of Federal Affairs Shiferaw Teklemariam to Human Rights Watch, December 19, 2011.

¹¹¹ This claim was verified by the analysis of satellite imagery carried out for Human Rights Watch by the American Association for the Advancement of Science (AAAS). The analysis shows that for this village approximately 32 hectares of land was cleared for the 68 new structures—approximately 0.25 hectares per household.

¹¹² Human Rights Watch interview with a villager who was relocated from the banks of the Openo River (Baro River) to an upland location in the forest, May 22, 2011.

¹¹³ Human Rights Watch interview, Abobo *woreda*, May 25, 2011.

Watch documented the politicization of food aid and food-for-work programs in various regions of Ethiopia in 2010.¹¹⁴ A resident of Gog told Human Rights Watch:

The government would not provide food if people did not come [to the new villages]. There was a tiny distribution of wheat at first. When they saw people starting to come to the village they stopped distribution [of food]. Then the World Food Program came with 50 kilograms [of wheat] for every three families, as well as some beans. We had to collect from [nearby village], but then the *woreda* interfered and handed out [the WFP food deliveries] themselves.¹¹⁵

Many of the new villages are in areas known to the residents. They had left these lands in the past because the soil was no longer fertile. In many other areas, vegetation is dense and large trees are present, making the area difficult to clear, particularly for a malnourished and often elderly population. This lack of clearing and the late arrival of the rains for the third straight year meant that, as of mid-2011, most farmers had not planted their crops; they usually would have been planted one to two months prior to this time.

“We expect major starvation next year because they did not clear in time,” said a resident of Abobo. “If they cleared we would have food next year but now we have no means for food.”¹¹⁶

The disruption at harvest time, the lack of any food reserves, the lack of food aid, and the lack of planting for the upcoming season (maize would be ready for harvest in approximately four months) is making an always precarious food security situation much worse. Almost every villager Human Rights Watch spoke to in Gambella said that the biggest problem they are facing with the villagization process is the lack of food. Seemingly out of touch with the reality in the villages, the minister of federal affairs told Human Rights Watch in December 2011 that “The villagers for the first time in their history started to produce excess product—maize, sorghum, rice, potatoes, beans, vegetables, fruits, etc.—beyond and above their family consumption.”¹¹⁷

¹¹⁴ See Human Rights Watch, *Development Without Freedom: How Aid Underwrites Repression*, October 2010, <http://www.hrw.org/reports/2010/10/19/development-without-freedom-o>.

¹¹⁵ Human Rights Watch interviews with a community resident, Gog *woreda*, May 26, 2011.

¹¹⁶ Human Rights Watch interviews, Abobo *woreda*, May 24 2011.

¹¹⁷ Letter from Minister of Federal Affairs Shiferaw Teklemariam to Human Rights Watch, December 19, 2011.

Perbongo Settlement Increase

In the above image (collected May 4, 2011), the red circle indicates the existing structures of Perbongo in 2007. The orange box represents the area of growth that occurred in the period from 2007-December 2010. The green box delineates the area where growth occurred between December 2010 and May 2011, involving 20 new structures.

An Anuak woman living in Perbongo in May 2011 said:

“There were many of us living along the [Alwero] riverbank, all have been moved. The other side of the river has been cleared by Saudi Star. There is lots of clearing now along the river. [We] used to collect wild honey, fruits, and roots over there, but [it is] all cleared now.”

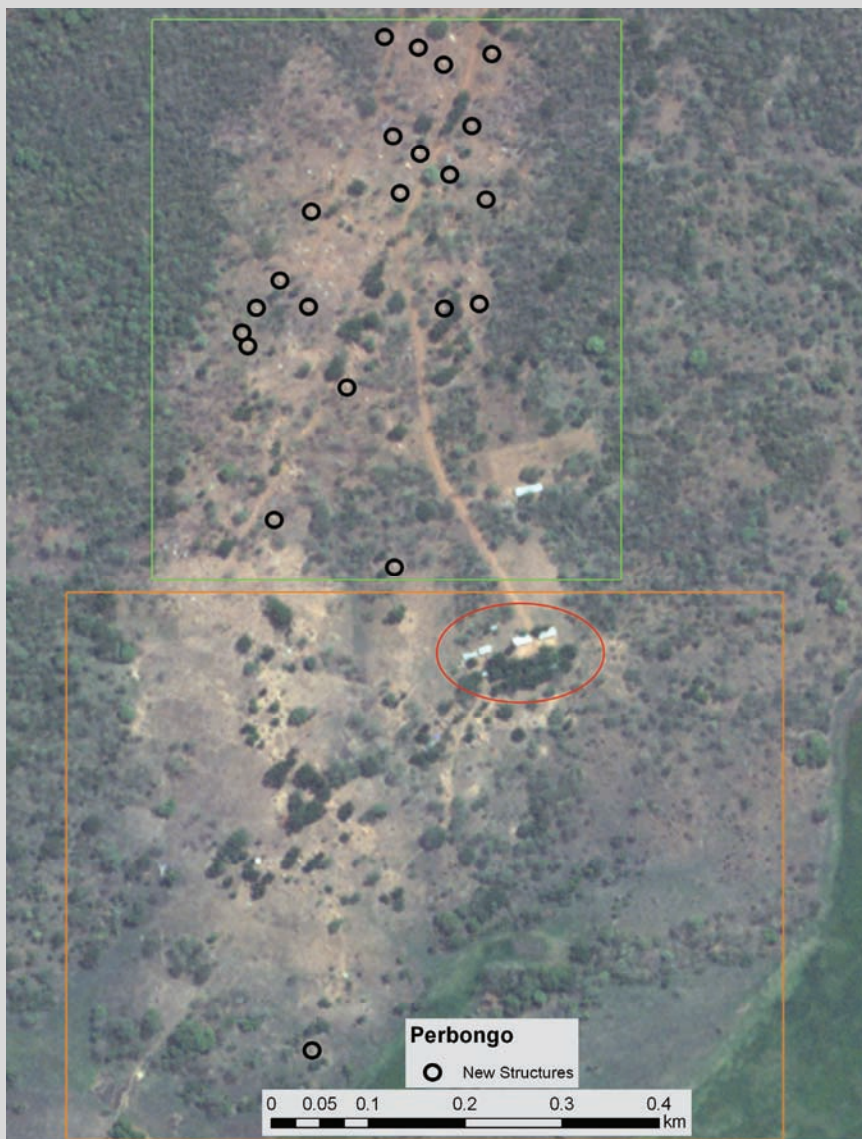


Image ©2011 DigitalGlobe, Inc. Location: 34°27'31.15"E, 7°54'11.4"N.

One villager asked: “We are living on roots, with no maize yields. This is all we will have, we can also hunt for honey, but for how long can we eat honey?”¹¹⁸

In past times of famine, the Anuak would turn to the forest to act as a buffer against insecurity, harvesting wild fruits, nuts, plants, fish, and game. Several of the communities we visited were subsisting solely on a starchy wild root while others were living off of the green leaves of several wild plants that were common around the village. But many spoke of the increasing inability to feed themselves from the forest as the forests have been taken and cleared by agricultural investors. Said one elder: “This year no wild fruits. We pray that next year will be different, but they are clearing the forest.”¹¹⁹

A woman from a village forced to move during harvest time and whose crops at her old home were destroyed by monkeys said, “Now we eat only green leaves. On the riverbank we had much food: our crops, our fish, and our fruit.”¹²⁰

Several villagers spoke of people that had recently “starved to death.” Some were elderly and some were younger people who had collapsed during foraging activities in the remaining forests nearby. In one village, an Anuak elder, clearly distraught, came into the *tukul* where Human Rights Watch was interviewing to announce that his 25-year-old son, a father of two, had just died:

He was out to look for wild fruits because he and his family are so hungry.... He was out with two friends, and then just collapsed. He was carried back very weak to the village by his two friends. Some watered-down maize [the remains of *quon*]¹²¹ was given to him. He took a few sips, said he needed a nap, and never woke up.¹²²

¹¹⁸ Human Rights Watch interviews, Gog *woreda*, May 26, 2011.

¹¹⁹ Ibid.

¹²⁰ Human Rights Watch interview, Itang *woreda*, May 26, 2011.

¹²¹ *Quon* is a staple of the Anuak diet and is predominantly ground maize. It is similar to Kenyan *ugali* or Zambian *nshima*.

¹²² Human Rights Watch interview, Gog *woreda*, May 25, 2011

Right to Education

International human rights law provides for the right to education and requires that governments provide universal and compulsory primary education.¹²³ Several villagers with whom Human Rights Watch spoke said that they had been cautiously optimistic about moving to the new villages in part because they were led to believe that their children would be closer to schools.¹²⁴ However, not only have operational schools been completely absent from the new villages, but the government's villagization plan did not even envision schools for the majority of new villages.¹²⁵

This has meant that some children are walking back to their old villages to attend school. However, in most cases the children are not attending school but spending the day with their mothers. The increased army presence in the area has raised concerns among parents about allowing their children, particularly older boys, to walk long distances to go to school, out of fear of them being assaulted.¹²⁶ One resident said:

There is a psychological impact on children. No learning is happening. There was a school in the old village, here there is none. No one is going to school now, as they are afraid. Who will protect them going to the old village? Even the children themselves are refusing to go.¹²⁷

Those in school were also at risk. In several schools in which villagization was not occurring at that time government officials had compelled students to provide labor for *tukul* construction at nearby villages. They said that *woreda* officials told them that they would not be allowed to "write their Grade 10 examination" if they did not come. They would typically cut grass or wood.¹²⁸

¹²³ International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1996, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 13.

¹²⁴ Human Rights Watch interviews, Gambella and Dadaab, Kenya, May and June 2011.

¹²⁵ Gambella Peoples' National Regional State, "Villagization Program Action Plan (2003 EFY)", pp. 10-12.

¹²⁶ Human Rights Watch interviews, Abobo *woreda*, May 24, 2011.

¹²⁷ Ibid.

¹²⁸ Human Rights Watch interviews with a teacher and students, Gog *woreda*, May 26, 2011.

The expulsion of Anuak from urban areas has affected many Anuak youth, who have been compelled to leave their schools in town. This happened in Pugnido, Dimma town, and, to a lesser degree, Gambella town.¹²⁹ One boy, who is now a refugee in Kenya, said:

I was a student in Pugnido attending the primary school. During vacation I came to visit my family. That was the day they showed up to tell everyone to go. “This is a national campaign, so you are involved,” I was told. I refused twice. So I was beaten by the police then taken to the police station with the militias for two days. Elders came to prison to talk to me: “It’s happening to us all. Just do it. It will be easier for you.” So I was released in order to go build *tukuls* in the new village, and I just then went to Pugnido and fled to South Sudan. I no longer go to school.¹³⁰

One village that previously had full infrastructure was relocated less than one kilometer away to an area without infrastructure. Students were walking to school at their old location, but teachers told us that the absence of food available in the communities resulted in students who were lethargic and uninterested in learning. Eventually they just stopped going. According to a village elder, teachers have also stopped appearing at school, and now there are plans to close the school.¹³¹

A government worker in Itang *woreda* told Human Rights Watch:

Before we had school underneath a mango tree, with teachers from our community, which was fine. Now we have a building, but with no teachers, no nothing, and the children do not go to school. But the government can now show the world that there is a “school” whereas before there was “nothing.”¹³²

¹²⁹ Human Rights Watch interviews, Dadaab, Kenya, June 18 and 19, 2011.

¹³⁰ Human Rights Watch interviews with a former Dimma student, Dadaab, Kenya, June 19, 2011.

¹³¹ Human Rights Watch interview, Gog *woreda*, May 25, 2011.

¹³² Human Rights Watch interviews, Itang *woreda*, May 26, 2011.



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New Construction in Gog Jingjor Area

Two villagized settlements in the Gog Jingjor area. Structures identified were added between January 2010 and May 2011. Interviews were carried out in Settlement A. A school and other community infrastructure were in place in the existing village located just below A (inside the red circle). Villagers in the new structures in Settlement A were moved from the existing settlement (around the red circle) to their new locations 200-500 meters along the road, moving them further away from existing infrastructure.

An Anuak elder said: *"We were moved from literally two minutes away—we were moved to the new village about 400 meters away from the old village. We were not given a reason other than that we needed to be seen by the roadside in order to be called a village—we debated and we argued. But here we are."*

A schoolteacher from the original village described the transfer: *"All of them [the villagers] resisted. There were arguments, but were told to go so they did. They moved further away from the school and clinic. The decision has now been made to close the school because children don't attend anymore because they are starving."*



Settlement B: 34°29'21.27"E, 7°35'38.23"N.



tukul in Gog Depache, Gambella. Officials built “model *tukuls*” in many new villages to show relocated villagers how to build their own, usually under close military supervision.

Forced Labor and the Right to Adequate Housing

The government’s villagization plan endorsed a “participatory approach” as one of its implementation principles, whereby the target beneficiaries should contribute local material and labor.¹³³ What this meant in practice was that villagers who were moved from their homes to the new locations were all required to build their own *tukuls* without any compensation. The army supervised this process, and slowdowns in work were met with intimidation, beatings, and other abuses.

¹³³ Gambella Peoples’ National Regional State, “Villagization Program Action Plan (2003 EFY)”, p. 4.

Additionally, in several *woredas*, government workers were also required to assist in the building of houses in the new villages. This order applied to most government workers, whether they were civil servants, nurses, or teachers: all had to come and help for one to three weeks.¹³⁴

As noted above, the authorities also brought in students from schools in neighboring villages to cut grass or wood for *tukul* construction.¹³⁵ Government officials would show up at the schools and tell students that “tomorrow they would go to cut.” Students typically were brought in in the morning and returned in the evening. A teacher said: “As teachers we were told to organize students to cut grasses, usually on weekends but sometimes on Fridays.... The students are not happy about cutting grass. But what can they do?”¹³⁶

In Gog *woreda* and other villages, government officials would show up with trucks, order the men to get in, and take them to neighboring villages to work. Women were brought to cook food for those having to work. In some cases, they returned to their home villages the same day, while in others they stayed for longer until the construction of *tukuls* was finished, sometimes for as long as three weeks. None of the workers was paid, nor was the work voluntary.

During the *tukul* construction process, many people slept under trees in their new communities, while those whose old communities were nearby returned home in the evenings. No food was provided for those villagers who were building their own *tukuls* and many said they feared being mistreated by the soldiers for slow work. One told Human Rights Watch that the “lack of nourishment made it very difficult to build at the speed the army demanded.”¹³⁷

Like other rights violations associated with villagization in Ethiopia, these abuses are not new. The Derg-era resettlement and villagization programs in Gambella were criticized for

¹³⁴ Human Rights Watch interviews, Gambella and Dadaab, Kenya, May and June 2011.

¹³⁵ Human Rights Watch interview, Gog *woreda*, May 25, 2011.

¹³⁶ Human Rights Watch interviews, Gog *woreda*, May 25, 2011.

¹³⁷ Numerous Human Rights Watch interviewees provided similar perspectives. Human Rights Watch interviews, Gambella and Dadaab, Kenya, May and June 2011.

their use of forced labor of the indigenous population to build the new resettlement areas and other government infrastructure projects.¹³⁸

Displacement, Agricultural Investment, and Indigenous Land Rights

We were told all our old land will be used for rice by Highlanders. We were told this by Government when they came.

—Farmer from Gambella *woreda*, June 2011

Despite official claims that the villagization program is being carried out primarily to ensure better government services to rural populations in Gambella, there is evidence that a major government aim is to make land available for commercial agriculture. Government officials have told villagers that land is to be leased to investors—former government officials involved in the villagization program have confirmed such allegations with Human Rights Watch—and lands being leased to investors are in the areas where villagization is happening.

Residents of six communities told Human Rights Watch that government officials informed them that the underlying reason for villagization is to provide land to investors. One farmer said that during the government’s initial meeting with his village, *woreda* officials told them: “We will invite investors who will grow cash crops. You do not use the land well. It is lying idle.”¹³⁹

A former regional civil servant said that the link between villagization and the transfer of land for agricultural investment was well known within the government: “The [regional] Bureau of Agriculture head told me that land that is left will be given to investors. This all has started at the federal level. I never saw a document or plan about any of this. It was only shared with those at the top. There was a fear that it would get around.”¹⁴⁰

As there is little transparency about land investment deals between the government and companies in Ethiopia, there is no precise information or mapping available on where land investments have been awarded. But there does appear to be a correlation between where land is being leased to investors and where villagization is focused. In general terms,

¹³⁸ Jason W. Clay and Bonnie K. Holcomb, *Politics and the Ethiopian Famine 1984-1985*, (Cambridge, Mass.: Cultural Survival, 1985), p. 53.

¹³⁹ Human Rights Watch interview with a former farmer from Itang *woreda*, Nairobi, Kenya, June 19, 2011.

¹⁴⁰ Human Rights Watch interview with a former regional government official, Dadaab, Kenya, June 18, 2011.

agricultural investment in Ethiopia is focused on the regions of Benishangul-Gumuz, Gambella, Afar and Somali—the same regions where villagization programs are being undertaken. The Oakland Institute, a policy think-tank that has done field investigations of land issues throughout sub-Saharan Africa, reports that, as of November 2010, 42 percent of Gambella’s total land area and 27 percent of the total land area of Benishangul-Gumuz had either been leased to investors or was being actively marketed by the federal government. Federal government marketing efforts have focused on three of the four villagization regions: Afar, Benishangul-Gumuz, and Gambella.¹⁴¹ In the fourth marketed region, the SNNPR, forced displacement is also occurring to the indigenous populations¹⁴² and has only recently been referred to as “villagization” by the state media.¹⁴³ Within Gambella, areas awarded to investors include the Abobo, Itang, and Gog *woredas*, and along the Baro and Alwero Rivers—the very areas where the first year of villagization was focused.¹⁴⁴

According to the Oakland Institute report, areas vacated for villagization in Gambella have been quickly taken by investors. For example, Ochak Chilla farmland has been leased by Saudi Star.

The village of Abol lost farmland to a London-based diaspora investor. Farmland used by Ilea village is now leased by one of Ethiopia’s largest investors, Karuturi Global Ltd. (“Karuturi”), an Indian company.¹⁴⁵

In a response to questions sent by Human Rights Watch, Karuturi stated that the company “has not caused in any manner, any displacement of human habitation in order to make way forward for the project and is living in peaceful harmony with the people of

¹⁴¹ Oakland Institute, “Understanding Land Investment Deals in Africa,” <http://media.oaklandinstitute.org/understanding-land-investment-deals-africa-ethiopia>.

¹⁴² See forthcoming Human Rights Watch report, *‘What Will Happen if Hunger Comes?’ Agricultural Development and Abuses Against the Indigenous Peoples of the Omo Valley*.

¹⁴³ “State to villagize over 20,000 pastoralist households,” *Waltainfo*, December 26, 2011, http://www.waltainfo.com/index.php?option=com_content&view=article&id=1111:state-to-vilagize-over-20000-pastoralist-households&catid=52:national-news&Itemid=291, (accessed December 28, 2011).

¹⁴⁴ Human Right Watch visited the *woredas* where the most intensive commercial agricultural investment was occurring. The majority of the forced evictions associated with villagization seem to be occurring in these same *woredas*. Discussions with former residents of other *woredas* (including Mengesh, Jikao, and Jor *woredas*) in Dadaab, Kenya, and in Gambella town indicated that both agricultural investment and forced evictions have been occurring on a more limited basis in those districts.

¹⁴⁵ Karuturi Global Ltd. has leased 10,000 hectares of land in Bako, Oromia; 100,000 hectares of land in Gambella; and an option for 200,000 hectares of additional land in Gambella. Karuturi Global Ltd. also operates a 435 hectare flower farm.

Gambella.”¹⁴⁶ However, Human Rights Watch’s visit to the Karuturi lease area in May 2011 found that Anuak maize, sorghum, and groundnut crops had been cleared without consent. Some residents moved as a result.¹⁴⁷ Furthermore, the federal government has been actively marketing over 800,000 hectares of large land parcels in Gambella (32 percent of the total land area) for agricultural land investment, and many of the areas that have been moved for villagization are located within these parcels.¹⁴⁸ The regional government also has the authority to grant additional land parcels under 5,000 hectares (approximately 12,300 acres) to investors.¹⁴⁹

¹⁴⁶ Letter from Sai Ramakrishna Karuturi, founder and managing director, Karuturi Global Ltd., to Human Rights Watch, December 9, 2011.

¹⁴⁷ Human Rights Watch interviews with residents of Ilea, Gambella, May 2011 and interviews with former Ilea residents, Dadaab, Kenya, June 19, 2011.

¹⁴⁸ Oakland Institute, “Understanding Land Investment Deals in Africa,” <http://media.oaklandinstitute.org/understanding-land-investment-deals-africa-ethiopia>.

¹⁴⁹ Ibid.



Saudi Star’s irrigation canals. Several small villages used to exist at this location and were moved to make way for Saudi Star’s 10,000 hectare farm development. The irrigation canals were first dug in mid-2010, and the villages were moved in November 2010.

The residents who were moved from their homes to the new villages expressed concerns about the land being used for agricultural investment, but have received no clear answers. An Anuak now in Kenya said: “We ask them, ‘Have you sold our land?’ They say no. But investors are working on it. Why don’t they go where there are no people?”¹⁵⁰

An Anuak from Gog *woreda* said: “Just before we were told to move, a Highlander came to check the soil—they took it in their fingers and looked at it. They came to check the quality

¹⁵⁰ Human Rights Watch interview, Gambella, May 26, 2011.

of the land, and elsewhere we know forests are being cleared for investors, so we believe that it is coming.”¹⁵¹

In *woredas* with other significant natural resources, land is being cleared for other ventures. In Jor and elsewhere there is oil exploration.¹⁵² In Dimma *woreda* there is gold exploration. Residents said that villagization is being used as an excuse to clear populations in Dimma, although Human Rights Watch was unable to corroborate their claim. A former Anuak miner described what happened there:

After people were villagized, an airstrip was built near the gold mines. The indigenous are now laborers, investors are Highlanders, laborers provide materials. There are no foreigners there, and many soldiers are in the goldfields. In the last year, everything has changed in the goldfields and everything is under the control of the government.¹⁵³

Similar testimonies were provided by several other interviewees from Dimma *woreda*.¹⁵⁴

The role of the agricultural investors in the villagization process remains unclear. Two commercial agricultural investors interviewed said they were aware of the villagization process but that it was a “government policy” in which they had no role.¹⁵⁵ There is little evidence of direct involvement of investors in transferring populations, with a couple of exceptions. One former regional government official described a [domestic] investor indirectly paying for villagization:

[I]n Gog, 1 million Birr [US\$59,000] was brought to the district chairman to help this process. “What is this money for?” the *woreda* officials enquired.

¹⁵¹ Human Rights Watch interview, Gog *woreda*, Gambella, May 25, 2011.

¹⁵² The Gambella geological basin is an extension of South Sudan’s Melut basin. Exploration drilling last took place in Gambella in early 2006 by Zhongyuan Petroleum Exploration Bureau (ZPEB) under contract from Malaysian giant Petronas. For more information, see Kaleyesus Bekele, “Chinese Oil Company Starts Drilling”, *The Reporter*, March 4, 2006, <http://allafrica.com/stories/200603060328.html>, (accessed August 4, 2011). Reports in November 2011 indicate that Ethiopia’s South West Energy is on the verge of taking over the Gambella concession. South West currently has petroleum concessions around Jimma and in the Ogaden. For more information, see Mahlet Mesfin, “Ministry to Sign Exploration Agreement with South West”, *Addis Fortune*, November 14, 2011, <http://allafrica.com/stories/201111150694.html>, (accessed November 21, 2011).

¹⁵³ Human Rights Watch interview with a former Dimma *woreda* resident, Dadaab, Kenya, June 19, 2011.

¹⁵⁴ Human Rights Watch interviews with former Dimma *woreda* resident, Dadaab, Kenya, June 18 and 19, 2011.

¹⁵⁵ Interviews with agricultural investors, Gambella, November 2010.

The investor told them “I was told to bring this by [senior regional official, name withheld].” So *woreda* officials went to the [senior regional official] who told them: “Do you want to do the villagization work or not? Take the money and go do some work.”¹⁵⁶

One of the largest investors in Gambella, the Indian conglomerate Karuturi Global Ltd., was reportedly told in early 2010 by the regional government that it could relocate the village of Ilea.¹⁵⁷ According to the same media report, Karuturi declined. In response to questions from Human Rights Watch (see Appendix VII), Karuturi denied any knowledge of the offer to move Ilea village and stated that the company has “neither been involved in any way with the Ethiopian Government’s policy on villagization [sic] or re-settlement of people nor is aware of any such program of the Ethiopian Government in any greater detail.”¹⁵⁸ However, residents of Ilea have now been told by the government that they will be moved in the 2011/2012 year of the villagization program.¹⁵⁹

A United States Agency for International Development (USAID) official who spoke to Human Rights Watch said that his agency had concerns about the underlying motives of the program, and that they had been trying without success to get the government to respond to the allegations of a link with land investment.¹⁶⁰

Human Rights Watch is unaware of any compensation being offered to any of the villagers for their farms. The regional government plan is silent on the issue of compensation. Villagers with whom Human Rights Watch spoke were generally not aware of their rights in this regard. The strong constitutional and legal basis in Ethiopian law for compensation only applies to those who have registered title and no such land tenure system exists in the regions where villagization is happening.¹⁶¹ But there is nonetheless an obligation to provide compensation under international law.¹⁶²

¹⁵⁶ Human Rights Watch interview with a former *woreda* civil servant, Dadaab, Kenya, June 18, 2011.

¹⁵⁷ Mary Fitzgerald, “The New Breadbasket of the World,” *Irish Times*, January 30, 2010.

¹⁵⁸ Letter from Sai Ramakrishna Karuturi, founder and managing director, Karuturi Global Ltd., to Human Rights Watch, December 9, 2011.

¹⁵⁹ Human Rights Watch interview with a former resident of Ilea, Dadaab, Kenya, June 19, 2011.

¹⁶⁰ Human Rights Watch interview with USAID, Addis Ababa, Ethiopia, September 7, 2011.

¹⁶¹ For example, Proclamation 455 of 2005 outlines expropriation procedures, which includes compensation equivalent to the replacement cost of any improvements/property on the land, and 10 times the average annual income from the previous five years.

¹⁶² See the Legal Framework section below.

Several communities said they were told by the authorities that the new cleared plots of land would be formally registered,¹⁶³ and the plan includes “land certification” as one of its implementation strategies “[t]o avoid land disputes and to make sure the land use rights vested to the people in the constitution [are respected], land certification system should be in place.”¹⁶⁴ As of June 2011 no plots of land had been formally registered. The only form of land registration in Gambella is for those investors who have leased land from the federal and regional governments.¹⁶⁵

¹⁶³ Human Rights Watch interviews, Gambella, May 2011.

¹⁶⁴ Gambella Peoples’ National Regional State, “Villagization Program Action Plan (2003 EFY).”

¹⁶⁵ Human Rights Watch interviews with former regional and district government employees, Dadaab, Kenya, June 18 and 19, 2011.

ROLE OF INTERNATIONAL DONORS

Ethiopia's foreign donors have a complicated relationship with Ethiopia's villagization program. On the one hand, they clearly understand the risks associated with relocating large numbers of people and have actively encouraged the Ethiopian government to follow best practice and to refrain from using force. On the other hand, through their ongoing budgetary support to regional and local governments, they are, in part, paying for the construction of schools, health clinics, roads, and water facilities in the new villages. They are also funding agricultural programs directed towards resettled populations and the salaries of the local government officials who are implementing the policy.

Encouraging the government to follow best practice and to avoid common abuses associated with resettlement programs such as expropriation, forced displacement, and violations of economic and social rights is positive. However, foreign aid agencies should ensure that their assistance is not contributing to the very same violations by underwriting abusive programs.

Donor Efforts to Encourage Best Practice

The Development Assistance Group, the collective of foreign government donor agencies in Addis Ababa, coordinates development programs and the donor relationship with the Ethiopian government. The DAG was initially concerned about the villagization program and the risk of rights abuses resulting from a poorly planned and implemented program. They issued a set of guidelines, the "Good Practice Guidelines and Principles Regarding Resettlement" (the "Guidelines"), for the Ethiopian government on best practice for resettlement programs (see Appendix II). In interviews with Human Rights Watch, donor officials repeatedly referred to these guidelines, and that the Ethiopian government had promised to abide by them.¹⁶⁶

¹⁶⁶ DFID has publicly stated that the "Government of Ethiopia approached the international community for support for its villagization program" in February 2011. DFID said that in response to this it collaborated with other international agencies and "developed a set of guidelines and principles for transparent and fair villagization/resettlement processes in Ethiopia. These were discussed with and accepted by the Government of Ethiopia. DFID has also provided the Government with examples of good practice relating to resettlement and villagization processes." UK House of Commons Parliamentary Debate, September 12, 2011, <http://services.parliament.uk/hansard/Commons/bydate/20110912/writtenanswers/parto13.html> (accessed October 15 2011).

The DAG Guidelines recognize important concerns related to the villagization program. First, they note that the Ethiopian government is relocating communities at least in part because of a desire to increase commercial investment in Developing Regional States (DRS)—the states of Afar, Benishangul-Gumuz, Somali, and Gambella, where villagization is happening. Second, they point out that the Ethiopian government concedes that safeguards are not yet in place.¹⁶⁷

Donors to Ethiopia were approached by the government to support the villagization process but as the Guidelines state, “Beyond humanitarian assistance, it is problematic for international partners to respond to such requests in the absence of clear information regarding the policy frameworks, objectives, principles and strategies that federal and regional governments have adopted and on which these activities are based.”¹⁶⁸ Further, the Guidelines note:

Many international development partners employ specific policies and guidelines in relation to resettlement. This is because past experience in a number of countries has shown that where people are resettled without adequate planning and consultation, against the will of individuals and communities such population movements can impact negatively on the wellbeing and livelihoods of those who were intended to benefit. In addition, such movements can create tensions and conflict between resettling groups and host communities which undermine the conditions necessary for effective development and economic growth.¹⁶⁹

The World Bank, for example, has specific guidelines on involuntary resettlement that set out criteria that the development partner (in this case the government of Ethiopia) must

¹⁶⁷ The guidelines state: “We also recognize the government’s desire to improve access to basic services and sustainable livelihood opportunities, increase commercial investment to achieve higher rates of sustainable economic growth.... As part of its pursuit of these objectives in the DRS, the government is relocating communities and has indicated that specific process and safeguards need to be put in place to ensure that relocation processes of different kinds are effective and successful.” See Appendix II, Development Assistance Group, “Good Practice Guidelines and Principles Regarding Resettlement,” January 24, 2011, p. 1.

¹⁶⁸ Ibid., p. 1.

¹⁶⁹ Ibid., p. 1.

follow where projects using World Bank funds involve resettlement.¹⁷⁰ The DAG Guidelines closely mirror the principles elucidated in the World Bank policy. Donors are clearly well aware of the risks posed by large-scale resettlement programs. They appear to be less clear on what to do when the Ethiopian government does not abide by the guidelines that it has set out, nor on what the implications of a badly conceived and implemented resettlement policy are for their own involvement in government programs that are directly implicated in paying for the villagization process.

Human Rights Watch research shows that the Ethiopian government's villagization process in Gambella fails to meet the standards set out in the Guidelines. For instance, the program has given little regard to the Guidelines call that, "the development of necessary basic infrastructure and services (for example road access, water, sanitation, health and education) must be in place before relocation takes place."¹⁷¹ Other major problems—the absence of meaningful consultation and participation in the planning process; the lack of choices about alternatives; the forced nature of the process; and, the complete lack of compensation and redress—demonstrate that the Ethiopian government's policy in Gambella is more an example of worst practice.

In early 2011 as the program got underway, several donors were concerned and commissioned their own assessments of villagization. While these assessments underscored concerns with poor planning and issues relating to food insecurity, donors were not overly alarmed with what they found, and deemed the processes, as noted below, to be voluntary.¹⁷² This finding is inconsistent with Human Rights Watch's field research.

As of September 2011, two official assessments had been carried out by international donors: one in Gambella in March 2011 by the United States Agency for International Development (USAID), the United Nations Children's Fund (UNICEF), and the United Kingdom Department for International Development (DFID), and one in Benishangul-Gumuz in February/March 2011 by the World Bank and the Finnish embassy. Donor

¹⁷⁰ See World Bank, "OP 4.12 – Operational Policy on Involuntary Resettlement," December 2001 (revised February 2011), <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20064610~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>, (accessed January 10, 2012).

¹⁷¹ Development Assistance Group, "Good Practice Guidelines," p. 4.

¹⁷² Human Rights Watch interviews with the World Bank and the Finnish Embassy, September 9, 2011. These assessments were carried out in Gambella Region by DFID, USAID, EU, and UN agencies, and the Benishangul-Gumuz Region by Finland and the World Bank.

officials told Human Rights Watch that they were relatively free to move around the regions and villages as they deemed appropriate without government interference, although some of the visits in Benishangul-Gumuz were accompanied by government officials.

The USAID/UNICEF/DFID assessment has not been made public. However, officials told Human Rights Watch that the team in Gambella visited 12 villages in March 2011 and reportedly found that aid and infrastructure had not been delivered as promised. It also found that people moved primarily because of the promises of aid. A follow-up visit in June/July found that a lot of people were moving back to their old areas which, according to USAID, provided evidence of the voluntary nature of the move.¹⁷³ Negative aspects they identified included the speed, scale, and timing of the moves. DFID and the other participants in this assessment reported similar findings.¹⁷⁴

The World Bank assessment in Benishangul-Gumuz has also not been made public. Officials told Human Rights Watch that they visited 30 sites out of a possible 75 villages and a follow-up assessment was carried out in July 2011. The World Bank told Human Rights Watch that for their initial assessment of the villagization process in Benishangul-Gumuz they brought in a high-level delegation of World Bank experts on resettlement to assess compliance with World Bank's Operational Policy on Involuntary Resettlement, OP 4.12. The team did not find it necessary to trigger their involuntary resettlement safeguards under OP 4.12, determining that villagization was "voluntary." The World Bank would not publish the assessment but summarized their two key findings of their assessment as:

1. The relocation of households under the Government of Ethiopia commune program¹⁷⁵ in Benishangul-Gumuz appeared to be voluntary, and was not a direct consequence of Bank-assisted investment projects implemented in the region.
2. Some Bank-supported projects in the region are being carried out contemporaneously with the GoE [Government of Ethiopia] commune program, but do not provide direct support to its implementation.¹⁷⁶

¹⁷³ Human Rights Watch interview with USAID, Addis Ababa, September 7, 2011.

¹⁷⁴ Human Rights Watch interviews with DFID and USAID, Addis Ababa, September 7 and 8, 2011.

¹⁷⁵ Donors now refer to the villagization program as the "commune" program.

¹⁷⁶ Human Rights Watch email communication with World Bank, Sustainable Development Division, Africa Region, October 6, 2011.

As evidence of the program's voluntary nature, officials cited the relatively small distances people were told to move; the fact that people had chosen to move, motivated by greater access to services; and that people were told they could return to their original homes. The assessments also concluded that the observations of villagers going out and getting their own building materials and building their own *tukuls* (traditional huts) was evidence of their buy-in toward the program. It should be reiterated that this assessment was for Benishangul-Gumuz region, and not for Gambella, the focus of this report.

Donors' Involvement

The World Bank commissioned an assessment to establish whether Bank-supported projects were implicated in the implementation of the villagization program. The DAG Guidelines also highlight donor concerns with supporting resettlement programs. And yet, donors may well be supporting villagization without explicitly agreeing to do so.

The largest multilateral assistance program in Ethiopia is the Protection of Basic Services (PBS), a multi-billion dollar, multi-year program coordinated by the World Bank that provides budget support to local governments in Ethiopia in five sectors: health, education, water, roads, and agriculture.¹⁷⁷ The PBS program goes to *woreda* budgets, so at a minimum donor funds account for around 30 percent of health and education expenditure in the *woredas*.¹⁷⁸ In this way, donor funds could be being used for villagization to the extent that they are paying for new infrastructure in the destination villages: schools, hospitals, roads, agricultural programs, and likely food aid in the interim while livelihoods are in transition. For its part, the government is keen to stress donor buy-in. A spokesperson for the Ministry of Agriculture said that "there is financial support through the Productive Safety Net Program (PSNP)," the food for work program that provides a safety net across food insecure areas of the country.¹⁷⁹

¹⁷⁷ See Human Rights Watch, *Development Without Freedom*. The largest donors to PBS are the European Union and the United Kingdom. Total project costs for the PBS Phase II program as of February 2011 was US\$4.14 billion, with US\$2.2 billion from donors including the World Bank, and US\$1.9 billion contributed by Ethiopia. Donors are expected to provide an additional US\$366 million. See World Bank, *Projects & Operations*, s.v. "Ethiopia Protection of Basic Services Phase 2 Project," 2011,

<http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/0,,contentMDK:22886509~menuPK:64282138~pagePK:64614770~piPK:64614834~theSitePK:40941,00.html>, (accessed January 10, 2012).

¹⁷⁸ No publicly available audit is available showing how much of *woreda* expenditure is provided by the Ethiopian government and how much by donors; assistance is, in this sense, budget support.

¹⁷⁹ The Productive Safety Net Program (PSNP) aims to provide predictable transfers of food or cash to food-insecure households through a public works program, or direct transfers to those who cannot work. The program targets between 7 and 8 million beneficiaries and is run by the World Bank and the Ethiopian government. For more information see World Bank,

Western donors told Human Rights Watch that they recognized that villagization might be indirectly funded through the PBS program and food aid programs, like the PSNP. Because they have no way of disaggregating *woreda* expenditure, they do not know.¹⁸⁰ However, given that the PBS funds basic services across the country, indeed this is one of its aims, then it is almost impossible for donor funds not to be contributing to basic services in new villages. At least one other donor said that some of their water-sanitation projects were likely taking place in communities that had been villagized.¹⁸¹ Several donors said that some infrastructure might have been built in villagized areas with their support and also spoke of the role they played in encouraging the government to ensure that the program complied with the World Bank's operational policy on involuntary resettlement.¹⁸² One major donor to Ethiopia suggested to Human Rights Watch that "since [the] government has endorsed the [World Bank's] principles, [the donor] has been more flexible about the use of [its] funds for the program."¹⁸³

In an email communication the World Bank told Human Rights Watch that "in some instances households had been encouraged to voluntarily cluster in communities where World Bank and other donor-financed infrastructure already exists or is planned to be provided in order to have easier access to water points, schools, health centers and other services." The World Bank noted that the "Government of Ethiopia has not requested financial and/or advisory support from the World Bank for the commune [villagization] program."¹⁸⁴

However this does not mean that existing World Bank programs like the PBS are not being used to pay for infrastructure in the new villages. The assessment in Benishangul-Gumuz referred to above says that bank-supported projects are being carried out "contemporaneously" with the villagization program but are not providing "direct support

Projects & Operations, s.v. "Public Works and Grants Create Safety Net," 2009, <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/o,,contentMDK:21395349~menuPK:64282138~pagePK:64614770~piPK:64614834~theSitePK:40941,00.html>, (accessed January 10, 2012).

¹⁸⁰ Human Rights Watch interviews with donor officials, Addis Ababa, September 2011.

¹⁸¹ Human Rights Watch interview with the Ministry of Agriculture spokesperson, Addis Ababa, September 9, 2011.

¹⁸² Human Rights Watch interview with donor officials, Addis Ababa, September 2011; for an overview of the World Bank policy on involuntary resettlement, see World Bank, "OP 4.12," <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/o,,contentMDK:20064610~menuPK:4564185~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>.

¹⁸³ Human Rights Watch interview with a donor official, Addis Ababa, September 9, 2011.

¹⁸⁴ Human Rights Watch email communication with World Bank, Sustainable Development Division, Africa Region, October 6, 2011.

to its implementation,” without spelling out what that means. The assessment in Benishangul-Gumuz should be made public and the World Bank should make clear whether PBS funds are being used in this way. If PBS funds are being used in the construction of new villages, then it would appear to constitute the World Bank’s “direct support” for the implementation of the villagization program.

Since the Protection of Basic Services is such a huge program involving block grants to regional governments and since audit procedures are vague, it is hard to determine how donor funds are being used in specific *woredas*.

Furthermore, without seeing the Benishangul-Gumuz assessment, it is not clear how the World Bank determined that villagization was voluntary, and thus why its findings did not trigger resettlement safeguards. If it had found that the process was involuntary, then according to Bank policy Ethiopia would have had to draw up “resettlement instruments,” including a resettlement framework and policy that complied with the Guidelines. This would add a major new dimension to the PBS program, requiring additional approval by the Bank’s board and which, if Ethiopia failed to implement the policy satisfactorily, would result in supervision by the bank.¹⁸⁵

A cursory examination of the requirements of OP 4.12 (summarized in the Guidelines in the Appendix) shows that Ethiopia has met virtually none of those requirements in Gambella. Human Rights Watch is deeply concerned that the World Bank’s approach in Benishangul-Gumuz may be the basis for its actions in Gambella. While Human Rights Watch did not undertake research in the Benishangul-Gumuz region and so cannot assess compliance with OP 4.12, were the World Bank’s assessment in Benishangul-Gumuz to be applied to the villagization process in Gambella, alarm bells should ring.

Requests for access to copies of these assessments were denied, but discussions with donors indicate that donor assessments only included testimonies from villagers still present in the villagized areas.

Donor investigations did not seek personal accounts from those who had recently left the region. Human Rights Watch found significant differences between interviews conducted

¹⁸⁵ World Bank, *Operation Manual*, s.v. “Archived: Operation Manual: BP 4.12 – Involuntary Resettlement,” December 2001, <http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/o,,contentMDK:20064675~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184~isCURL:Y,oo.html>

outside of Ethiopia, where people are free to speak without fear of retribution, and interviews conducted in Ethiopia, where fear and intimidation limit the freedom to speak openly and where witnesses speaking to foreign human rights monitors and media are subjected to questioning, suspicion, and intimidation.

This general atmosphere of intimidation and fear that surrounds the expression of dissenting opinions in Ethiopia in general, and Gambella in particular, is critical to understanding the level of “voluntariness.” It is critical that donor assessments of programs are conducted independently of the Ethiopian government and include those who have left the new villages as well as those who remain.

Donors did recognize some areas of concern regarding villagization, but it is unclear to what extent those concerns affected their practices in the country. They found, as did Human Rights Watch, that government consultation with affected communities was limited and information provided was poor.¹⁸⁶ This should have been of particular concern in a situation involving the transfer of an indigenous population that has had customary use of land for grazing and shifting cultivation. Donors should be concerned about any potential facilitating role they have in such expropriation.

Donors also recognized that regional governments were putting pressure on national and international nongovernmental organizations to support villagization by effectively telling NGOs, “either you support our villagization effort or you are out.” At least one donor has raised this issue with the federal government after receiving complaints from some of their partner NGOs in Gambella.¹⁸⁷

International NGOs are concerned that no humanitarian needs assessment has been conducted in Gambella during 2011.¹⁸⁸ Such an assessment is normally conducted in all food insecure areas of the country and would be crucial to determining whether relocated populations need humanitarian assistance. International nongovernmental staff said they were concerned that the government may have been blocking such an assessment because

¹⁸⁶ Human Rights Watch interview with DFID and the World Bank, Addis Ababa, September 8 and 9, 2011.

¹⁸⁷ Human Rights Watch interview with a donor official, Addis Ababa, September 7, 2011.

¹⁸⁸ Human Rights Watch telephone interview with two staff from international NGOs active in Ethiopia, December 21 and 22, 2011.

it wanted to avoid revelations of people starving in the new villages.¹⁸⁹ A joint donor-NGO monitoring group on the humanitarian impact of villagization had been set up in January 2011 but rapidly stopped meeting. Humanitarian assessments for all villagized areas should be a priority to measure the impact of villagization and provide assistance where necessary.

Donors also voiced their concern about the increased potential for conflict in Gambella as a result of this process, including the exacerbation of clan divisions within the Nuer communities and the potential exacerbation of the Nuer-Anuak conflict over political representation.

Some donors also expressed concern about the link between villagization and land investment, with USAID continuing to press the Ethiopian government over the potential links.¹⁹⁰ Other donors, including the World Bank, have said that they have not found any evidence of such a link, although it is not clear how that conclusion was reached.¹⁹¹

Ultimately the donors have sought to distance themselves from villagization by claiming that any role they play is indirect, and focusing instead on engagement. As one donor put it, we are “engaging but not supporting.”¹⁹² They emphasized their role was one of playing “quiet diplomacy.” Given the enormous amount of funds flowing through the PBS to every *woreda* in the country, however, Human Rights Watch believes donors’ claims of no responsibility in the villagization process to be disingenuous.¹⁹³

Human Rights Watch calls on Ethiopia’s donors to fully monitor the villagization program—speaking to affected individuals both inside and outside the country—and ensure that no form of support is given to the program, including through the construction of infrastructure in new villages using the PBS program, until rights violations associated with the program are investigated and measures for consultation and compensation are in place. Provisions in the Ethiopian constitution guaranteeing land tenure security, consultation, and protections from inappropriate expropriation need to be respected, as should Ethiopia’s obligations under international human rights law.

¹⁸⁹ Ibid.

¹⁹⁰ Human Rights Watch interview with USAID, Addis Ababa, September 7, 2011.

¹⁹¹ Human Rights Watch interview with a donor official, Addis Ababa, September 7, 2011.

¹⁹² Human Rights Watch interview with a donor official, Addis Ababa, September 8, 2011.

¹⁹³ Human Rights Watch interviews with donors, Addis Ababa, September 6-9, 2011.

LEGAL FRAMEWORK

Land Tenure under Ethiopian Law

The Ethiopian constitution decrees that all land in Ethiopia is state-owned. But in practice Ethiopia's land tenure system is a complex mix of traditional and modern systems of land tenure. As a result the nature of state-owned land has long been a divisive issue.

When the Derg came to power in 1974, it largely abolished existing customary land tenure systems and instituted communal (state) ownership of land. Since Prime Minister Meles Zenawi's EPRDF took power in 1991, the Ethiopian government has reaffirmed state ownership of land on the ostensible grounds "that opening land markets would provide inroads for involuntary dispossession of land from poor and vulnerable peasants."¹⁹⁴ Since that time, the EPRDF has taken several steps toward a more private land tenure model including permitting land to be rented and, more recently, the government's long-term leasing out of large parcels of land to foreign investors.

The Ethiopian government has partially implemented a formal land tenure system with significant donor support in four of Ethiopia's nine regions (Amhara, SNNPR, Oromia, and Tigray). Different land tenure systems have been undertaken in each of those regions based on the intricacies of the regional legislation.¹⁹⁵ But no formal system of land tenure is yet in place in the four regions where villagization is occurring. Benishangul-Gumuz recently passed enabling land administration legislation and land registration was scheduled to begin earlier this year,¹⁹⁶ while the Somali and Afar regions are in the process of passing enabling legislation.¹⁹⁷ Gambella has not yet passed regional legislation that would enable the development of a formal land tenure system. International NGOs have been very active in assisting with land registration processes under these land tenure

¹⁹⁴ Tesfaye Teklu, "Land Scarcity, Tenure Change and Public Policy in the African Case of Ethiopia: Evidence on Efficacy and Unmet Demands for Land Rights," 2005, <http://homepages.wmich.edu/~asefa/Conference%20and%20Seminar/Papers/2005%20papers/Tesfaye%20Teklu%20on%20Land%20Tenure%20in%20Ethiopia.pdf> (accessed July 18, 2011), p. 6.

¹⁹⁵ For example, in Tigray region alone the land tenure system permits ex-TPLF fighters and early migrants to maintain rural land even if they live in urban areas.

¹⁹⁶ Personal communication, Benishangul-Gumuz Regional Government Bureau head, November 2010.

¹⁹⁷ USAID Land Tenure and Property Rights Portal, "USAID Program Brief: Land Tenure and Property Rights in Ethiopia," 2011, <http://usaidlandtenure.net/usaidltpproducts/program-briefs/program-brief-ethiopia> (accessed September 3, 2011), p. 1.

systems to increase tenure security, with some success. Generally speaking, these processes have involved granting leases or certificates of land holdings to farmers, residents, and other land users.

In Gambella land is managed and administered according to traditional systems. Boundaries are understood according to local customs and land-based conflicts are resolved in traditional forums. As described by the Oakland Institute:

Everyone in the village knows the territory, and where the traditional demarcation is. The territory is respected as people fear the ancestral spirits.... [L]and according to the village is divided into agriculture, (shifting cultivation all over your own territory but not in another without consultation and permission), used for fishing (rivers and ponds), alluvial soil used for permanent agriculture, areas used for hunting (called *dwa*), and some areas are used for protection (dense forest) during times of conflict. These areas are respected. Some areas have trees to be worshipped in that place.¹⁹⁸

The Ethiopian government has not recognized traditional systems of land tenure in Gambella, continuing to call the land “unused” or “underutilized.” This is despite there being a strong basis in the constitution for the recognition of customary rights. Article 40(5) of the constitution states: “Ethiopian pastoralists have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands. The implementation shall be specified by law.”¹⁹⁹

Historically, Ethiopia has disregarded pastoralist land rights and the system of communal land use that underpin these pastoral traditions.²⁰⁰ The lack of a formal land tenure system greatly diminishes security of tenure for Gambella’s population and provides a more limited legal recourse for displacements and expropriations.

¹⁹⁸ Oakland Institute, “Understanding Land Investment Deals in Africa,” <http://media.oaklandinstitute.org/understanding-land-investment-deals-africa-ethiopia>.

¹⁹⁹ Constitution of the Federal Democratic Republic of Ethiopia, No. 1/1995, art. 40(5).

²⁰⁰ Tobias Hagmann, “Confronting the Concept of Environmentally Induced Conflict,” *Peace, Conflict and Development*, Issue 6, January 2005.

Nonetheless, the Ethiopian constitution and to lesser degree federal legislation provide protection from expropriation and the right to compensation. The constitution states:

Ethiopian peasants have the right to obtain land without payment and the protection against eviction from their possession. The implementation of this provision shall be specified by law.²⁰¹

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.²⁰²

All persons who have been displaced or whose livelihoods have been adversely affected as a result of State programs have the right to commensurate monetary or alternative means of compensation, including relocation with adequate State assistance.²⁰³

This constitutional framework is codified in federal legislation. “A Proclamation to Provide for the Expropriation of Land Holdings for Public Purposes and Payment of Compensation” outlines expropriation and compensation procedures.²⁰⁴ Crucially, however, this legislation is only applicable to land where the individuals have legal title. As discussed, in all of the regions where villagization is taking place, none of the inhabitants have legal title. For those without legal title but having customary or other entitlements to land, there are no other expropriation or compensation procedures under Ethiopian law to implement the constitutional provisions.

Human Rights Watch did not find a single example where Gambella’s populations that had been forced to relocate were offered any compensation, alternative resettlement options,

²⁰¹ Constitution of the Federal Democratic Republic of Ethiopia, No. 1/1995, art. 40(4).

²⁰² *Ibid.*, art. 40(8).

²⁰³ *Ibid.*, art. 44(2).

²⁰⁴ A Proclamation to Provide for the Expropriation of Land Holdings for Public Purposes and Payment of Compensation, Proclamation No. 455/2005, Federal Democratic Republic of Ethiopia, <http://www.ethiopian-law.com/federal-laws/substantive-law-legislations/property-and-land-laws/land-laws/150-expropriation-of-land-for-public-purposes-proc-no-455-2005.html> (accessed September 10, 2011). Compensation is to be equivalent to the replacement cost of property on the land, any improvements (value of capital and labor) made to the land and 10 times the average annual income from the previous five years.

or any avenue for redress. Not only has the villagization program in Gambella been in contravention of the Ethiopian constitution, it has resulted in violations of fundamental human rights protected under international law.

International Human Rights Law, Forced Evictions, and Indigenous Peoples' Rights

International Human Rights Law

Ethiopia is a party to the key international human rights conventions including the International Covenant on Civil and Political Rights (ICCPR),²⁰⁵ the International Covenant on Economic, Social, and Cultural Rights (ICESCR),²⁰⁶ and the African Charter on Human and Peoples' Rights.²⁰⁷ These multinational treaties set out fundamental rights to which all persons are due, including rights to the security of the person; to be free from arbitrary arrest; to have access to a livelihood, food, and housing; to education; and to the highest obtainable standard of health. This report details numerous instances in which the Ethiopian government violated these and other rights in the course of its ongoing villagization program.

Under international law, states have an obligation to investigate grave violations of human rights and to punish the perpetrators.²⁰⁸ They also have an obligation to ensure that victims of abuses have an effective remedy and that persons claiming such a remedy shall have their rights determined by competent judicial, administrative, or legislative authorities.²⁰⁹

Forced Evictions

International human rights law protects the right to property. The Universal Declaration of Human Rights, which is broadly recognized as customary international law, states that

²⁰⁵ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976. Ethiopia ratified the ICCPR in 1993.

²⁰⁶ Ethiopia ratified the ICESCR in 1993.

²⁰⁷ African [Banjul] Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986. Ethiopia ratified the Banjul Charter in 1998.

²⁰⁸ The duty to try and punish those responsible for grave violations of human rights has its legal basis in various treaties, including the ICCPR, art. 2(2).

²⁰⁹ See ICCPR, art. 2(3). Guidance on reparation to victims can be found in the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, G.A. Res. 60/147, U.N. Doc. A/RES/60/147 (December 16, 2005). The Principles reaffirm that a state should provide adequate, effective, and prompt reparation to victims for acts or omissions constituting violations of international human rights norms.

“[e]veryone has the right to own property alone as well as in association with others.” Furthermore, “[n]o one shall be arbitrarily deprived of his property.”²¹⁰ Nonetheless, governments are generally entitled to expropriate land for public purposes, if done, as noted below, according to law with public participation, due process, and adequate compensation.

Whether or not they are considered to be in ownership of the property in question, individuals are protected from human rights violations that may arise out of forced evictions.²¹¹ In its general comment on forced evictions, the UN Committee on Economic, Social and Cultural Rights discussed the interrelationship between forced evictions and violations of other human rights, such as the right to the security of the person and the right to an adequate standard of living.²¹² It noted that forced displacement can take place in connection with forced population transfers and in the name of development.²¹³ The committee concluded that before an eviction can occur the authorities must explore all feasible alternatives in consultation with affected groups, and that those evicted must receive adequate compensation for affected property. Forced evictions may only be carried out if they are in accordance with general human rights law.²¹⁴

Other UN bodies have made statements regarding forced evictions that highlight their impact on other human rights. For instance, the UN Commission on Human Rights Resolution 1993/77 affirms that forced eviction constitutes a gross violation of human rights, particularly the right to adequate housing.²¹⁵ The UN Human Rights Fact Sheet No.

²¹⁰ Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948), art. 17. See, for example, Banjul Charter, art. 14, “The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.”

²¹¹ “Forced evictions” have been defined as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” CESCR, General Comment No. 7 on the right to adequate house; forced evictions (1993), para. 3.

²¹² *Ibid.*, para. 4. The UN Committee Against Torture (CAT), which monitors state compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, has held on several occasions that forced evictions can amount to acts of cruel, inhuman or degrading treatment or punishment. In 2004, for example, the CAT expressed concern regarding the ill-treatment of Roma in Greece who were forcibly evicted or relocated by the authorities. Conclusions and Recommendations of the Committee against Torture regarding the fourth periodic report of Greece, UN Doc. CAT/C/CR/33/2 (10/12/2004), sec. 5(j), Annex 31.

²¹³ CESCR, General Comment No. 7, paras. 1-7

²¹⁴ *Ibid.* paras. 11, 13, and 14.

²¹⁵ UN Commission on Human Rights, Resolution 1993/77, para. 1.

25 on Forced Evictions and Human Rights focuses on treating forced evictions as a serious human rights violation rather than as a side-effect of some broader issue.²¹⁶

Indigenous Peoples' Rights

Populations affected by the relocations in Gambella include the Anuak, Nuer, and other groups that identify themselves as indigenous to the area. While it has not adopted an official definition of “indigenous peoples,” the UN and its specialized agencies consider self-identification as a fundamental criterion for indigenous status.²¹⁷

Indigenous peoples' rights derive from the core international human rights instruments to which Ethiopia is party.²¹⁸ For instance, there are specific references to indigenous peoples in the Convention on the Rights of the Child and in the UN Committee on the Elimination of Racial Discrimination's General Recommendation 23 on Indigenous Peoples. Many of the communications brought under article 27 of the ICCPR on the protection of minorities have been submitted by members of indigenous peoples.²¹⁹

The treaty provisions most applicable to indigenous populations are reflected in the UN Declaration on the Rights of Indigenous Peoples, which was adopted by the UN General Assembly in 2007 after many years of negotiation.²²⁰ The declaration interprets key rights, including those regarding lands and resources.²²¹

²¹⁶ UN Office of the High Commissioner for Human Rights, Fact Sheet No.25, Forced Evictions and Human Rights, Vienna Declaration and Programme of Action (Part 1, para. 30), adopted by the World Conference on Human Rights, Vienna, June 23, 1993 (A/CONF.157/24 (Part 1), Chapter 3, <http://www.ohchr.org/Documents/Publications/FactSheet25en.pdf>, (accessed January 10, 2012).

²¹⁷ There is no formal definition of indigenous people under international law. However, the *Study of the problem of discrimination against indigenous populations*, E/CN.4/Sub.2/1986/7, 1986 (known as the Martínez-Cobo Study), provided a widely accepted definition of indigenous peoples as: “having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.”

²¹⁸ For instance, the UN Committee on Economic, Social and Cultural Rights in General Comment No. 7 on Forced Evictions recognizes that indigenous peoples are often affected disproportionately by forced evictions.

²¹⁹ See Manfred Nowak, *UN Covenant on Civil and Political Rights: CCPR Commentary* (Kehl: NP Engel, 2005, 2nd ed.), p. 651.

²²⁰ Declaration on the Rights of Indigenous Peoples, G.A. Res. 61/295, U.N. Doc. A/RES/47/1 (2007).

²²¹ See also International Labour Organization, *Indigenous and Tribal Peoples Convention*, 1989 (No. 169), art. 1(2).

Then-UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, Rodolfo Stavenhagen, stated in his February 2007 report that the Declaration on the Rights of Indigenous Peoples:

[M]ust be a fundamental part of the discussion about future international standards relating to indigenous peoples, not only at the international level, but also in regional or specialized areas. Its adoption also gives a strong impetus to the clarification of emerging customary law concerning indigenous rights at the international level, and should similarly energize the processes of legislative reform and domestic court proceedings.²²²

Indigenous land rights under international law are guided by contemporary understandings of cultural integrity and self-determination.²²³ The UN Committee on the Elimination of Racial Discrimination in its general recommendation on indigenous peoples calls upon states to:

[R]ecognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories. Only when this is for factual reasons not possible, the right to restitution should be substituted by the right to just, fair and prompt compensation. Such compensation should as far as possible take the form of lands and territories.²²⁴

²²² United Nations, Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, UN Doc. A/HRC/4/32 (2007), sec. 79, annex 15. See generally, United Nations Permanent Forum on Indigenous Issues, “Frequently Asked Questions: Declaration on the Rights of Indigenous Peoples,” <http://www.un.org/esa/socdev/unpfii/documents/FAQsindigenousdeclaration.pdf> (accessed August 13, 2011). Ethiopia did not take a position on this Declaration and was absent from the vote when the Declaration was passed at the UN General Assembly.

²²³ See S. James Anaya, *Indigenous Peoples in International Law*, (Oxford University Press: New York, 1996), pp. 104-107.

²²⁴ Committee on the Elimination of Racial Discrimination, General Recommendation 23 on Indigenous Peoples (Fifty-First Session, 1997) U.N. Doc. A/52/18, Annex V. Ethiopia has been a party to the International Convention on the Elimination of All Forms of Racial Discrimination since 1976. The relationship between indigenous peoples and land and its legal implications was earlier developed in the International Labor Organization (ILO) Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. ILO Convention No. 169 sets out that governments shall respect the special importance for the cultures and spiritual values of indigenous peoples of their relationship with the lands they occupy or otherwise use. ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries, adopted June 27, 1989, 76th Session of the General Conference of the ILO, entry into force, Sept. 5, 1991, art. 13(1).

The Declaration on the Rights of Indigenous Peoples provides that states should put into place mechanisms for prevention of any action that has the aim or effect of dispossessing indigenous peoples of their lands, territories or resources, or any form of forced population transfer that similarly violates or undermines their rights.²²⁵ Indigenous peoples shall not be forcibly removed from their lands or territories: “[n]o relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”²²⁶ They shall have the right to the lands, territories, and resources that they have traditionally owned, occupied, or otherwise used or acquired.²²⁷

In accordance with the Declaration, states shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples’ laws, traditions, customs, and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories, and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.²²⁸ Where indigenous peoples are entitled to redress, this should be by restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories, and resources that they have traditionally owned or otherwise occupied or used.²²⁹

Several regional and international bodies have been created to promote respect for the rights of indigenous peoples, including the Working Group on Indigenous Populations/Communities of the African Commission on Human and Peoples’ Rights, the UN Working Group on Indigenous Populations, the UN Special Rapporteur on the rights of indigenous peoples, and the UN Permanent Forum on Indigenous Issues.

International indigenous rights case law is expanding on the meaning of the rights

²²⁵ Declaration on the Rights of Indigenous Peoples, art. 8(2)(b-c).

²²⁶ *Ibid.* art. 10.

²²⁷ *Ibid.* art. 26. Ownership of land by indigenous and other peoples’ has been recognized regardless of title deed. In *The Mayagna (Sumo) Awas Tingni v Nicaragua*, the Inter-American Court of Human Rights ruled that “[a]s a result of customary practices, possession of the land should suffice for indigenous communities lacking real title to property of the land to obtain official recognition of that property.” *The Mayagna (Sumo) Awas Tingni Community v. Nicaragua*, Judgment of August 31, 2001, Inter-Am. Ct. H.R., (Ser. C) No. 79 (2001), secs. 151-152, <http://www1.umn.edu/humanrts/iachr/AwasTingnicase.html>.

²²⁸ Declaration on the Rights of Indigenous Peoples, art. 27.

²²⁹ *Ibid.* art. 28.

discussed in the Declaration.²³⁰ A February 2010 decision by the African Commission on Human and Peoples' Rights, in the first ruling of an international tribunal finding a violation of the right to development, found that the eviction of Kenya's Endorois people, with minimal compensation, violated their rights as an indigenous people to property, health, culture, religion, and natural resources, and ordered Kenya to restore the Endorois to their historic land and provide compensation. This landmark ruling could prove to significantly advance the rights of indigenous peoples over their traditional lands in Africa.²³¹

²³⁰ Inter-American Commission on Human Rights, "Indigenous and Tribal Peoples' Rights over their Ancestral Lands and Natural Resources," 2009, <http://www.cidh.org/countryrep/Indigenous-Lands09/Chap.VI.htm> (accessed August 30, 2011).

²³¹ African Commission on Human and Peoples' Rights, Case 276 /2003, Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya (February 4, 2010), http://www.hrw.org/sites/default/files/related_material/2010_africa_commission_ruling_o.pdf; see also, "Kenya: Landmark Ruling on Indigenous Land Rights," Human Rights Watch news release, February 4, 2010, <http://www.hrw.org/en/news/2010/02/04/kenya-landmark-ruling-indigenous-land-rights>.

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