The historical development of local forest governance in Ethiopia - from imperial times to the military regime of the Derg

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F orest governance is a critical crosscutting issue for communities living in and from forests. The need to address forest governance in this work stems from the fact that forest governance not only impacts forest users' livelihoods but also the forest ecosystem. Whether forest land and resources are the property of the state, of an individual, of a group of individuals, or of a combination of these stakeholders, and whether governance is actually executed, are relevant concerns in this regard. The main tools of governance are institutions, here understood as the 'rules of the game' (North 1990, Ostrom et al. 1994). Their enforcement means putting these rules to work. Institutions are highly path dependent. Accordingly, the roots of the present forest governance system are likely to be found in earlier systems and institutions.

However, not only in south-western Ethiopia but also across the country, primary forests have been dwindling rapidly for a long time. During the past 100 years, the forests in Ethiopia have shrunk from approximately forty per cent of the country's total area to less than three per cent (Gebre and Deribe 2001 in Richerzhagen and Virchow 2002: 10). The most apparent reasons are the destructive activities of the local population, undergrowth clearing for intensification and expansion of agriculture and extensive cutting of timber and wood for construction and fuel among others. It appears that this is mainly caused by population growth and poverty, since poor households have short time horizons and cannot afford to put much effort, time, or money towards sustainable long-term utilisation practices (Regasa 2000: 140). However, these explanations address just one part of the story. From the 1980s onwards, an increasing number of scholars and practitioners have come to the conclusion that a lack of appropriate and enforced formal or informal institutions that determine who enjoys which use and access rights to

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particular forest resources can be another underlying cause of forest deple-
tion and loss (Agrawal 1995). This leads us to the definitional question of
what is understood with the notion formal and informal institution in refer-
ence to the concrete subject of this paper.

Critical discussion on the apparent dualism

Between formal and informal institutions

The attribute of institutions which is most commonly highlighted in the lit-
erature is their degree of formality. Different institutional theories including
Douglas North's new institutional economics approach classify institutions
according to formality, which has led to the dichotomous itemisation of
'formal' and 'informal'. According to this understanding, formal institutions
are defined as

> The law sphere, […] constitutions and regulations, [the reinforcement of
> which] is guaranteed by the legal system (Tridico 2004: 6).

Hence, formal institutions are directly linked to political and economic struc-
tures such as governance, property rights, and the judiciary system. Informal
institutions are defined as

> Arrangements or rules of behaviour such as sanctions, customs, traditions,
> and codes of conduct (North 1991 in Marsh 2003: 3).

Pejovich (1999) and Tridico (2004: 5) draw attention to the evolution of in-
formal institutions by defining them as 'carriers of history' which have
'passed the test of the historical time'. Other authors understand informal in-
stitutions to be extensions, elaborations, or modifications of formal ones, and
hence disparage them as mere appurtenances (Elnaiem 2004: 5). In the con-
text of natural resource use, older literature neglected and underestimated
the substance of informal institutions (Hardin 1968), even characterising
them as chaotic and conductive to environmental degradation. In contrast,
much contemporary literature applauds informal institutions, particularly
the body of indigenous rights and regulations, highlighting their robustness,
their ability to adapt to precarious and changing microenvironments, their
risk aversion, their historical rootedness within societies, and their potential
to regulate natural resource use (Watson 2001: 6). Nevertheless, both extreme
standpoints merit qualified critique.

The degree of formality of an institution does not earmark it as good or
bad per se. Sticking to the research subject, reality has shown that neither
formal nor informal institutions can by themselves prevent the depletion and

destruction of forest resources, and that their interlinkage, hence the appropriate 'mix' of institutions of different formality, is the key factor determining whether institutions are 'successful' or not.

This paper analyses natural resource governance in traditional societies in rural Ethiopia, in which the occurrence, differentiation, and connection of formal and informal institutions are utterly unlike those in the urban-dominated social reality in what are labelled 'modern' Western societies. In rural traditional societies, generally speaking, informal institutions play a much greater role in human behaviour, whereas formal institutions are much less developed, potent, and historically embedded. Therefore, it is vital to be conscious that informal institutions are not substitutes for formal ones, resulting simply from the fact that traditional societies are un- or ill-served by lacking or limited formal institutions, as argued by Jütting (2003: 11) and Marsh (2003: 31). Rather, informal institutions are in many cases the definitive and primary institutions. They might even have been formal in the past, but now be amended or suppressed due to the more recent creation of formal ones. Another equivocal postulation on the interrelation of formal and informal institutions is that once adequate formal institutions are built up, informal ones will meet their terms. This assumption is applicable in certain circumstances of 'modern' Western societies, but does not correspond with the reality in traditional African societies (Dia 1996, Ogo Ujomu n.d.).

The differentiation between formal and informal institutions depends greatly on the standpoint. From the perspective of Ethiopian forest-resource users, formal institutions might be equated with coming from 'outside', whether or not they fulfil formal criteria. Conversely, institutions which are labelled informal and traditionally derived from within the community might have a high degree of formality, for example, written by-laws.

In conclusion, the criticism that the formal and informal dichotomy is derived from 'Western' historical experiences and points of view, and in some cases adheres to the notion that traditional informal institutions are subordinate to 'modern' and steady formal ones, is justified. Therefore, the level of formality does not provide an appropriate means of distinguishing institutions in traditional rural societies. Consequently, this classification is not helpful when discussing the institutional landscape in rural Africa at large, and the historical development of local forest governance in Ethiopia in particular.

The case study area: Kaffa Zone, south-western Ethiopia

Kaffa Zone is located in south-western Ethiopia. It is an administrative unit of the Southern Nations and Nationalities Peoples Regional State (SNNPRS). One-third of Kaffa Zone is covered by montane moist forests. In comparison

to other rural areas of Ethiopia, Kaffa Zone is relatively accessible since a national gravel road cuts through it. However, it is sparsely populated by Ethiopian standards, with slightly more than a million inhabitants distributed over 13,228 km² (75 persons per km²) (Ahrens 1997, Baah et al. 2000: 5).

The terrain of Kaffa Zone is dominated by a dissected tableland with flat to moderately undulating terrain. It is located 1,500 metres above sea level, with a maximum altitude of 3,350 metres (Ersado 2001). The area enjoys some of the highest rainfall in Ethiopia, and the temperature never exceeds 29° Celsius (Mayne & Tola 2002).

Good accessibility has promoted immigration, and due to a long history of population inflow, the ethnic composition of Kaffa Zone is now rather heterogeneous. In this paper, however, the focus is on communities of the original inhabitants, namely the Kaffa people, including the ethnic group of Mandjah,[2] who dwell within or adjacent to the forest areas. Their livelihood is based on subsistence rain-fed farming and horticulture (with maize and *enset*[3] as the major staple foods) and the utilisation of a great many forest products. Coffee from forest, semi-forest, and garden production systems[4] and honey are the main cash crops. Plantation production plays a marginal role, both socio-economically and ecologically.

This paper is based on a literature review and on empirical field research conducted in Kaffa Zone in 2003/04. Methodologically, a combination of techniques including semi-structured interviews, focus group discussions, and visual communication techniques such as mental forest mapping and timeline mapping was applied. The data obtained were cross-checked and triangulated.

From prehistoric times to the end of the Ethiopian Empire

In prehistoric times, people in the forested highlands of contemporary Kaffa Zone lived predominantly from shifting cultivation. Population density was low, agricultural tools and technologies simple, and trade marginal. Small quantities of coffee were harvested in forest and semi-forest production systems and used for home consumption.

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2 Hartmann (2004: 2-4) compares the status of the Mandjah people among the Kaffa with that of the untouchables in India.

3 A plantain-like perennial crop endemic to Ethiopia.

4 Forest coffee-use systems can be defined as being 'managed in a manner that does not alter the typical locally specific species composition of the forest. A certain degree of selection is tolerable'. Semi-forest coffee-use systems can be defined as 'forest coffee manipulated through thinning of over-story trees, removal of ground vegetation and enrichment of empty spaces by transplanting naturally regenerated or raised seedlings' (Teketay, 1999: 28).

The use of the forest resources was defined by governance systems based on common property, exclusive rights, or open access. Rights and access to the resources were defined by local control systems, largely dominated by the authority of the village elders (Kigenyi et al. 2002: 8).

The Kingdom of Kaffa was overthrown and occupied in 1897 by the Ethiopian Empire after a violent, almost 20-year struggle. In order to ensure continuing submission and to meet the requirements of effective occupation, the conquerors initiated political and socio-economic transformations in the occupied regions. Loyal soldiers of the imperial army – predominantly Amhara people from north and central Ethiopia – were rewarded with land property rights in the conquered areas, including the forest lands. Accordingly, these settlers were subsumed under the Amharic term *neftegna*, which translates literally as 'man with a rifle'.[5] The *neftegna* were allowed to sell and exchange land titles, but – in contrast to the European concept of a freehold system - had no absolute rights as the state could at any time confiscate and reallocate land, for example, when a *neftegna* fell into disgrace with the Emperor. This land governance system became known as the *gult* (Crummey 2000, EEA / EEPRI 2002, Kebede 2003).

Together with these land rights, the *neftegna* gained lordship over groups of local peasants – the *gebber*[6] (some literature refers to the *gult* as the *neftegna-gebber* system). The *neftegna* 'obtained' *gebber* in numbers according to their military rank; the affiliation of a *gebber* to a *neftegna* was hereditary (Crummey 2000: 223). The landlords administered their rights and belongings not by themselves but through an intermediary district officer, the *chiquashum*, who was usually of Kaffa ethnicity (Taddese Asmellash n.d.: 4). The *chiquashum* sectioned the land and allocated single plots of agricultural and forest land to the *gebbers*, who received usage rights. *Gebbers* were allowed to use and manage the agricultural and forest areas according to their needs and facilities. Usage rights were given only for a certain period of time and could be easily revoked by the *chiquashum*. *Gebber* were required to contribute a full range of in-kind services and labour, and were threatened with eviction from the land or imprisonment if they failed to do so. A peasant whose father was a *gebber* during imperial times recalls the specific regulations:

> The *chiquashum* gave the order to give ten percent of our harvest to him. For all crops we had. When we collected coffee from the forest, he got ten percent, also from the honey (Interview 12/11/2004).

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5 The name is still used for the descendents of Amhara people settling in the south of Ethiopia.

6 *Gebber* (also *gebbar*) (Amharic) refers to a tribute-paying smallholder peasant.

This land governance system obviously went far beyond a voluntary land-lease agreement and rather resembles the extractive serfdom of the European Dark Ages. The *neftegna* forced the *gebber* to extract as much economic benefit from the forest as possible. The *gebber*, in turn, had no incentive to use and manage the forest in a sustainable way since forest land-use rights were frequently withdrawn without compensation.

The state entitlement of the *Derg*

From 1974 on, the new military government, popularly known as the *Derg*,[7] proclaimed the abolition of the *gult* system using the slogan 'land to the tiller', that is, assignment of land tenure rights to the people who cultivate the land. The land reform of 1975 aimed to put this proclamation into practice and can be depicted as 'one of the most radical land reform[s] ever attempted in Africa' (Pausewang 1990), laying the foundation of a land tenure system based on the socialist model. All existing land tenure and rights systems in Ethiopia – including the *gult* – were abolished, the *neftegna* were dispossessed, and all land holdings, whether farmland, grazing land, or forests, were nationalised and came under direct possession of the state.

Many observers at the time, not only those who were leftists, considered the land reform to be a drastic but inevitable breakthrough which would effectively put an end to the age-old tenant and landlord system in Ethiopia and provide a chance to promote agricultural productivity, social equity, and planning reliability (EEA/ EEPRI 2002: 23). In 1975, the land reform was finally sealed by Proclamation No. 31/1975, and included the following declarations:

- Public ownership of all rural lands
- Distribution of private land to the *gebber*
- Prohibition of transfer of use rights by sale, exchange, succession, mortgage, or lease, except upon death and even then only to the wife, husband, or minor children of the deceased
- The maximum land a family can possess is determined to be ten hectares
- No capable adult person is allowed to use hired labour to cultivate his holdings

7 The rise of the *Derg* is partly attributed to the 1972–73 famine in northern Ethiopia, since Emperor Haile Selassis' governmental apparatus tried to conceal and understate its dimensions and reacted tardily, which '*exposed the insensitivity of the ruling elites to a lot of ordinary citizens*' (Gudina, 2003: 77). In this regard, the *Derg* regime began with the burden of an ecological catastrophe and growing public awareness of the need for more appropriate natural resource management (Marena ET02).

Nationwide administration of land governance was vested to a newly established Ministry of Land Reform and Administration (MLRA). At the local level, the enactment of the 'Proclamation to Provide for the Nationalization of Rural Land No. 71/1975' led to the formation of agricultural producers cooperatives, agricultural service cooperatives, and peasant associations. Peasant associations were designated as the lowest administrative bodies of the state, within which a number of village communities were grouped together. They were given full control over redistribution of land and management of natural resources, and from 1975 on they started to give usufruct land rights to individual peasants and to agricultural producers cooperatives. The condition for obtaining land-use rights was the peasants' permanent physical residence in the peasant association and their capability and willingness to farm themselves and to fulfil administrative dues and obligations (EEA/EEPRI 2002: 23, Pankhurst 2002: 11).

Simultaneously with the transformation of land governance, the governance of forest resources was transformed into a state matter. The *neftegna* and *chiquashum* lost their titles. Accordingly, the *gebber* lost their usage rights to the forest plots which they had been using and managing up to that time. The peasant associations received full responsibility for governing the forest areas, according to local demands and state laws. The role that peasant associations played in practice with regard to the governance of forests in Kaffa Zone, however, was fuzzy and inconstant. Zewdie (2003: 21) has emphasised that the involvement of peasant associations in forest governance in Kaffa Zone varied considerably from one association to another. Some officially distributed forest-use rights among their members, some just informally, and others not at all. The forest-related undertakings of the peasant associations were not long-term –oriented, nor were they backed by systematic governmental directives. By and large, peasant associations did not effactually govern the forests in their area of jurisdiction according to their mandate.

Transformation of local forest governance under the *Derg*

In practice, the local-level forest governance that had been exercised during the *gult* system persisted after the revolution to a limited extent. Many peasants, although they were now members in peasant associations, continued to utilise and manage the forest plots for which they had received usage rights from the *chiquashum*. This is illustrated in the following short narrative of a peasant:

> The *Derg* gave land to all people that they could live equally. The *Derg* gave some land to me. I got six hectares of farm land only, but there was no reform on forest land (Interview 12/11/2004).

This statement gives an impression of how the *Derg's* land reform was actually experienced at the local level and that it 'arrived' there only in parts. Consequently, from the mid-1970s onwards, traditional and newly initiated forest property-rights systems from the state created a de facto situation of legal pluralism at the local level. The former *gebber* tried to execute their forest resource use and management activities on the basis of the former distribution of usage rights rather than within the scope of the then formal institutions. The new state bodies reacted erratically. Indeed, the traditional forest use rights were illegitimate due to the new state laws, and in a few cases state bodies actually enforced their power, through actions such as the involuntary relocation, fining, or imprisonment of forest users. By and large, however, the state bodies tolerated the situation as they had little means and / or motivation to actively change the status quo. One has to recall that the individuals that were now working in the peasant associations were mostly former *gebber* who had kinship and peer relationships on site and also continued to informally own 'their' forest plots. One state official explained the situation as follows:

> Even if the land officially belonged to the state, it unofficially belonged to the people. The peasant association knew and accepted it. But forest owners were not supported by the peasant association (Interview 24/11/2004).

This arrangement was consolidated over time, in that the peasants transferred their rights within kinship networks, mainly through patrilinear inheritance to their sons. There is no evidence that the forest property rights in the research area have been subject to disposal.

> When a father divides his forest, the first son gets the most; the second and third, etc., less. The boys who are engaged in school or in governmental jobs often get no forest (Interview 5/11/2004).

On the one hand, the transmission of forest land rights from one generation to another implicates not only an emotional relatedness and the binding of the forest owners with 'their' forest plot but also a commitment to sustainability that was likely to guide their decisions and activities. On the other hand, however, post-revolutionary local forest governance was weak because it lacked explicit enforcement. Theory says that the pure existence of institutions does not inevitably impact on human behaviour per se. To guarantee effectiveness, institutions need to be complemented by harmonising implementation and enforcement instruments which foresee consequences in the event of contravention and thereby limit deviant behaviour (Agrawal & Yadama 1997, Brett 1995, Ostrom et al. 1994). Before the revolution in 1974, the traditional forest property rights were based upon institutional arrangements enforced by bodies of the feudal system, notably the *neftegna* and *chiquashum*. After the revolution, the forest owners continued to own their

rights to forest land but with little chance to implement and enforce them. Two statements of local peasants illustrate the situation:

> Even if there was forest ownership during the *Derg*, anybody could go into the forest and steal what he liked. The forest is vast and uncontrollable (Interview 24/11/2004).

> Nothing happened to us when the *Derg* came. Nothing was forbidden (26/11/2204).

The peasant associations did not prosecute people who took 'what they liked to' form the forest, thus leading to a situation where 'nothing was forbidden'. Thus, despite the existence of legal pluralism at the local level, the situation was reminiscent of a classical open-access situation with no or limited incentives for the sustainable use and management of forest resources.

Conclusions

In this paper, two periods of forest governance in Kaffa Zone have been analysed in view of their impact on forest depletion and the loss that has been simultaneously experienced in the area. The *Derg* revolution in 1974 entailed a rapid and fundamental transformation from feudal land-lease agreements that resembled the extractive serfdom of the European Dark Ages to socialist-inspired nationalisation of all land holdings, including forests. Upon closer examination, however, it is evident that the radical land reform under the slogan 'land to the tiller' did not dissolve all land tenure rights from the feudal past. Rather, it gave rise to an overexpansion of state control combined with no or only uncoordinated and incoherent implementation of existing forest tenure policies. It seems that the *Derg* government underestimated – and hence neglected – the path dependency of local-level forest governance schemes. Forest governance patterns that were formalised before the revolution continued to exist de facto with an informal status afterwards.

However, it also becomes apparent in the case study that the existence of institutions, both formal and informal, does not guarantee their effectiveness. One the one hand, post-revolutionary local forest governance was characterised by legal pluralism. On the other, it lacked explicit enforcement. Pre-revolutionary enforcement mechanisms were either dissolved or weakened due to their illegality, post-revolutionary ones were established in a top-down manner and often did not actually 'reach' the remote forest areas. Accordingly, both structures were not able to bring 'their' institutions into effect.

But what can be concluded when we reminisce about the rapid depletion and loss of the montane moist forests which was occurring steadily over the same period of time? The paper shows that at no moment in the reviewed

timeframe did local forest users have contractually warranted and effectively enforceable usage rights for their forests. The *neftegna-gebber* system put peasants under constant threat of being evicted from the forest land. The takeover by the *Derg* resulted in legal pluralism; however, this was without explicit enforcement mechanisms, either from the state or from traditional organisational entities. Accordingly, both situations provided forest users with limited means and incentives for sustainable forest use and management activities and hence promoted the depletion and loss of the Ethiopian montane moist forests.

What lessons can be extended to the present situation? Many of the issues discussed in this historical review are still high on the agenda in Ethiopia, and the political shortcomings have to some degree been retained and repeated by the new ruling elites since the regime change in 1991. Indeed, the basics have not changed much. The Ethiopian forests are still rapidly declining and forest land is still nationalised as 'a common property of the Nations, Nationalities and Peoples of Ethiopia [that] shall not be subject to sale or to other means of exchange' (Art. 40, Ethiopian Constitution 1995). In reality, though, the Ethiopian forests are governed through an overlapping mosaic of institutions initiated by the state, communities, NGOs, or private investors, under different levels of enforcement. The overall majority of forest users continue to have no contractually warranted and effectively enforceable usage rights for 'their' forests.[8]

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