

Unmaking the Commons: Collective Action, Property Rights and Resource Appropriation in Somali Region, Ethiopia

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BACKGROUND

In Ethiopia, much debate and policy advice on agro-pastoralism and pastoralism is based on stereotypical representations of pastoralist areas, the notion among the ruling elite that pastoralism is outdated, and technical interventions that promote sedentarization. A farming highland and pastoralist lowland dichotomy tends to prevail in public discourse. The resulting bias in land tenure policies largely ignores the specificities of the pastoralist lowlands and considers sedentarization as the precondition of progress. Typically, the state aids the expansion of agriculture into the lowlands, but fails to regulate the tenure transformations that accompany the diversification of rural resource use. Consequently, property rights are undergoing significant transformation along with economic changes, and land tenure relations are shifting from communal and collective use to enclosed and individual use, to the detriment of the poor.

PASTORALISM, PROPERTY RIGHTS, AND COLLECTIVE ACTION

This case study investigates practices of collective action in water resource management of the (agro-) pastoralist commons in eastern Ethiopia with an emphasis on the following questions:

- What types of collective action prevail?
- How do changes in property rights affect incentives for collective action?
- What are the distributional consequences in the welfare of pastoralist households?

The literature on collective action identifies a number of factors that induce cooperative behavior in natural resource management: asset ownership, homogeneity of group members, mutual vulnerability of group members, and dependence on the resources. In addition, institutional arrangements (penalty systems and rule enforcement) can induce cooperative behavior.

STUDY SITES AND METHODOLOGY

This study focused on three districts in eastern Ethiopia that represent different (agro-) pastoralist household economies and political settings. Data collection employed focus group discussions using rapid rural appraisal techniques, a detailed household survey, and key informant interviews with experts on institutions related to resource governance. A qualitative in-depth analysis of the data looked into the specific factors that affect the rules governing collective action and property rights and the distributional effects of the institutional arrangements.

FINDINGS ON COLLECTIVE ACTION IN WATER MANAGEMENT

Wells

Access rights are usually based on a household's contribution of labor to the digging and maintenance of wells. Non-contribution leads, in theory, to restrictions on access. Rights are also usually granted in expectation of future reciprocity; this is important because differentiated rainfall patterns can bring water scarcity to one location but not necessarily to another in the region. Where water tables are deep and well construction requires high labor inputs, access to water is usually restricted for non-members. Reciprocal sharing is more common where initial investment costs are low.

In times of drought crises, pastoralist households seek grazing resources and well water based on kinship relations. However, when an influx of non-members with kin relations becomes common, it reduces incentives for members to contribute to maintenance. Collective herding increases the pressure on water wells as noncontributing households water their own livestock with the larger pool of animals.

Because it is almost impossible to exclude non-members from using well water, especially during crises, incentives for members to contribute to well management decline the more often crisis situations prevail.

Cisterns

There are marked differences in the case of private and communal cisterns. Owners of private cisterns use them to generate revenue: users have to pay. In communal cisterns, those who contribute labor gain access, and revenue generated from water sales to non-members is shared among members. The proliferation of private cisterns in the 1980s and 1990s brought water prices down and reduced incentives to maintain communal cisterns and wells. However, with the gradual decline of communal water points and restrictions on construction of new cisterns, private owners were able to increase prices, and water became unaffordable or unavailable during droughts.



Because de facto privatization provides some individuals with secure access to resources and additional income but excludes others, collective action on a local scale is insufficient to counter the unmaking of the commons. It needs to be complemented by a land tenure policy that ensures the rights of communal users.

The move to construct private cisterns was a turning point in collective action for joint management of communal water resources. Wealthier clan members did not have incentives to contribute to the maintenance of communal water points. In effect, maintenance was relegated to politically or economically less powerful clan members. This transformation of intra-clan responsibilities and duties effectively changed the genealogical and social networks as well as the tight connections between rights and duties that were inherent in customary rules.

Ponds

The construction of water ponds in the study area has been initiated by state-led development interventions. User groups provide labor during construction and for maintenance. Non-contribution results in oral warnings and fines. However, enforcement is often lax due to social obligations and a reluctance to punish. In principle, all members who have contributed have the right to use water from communal ponds. Asset-poor households often rent oxen to ensure their contribution to pond construction. However, not all such households can afford the rental, may thus be unable to derive benefits from their water rights, and are thus effectively excluded from these entitlements.

MULTIPLE ARTIFACTS, MULTIPLE USES, MULTIPLE RULES

The evidence shows that incentives for collective action in managing water systems depend on economic cost-benefit considerations and social norms. Exclusion of non-members is difficult to enforce, which reduces the incentives to contribute to collective action in maintaining those systems. Elite capture comes at the expense of the poor segments of the clan, which increases economic inequalities within clans.

The relationship of water and pasture resource use

In the agro-pastoral economy, access to water and pasture resources is intertwined. In principle, each clan possesses primary user rights over its own territory and is expected to confine herd movement within this territory under normal conditions. Asking permission to use another clan's communal grazing and water resources is only considered appropriate when own-clan resources are inadequate due to drought, violent conflict, or subject to prior inter-clan negotiation rituals.

The right to pasture is not necessarily linked with the right to water points, but generally they are granted in combination (excluding access to water while granting access to pasture would make enforcement costs prohibitive and likely create disputes at water points). This differentiates secondary users: those wealthy enough to buy water from private cistern owners can make use of the access rights whereas less wealthy households experience an entitlement failure.

Reciprocity and social obligation

Entrance to another clan's territory generally requires prior negotiation, even though the hosting clan is socially inclined to grant access (the reciprocity principle). Inter-clan kinship relations are important in negotiating and differentiating access to grazing resources, for example if clan members have relatives within other clans with distinct territories. These lineages and networks across clans and sub-clans played an essential role in establishing reciprocity.

The spread of private enclosures in some areas has complicated the system of granting access to grazing resources. Some clans have subdivided their territory and distributed the land to individual private rights holders, or influential clan members have constructed enclosure fences for cisterns or pasture. As a result, overall communal resources are continuously shrinking, complicating mobility patterns across seasons and years and restricting the options for coping with drought.

CONCLUSIONS

In eastern Ethiopia, property rights regimes to pastoral resources have undergone dynamic changes, and these changes affect incentives for and benefits from collective action to manage common property resources and the different technologies and artifacts that make benefit streams available from water and pasture use. These changes have further differentiated socioeconomic livelihoods and capabilities within agro-pastoralist society. The trend is toward privatizing and individualizing benefit streams to resources. Rights to those benefits are individualized, but duties to maintain commons resources are externalized. The impact of this on regulating access to the pastoral commons has disturbed reciprocal resource-sharing arrangements between clans, induced inter-clan disputes, and restricted mobility.

De facto privatization and individualization provide some clan members with secure access to resources and additional income, but *potentially* exclude others. While inter-clan negotiation may entail access to pasture commons, asset-poor households may fail to capture the associated benefit streams when water access is privatized and prohibitively priced. In that case, clan members may have endowments to some commons resources (like pasture), but will not enjoy the entitlement to actual benefit streams because of exclusion from others (like water).

Customary mobility patterns as a strategy of risk coping are increasingly disturbed, and this increases the risk marginal pastoralist households experience in the face of climatic variability. While the effects of enclosure and privatization on socioeconomic differentiation are complex, overall they exclude poor households from access to resources essential for keeping livestock.

POLICY IMPLICATIONS

Past and present land tenure policies have tended to discriminate against the communal interests of pastoralist communities, and the federal government's policy does not yet accommodate both customary modes of communal land use and emerging trends toward privatization. Collective action on a local scale is insufficient to counter the unmaking of the commons. It needs to be complemented by a land tenure policy that ensures the rights of communal users. Property rights to land and its multiple resources are central in defining incentives for collective action. Neither clans nor customary rule systems are adequate to fully adapt to changed environmental and social conditions. Nor has the state yet found a constructive role in the encounter with pastoralism and clan societies. A redefinition of this relationship is urgently needed.

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