

Introduction

- 1) The Gambella Regional State is one of the nine member states of the Federal Democratic Republic of Ethiopia (FDRE). It is located in the south-western Ethiopian lowlands bordering the Republic of South Sudan from the west, the Oromia Regional State from the north-east and the Southern Nations Nationalities and Peoples Regional State (SNNPRS) from the south-east. According to the latest national census results, Gambella region has a population of 306,916 people.¹
- 2) The Gambella Regional State is predominantly inhabited by five indigenous ethnic groups, namely the 'Anywa', 'Nuer', 'Majang', 'Opo' and 'Kumo'. In addition to these five indigenous ethnic groups, there are other Ethiopians of different ethnic origins in the region who are collectively referred to as "highlanders".² The identity boundary between the 'indigenous peoples' vs. 'highlanders' is constructed along: linguistic origins (the highlanders being mainly from 'Semitic and Cushitic' linguistic group, while the indigenous groups are from the 'Nilo-Saharan' linguistic group) and ethnic background.
- 3) Historically, the Gambella region and its indigenous peoples have been among the most marginalized communities – politically, economically and socially – in Ethiopia. Despite the introduction of a new political system (ethnic federalism), the indigenous peoples of Gambella remain marginalized from government services such as access to education, health care, clean water and security.³
- 4) Moreover, the indigenous peoples of Gambella have endured various human rights violations perpetrated by the state security forces. On December 13 2003, the Ethiopian National Defence Force, in retaliation to an ambush of state intelligence personnel by an unconfirmed group, killed 424 civilian Anywa people in Gambella town, burned their villages and sexually abused women belonging to that community.⁴
- 5) The purpose of this report is to bring to the attention of the Universal Periodic Review (UPR) the human rights situation in this remote region of Ethiopia and suggest appropriate legal measures, policy recommendations and urgent actions that need to be taken by the Ethiopian government in order to mitigate the situation in the region.

Methodology

- 6) This report is an extract from a study conducted by a researcher on behalf of MRG in the Gambella Regional State of Ethiopia last year from January to June 2012 on the impact of the on-going large-scale agricultural investments on the indigenous communities of Gambella.
- 7) The study involved an in-depth analysis of the Ethiopian legal framework in general, and land rights and minorities/indigenous peoples' rights in particular. Due to the cross cutting nature of those rights, the study had also investigated the enjoyment of other core international human rights enumerated under the Charter of the United Nations, the Universal Declaration of Human Rights (UDHR) and

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Central Statistics Agency (CSA) of Ethiopia. (2007). *Population and Housing Census Results*. Addis Ababa: CSA.

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Gambella is a lowland region that sharply contrasts with the neighbouring western highlands. This is the reason why migrants from other parts of Ethiopia are called 'Highlanders'.

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Ethiopia: A New Start?, Minority Rights Group International, London (2000); pp 10-11

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See Human Rights Watch Report, <http://www.hrw.org/reports/2005/03/23/targeting-anuak>.

other human rights instruments to which Ethiopia is a party.

- 8) For this study, 71 people were interviewed across a from wide range of people across, professional, ethnicity, urban and rural, gender, age and geographic lines. The researcher also visited nine villages in Anywa and Majang zones and conducted focus group discussions in each village.

Ethiopia's Normative and Institutional Framework for the Promotion and Protection of Human Rights

- 9) The 1995 federal constitution of Ethiopia establishes a Federal and Democratic State structure and therefore declares the Ethiopian state as the 'Federal Democratic Republic of Ethiopia'. Accordingly, the constitution establishes two federal houses: the 'House of Peoples' Representatives (HPR)', an equivalent of a lower house, and the 'House of Federation', akin to an upper house in other federal states. The Federal Government and the Regional States have their own legislative, executive and judicial powers defined by the federal constitution.
- 10) One third of the provisions of the federal constitution are dedicated to fundamental human and democratic rights such as: the right to life; the right to liberty; the rights of persons held in custody and convicted prisoners; the right to equality; freedom right of thought, opinion and expression; freedom of right to assembly, demonstration and petition; the rights of women; the rights of children; the rights of Nations, Nationalities and Peoples; the right to property; economic social and cultural rights; including environmental rights among others.⁵
- 11) Ethiopia has ratified most of the core universal human rights treaties such as the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) on 23 June 1976; the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 11 June 1993; the International Covenant on Civil and Political Rights (ICCPR) on 11 June 1993; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on 10 September 1981; the Convention Against Torture (CAT) on 14 March 1994 ; and the Convention on the Rights of the Child (CRC) on 14 May 1991. In addition, Ethiopia is also party to the Convention on the Prevention and Punishment of the Crime of Genocide; the Geneva Convention of 12 August 1949 and Additional Protocols; and the ILO fundamental conventions.
- 12) The government of Ethiopia established the 'Ethiopian Institution of the Ombudsman (EIO)' and the 'Ethiopian Human Rights Commission (EHRC)' in 2000. Nevertheless, the EHRC is not accredited yet in accordance with the Paris Principles by the International Coordinating Committee of the National Institutions for the Promotion and Protection of Human Rights (ICC).

Human Rights Violations

Economic, Social and Cultural Rights

- 13) Since 2010 the Ethiopian government introduced a 'villagization' programme aimed at relocating 1.5 million people in four regions: Gambella, Afar, Somali and Beneshangul-Gumuz. Since then 45,000 households have been relocated in the Gambella region. The relocation was carried out with force in order to give way to the rising number of foreign agricultural investors that have been flowing to the region since 2007/2008.⁶ According to the testimonies collected from nine villages,⁷ there has been

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For the detail list of human and democratic rights under the Ethiopian federal constitution see articles 10-44.

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Human Rights Watch (HRW), *Waiting Here for Death*, <http://www.hrw.org/reports/2012/01/16/waiting-here-death>, accessed on 11/09/2013.

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1. Ilea village in Itang district, 2. Abol village in Gambella-zuria district, 3. Pinykew village in Gambella-zuria district, 4. Godere village in Godere district, 5. Chibo-kir village in Abobo district, 6. Thenyi village in Abobo district, 7. Perbongo village in Abobo district, 8.Gog-dipatch village in Gog district, and 9. Pochala village in Gog district.

neither consultation with the indigenous communities nor compensation for the properties they have lost. This violates land rights under the Ethiopian constitution Article 40:4 and 40:5 respectively.⁸

- 14) Despite the Ethiopian government's promises to provide basic services and resources in the new villages,⁹ most villagers visited are still without health and education facilities, clean water and adequate food. This clearly violates the UDHR Article 25 that states "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services" and Article 26 about "the right to education", and relevant ICESCR and CRC articles.
- 15) Some of the lands that Ethiopian government has leased out to investors are lands that have significant cultural and religious values for the indigenous communities. As a consequence of the loss of these lands, the indigenous communities are denied sacred grounds upon which they conduct their cultural and religious festivities. For example part of the lands that is leased out to an Indian Company called Karuturi is a burial place for chiefs of Ilea village. Each successive chief of the village has been buried under one tree and the area is seen as sacred by the villagers. Despite the complaints of the villagers to the relevant local and regional authorities, the company destroyed the whole forest. This contravenes the provisions about cultural rights under the Ethiopian constitutions (Article, 39:2), the UDHR (Article 27:1) and the ICESCR (Article 15).
- 16) Environmental Impact Assessments (EIA) are not a mandatory prerequisite for signing large-scale land lease agreements in Ethiopia. It is only a voluntary requirement on the part of each investor. As such, all land lease agreements in the Gambella region do not take into account the environmental concerns and possible negative environmental impacts on the indigenous communities. The most significant adverse environmental impacts to date include loss of wildlife populations and habitat, loss of biodiversity, degradation of wetlands, impacts to water quality/quantity and the proliferation of invasive species.¹⁰ This practice violates the provisions about environmental rights provided for under the Ethiopian constitution Article 44 (and at the international level developed inter alia in the United Nations Declaration on the Rights of Indigenous Peoples Article 29).

Civil and Political Rights

- 17) Another impact of the villagization programme on the indigenous communities of Gambella is the violations of civil and political rights. Those who refused to move to the new village sites proposed by the authorities were arrested, beaten, tortured and some killed. In March 2013, the Ethiopian National Defence Force killed one farmer including his five children in Bat-Gilo village, Gog district for refusing to move to the new village with other villagers together. In May of 2012 five farmers from Pokedi village in Abobo district were shot dead by members of the Ethiopian National Defence Force.¹¹ In Perbongo-Tierkudhi village of the same district two teachers accused of mobilizing

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Article 40:4 and 40:5 of the Ethiopian constitution stipulates that "Ethiopian peasants have right to obtain land without payment and the protection against eviction from their possession" (Article 40:4) and "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" (Article 40:5).

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For more information on those promises see the "Gambella Villagization Program Action Plan", [http://www.anuakjustice.org/downloads/VillagizationProgramActionPlan\(2003\).pdf](http://www.anuakjustice.org/downloads/VillagizationProgramActionPlan(2003).pdf).

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Oakland Institute, (2011), *Understanding Land Investment Deals in Africa*, available online at, http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_Ethiopia_Land_Investment_report.pdf, accessed on 12/09/2013.

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Davison, W., (2012), *Ethiopia: Are these 'land grabs' or progress?* Available online at, http://www.ethiomed.com/abc_text/4182.html, accessed on 11/09/2013.

farmers to resist villagization were killed by the military in February 2012. These types of extra-judicial killings have been very common since 2010 as big military were dispatched to villages to force villagers to move to new villages and prevent them from returning to their old villages. This is so because according to land lease agreements that the Ethiopian government signs with large-scale land investors, the government is obliged “To deliver and hand over the vacant possession of leased land free of impediments” and to “provide free security against any riot, disturbance or any turbulence”.¹²

- 18) In December 2012 a farmer from Gambella district was beaten by the military and lost his leg after he gave a critical interview on Voice of America (VOA) about the villagization programme. “My village was forced by the government to move to the new location against our will. I refused and was beaten and lost my two upper teeth” one Anyuak man told Inclusive Development International (IDI).¹³ His brother “was beaten to death by the soldiers for refusing to go to the new village. My second brother was detained and I don’t know where he was taken by the soldiers” he added.¹⁴ An elder in Abobo who was held for more than two weeks by the military described his detention to Human Rights Watch that, “they turned me upside down, tied my legs to a pole, and beat me every day for 17 days until I was released”.¹⁵ At the moment there are more than 30 young Anywa men who have been detained by the state security forces and their whereabouts remain unknown to their families. These practices by the state security units violate the Ethiopian constitution and other international human rights instruments that Ethiopia has ratified.

Sexual Violence against Women and Exploitation of Child Labour

- 19) The villagization programme has encouraged the instances of rape and sexual violence against women in many villages. In seven out of the nine villages visited for this study, all the military camps were stationed around the water sources that villagers use. The lack of available water in the new villages has increased the risk of rape and sexual violence as women are walking longer distances to access water sources. Most of the rape instances reported occurred when women go to fetch water. Others took place when women go out to the forest to collect firewood. In April 2012 in Gogdipatch village, Gog district, the military took three girls as sex slaves for three months passing them over to different military camps. Human Rights Watch also reported that seven girls were taken earlier by the military in the same village.¹⁶ Although villagers reported those rape incidents, sexual abuse and girls’ abduction for sex slavery, no measures have been taken by the concerned authorities to bring the perpetrators to justice or at least to stop them.
- 20) On the Karuturi and Saudi Star farms in Ilea and Ochakchala villages, most of the daily labourers are

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See Karuturi land lease agreements article 6:1 and 6:6,
<http://www.solidaritymovement.org/downloads/ethiopianAgPortal/17Karuturi-Agreement.pdf>.

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Peebles, G., (2013), Ethiopia: Lives for land in Gambella, Redress, available online at,
<http://www.ethiomeia.com/2013report/4574.html>, accessed on 11/09/2013.

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Ibid.

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Human Rights Watch (HRW), *Waiting Here for Death*, <http://www.hrw.org/reports/2012/01/16/waiting-here-death>, accessed on 11/09/2013.

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Human Rights Watch (HRW), *Waiting Here for Death*, <http://www.hrw.org/reports/2012/01/16/waiting-here-death>, accessed on 11/09/2013.

children in the age of 7 -13 years old. Those children most often work long hours and paid less.¹⁷ As consequence most children living in the vicinity of those farms are not going to school and are left exposed to all kinds of labour abuse and exploitation. This violates the Ethiopian constitution Article 36 and several key most of the provisions of the Convention on the Rights of the Child (CRC).

Minorities and Indigenous Peoples' Rights

- 21) The Ethiopian government deliberately directs large-scale land investment to areas predominantly inhabited by minorities and indigenous peoples. The former Ethiopian Prime Minister stated once that "Our policy is that in the lowland areas [areas predominantly inhabited by minorities and indigenous communities] where we have abundant and unutilized land we would lease that to private sector. In the highland where there is land shortage we would allow the farmers to retain indefinite use right".¹⁸ Indigenous communities contest this claim of 'unutilized lands'. What the government calls 'unutilized lands' are areas that are used by members of the indigenous communities as grazing lands, hunting areas, shifting cultivation and other purposes. The taking away of those lands that have been used in different ways by the indigenous communities for centuries violates their political rights to participate in decisions that affect them.¹⁹
- 22) Unlike the majority of Ethiopian farmers who are settled farmers, most of the indigenous communities are pastoralists and shifting cultivators. As such, they extract most of their livelihood needs from their communally owned lands rather than from their individual plots. Hence, the taking away of their communal lands affects their livelihood severely. Without these communally owned lands, indigenous communities cannot sustain their economic, social and cultural well-being. Therefore, the Ethiopian government's policy of leasing out indigenous areas to large-scale commercial farmers violates the right to self-determination contained in ICCPR and ICESCR, as well as Article 27 of ICCPR (as further elaborated in most of the provisions under the UN Declaration on the Rights of Indigenous Peoples and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities).

Recommendations to the Ethiopian Government

- 1. The Ethiopian government should immediately halt its villagization programme until it has put in place appropriate consultation channels and clear compensation guidelines.**
- 2. Allow residents forcefully displaced by the villagization to return to their old farms and continue their livelihood without interruption from state security forces.**
- 3. Ensure that forcibly relocated indigenous communities are compensated for the lands, crops and properties they have lost.**
- 4. Allow members of the Indigenous Communities to use their communal lands such as grazing lands, fishing areas, shifting cultivation and others in accordance with their traditional resource management systems.**
- 5. Investigate, prosecute or institute disciplinary proceedings as appropriate all government and**

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<http://www.ethiopianreview.com/forum/viewtopic.php?f=2&t=56326>

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Meles Zenawi, (2010), World Economic Forum in Africa, <https://www.youtube.com/watch?v=dI598aBMCvI>.

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UN Declaration on the Rights of the Indigenous Peoples (Article 18) and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Article 2:2 and 2:3).

military officials implicated in human rights violations associated with villagization.

6. Investigate and prosecute military commanders who are implicated in rape and sexual abuse, and provide support (or allow NGOs to provide support) for rape and sexual victims.

7. Ensure that all the state security forces deployed to water sources that are used by villagers and from other public service facilities such as schools and clinics are only present when necessary to ensure the safety and security of residents, and do not engage in human rights abuses against the local population

8. Ensure that provisions of the Convention on the Rights of the Child and other relevant domestic policies related to child rights are respected by all agro- industrial companies operating in the region.

9. Make an official apology to and compensate the families of those who were killed by the state security forces through the process of villagization.

10. Release all those who were detained for engaging in non-violent activities to protest the villagization programme.

11. Repeal or amend all laws that infringe upon the right of freedom of expression, association and peaceful assembly, such as “The Charities and Societies Proclamation”, “The Mass Media and Freedom of Informational Proclamation” and “The Anti-Terrorism Proclamation”, in order to ensure that they comply with international human rights standards.

12. Allow independent human rights organizations and the media unimpeded access throughout the Gambella region.