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Dear Sirs

Review of Ethiopia

We respectfully make the following submissions in connection with the Review of Ethiopia scheduled for the 19th Session of the Human Rights Council from 28 April to 9 May 2014

Introduction

1. In pursuit of projects that it considers vital to the national economy - the Gibe Gibe III Dam and the Kuraz Sugar Project – Ethiopia has violated, and continues to violate, the rights of the tribal peoples of the Lower Omo Valley in the south west of the country (“the Peoples of the Lower Omo”).
2. These number at least 90,000 and include the Daasanach, Hamar, Karo, Kwegu (or Muguji), Nyangatom, Mursi and Bodi tribes. Apart from the Kwegu, who have no livestock other than a few goats, all are agro-pastoralists. Their primary means of subsistence is the cultivation of sorghum and corn, but they also rely on the milk, meat and blood of their cattle. Most hunt to supplement these resources and to obtain hides for clothing, and many gather plants and cultivate honey.
3. All depend on the annual floods of the Lower Omo, and move within their traditional lands according to the flood cycle. The floods ensure that the land is constantly renewed by the annual deposit of flood silts, which allows the same plots to be cultivated year after year.
4. The Gibe III dam is in the course of construction. When it is complete it will eliminate the annual floods forever. It will also make possible the irrigation of large tracts of the Omo valley on which the Lower Omo tribes have long depended for grazing.

5. The Omo has already been diverted to irrigate some 175,000 hectares of land earmarked for the Ethiopian Sugar Corporation. The Corporation has said that it expects to produce up to 2 million tons of sugar from the new plantations every year, and estimates that over 100,000 migrant workers will be attracted to the area.
6. To make way for these huge developments, many tribal people have been or will be forced into “villages” built especially for the purpose. They have lost - and unless something is done to reverse the process will continue to lose - their livestock, their homes and their traditional pastures. Their way of life will simply disappear.
7. Ethiopia has not merely acknowledged the extent of these changes but positively welcomed them. In a speech to pastoralists in South Omo in January 2011, the late Meles Zenawi tried to justify both Gibe III and the Sugar Project on the grounds that:

“We want our people to have a modern life. We won’t allow our people to be a case study of ancient living for scientists and researchers. I promise you that even though this area is backward in terms of civilisation it will become an example of rapid development. The friends of backwardness and poverty, whatever they say or do, can’t stop us from the path of development we are taking.”

No Consultation

8. These sentiments might have been understandable if Ethiopia had troubled to ask the Lower Omo Peoples whether they actually want the changes that are now being foisted upon them. But it has made little or no attempt to do so.
9. The communities downstream of the dam were not consulted about Gibe III until well after construction had begun, and even then the so-called “consultation” was hopelessly inadequate. Ethiopia’s own “Public Consultation and Disclosure Plan” states that only 93 members of these communities were “consulted” about the dam.
10. These individuals were selected on an entirely random basis and represented no one but themselves. Since they were seen only once, they were not able to report back to officials on any discussions they may have had with the other 99.9% of the Lower Omo Peoples who had not been consulted. Not a single member of the Hamar, Bodi or Kwegu tribes was approached.
11. In 2009 the UN Special Rapporteur on Indigenous Peoples reported that:

“Most affected individuals reportedly do not understand how the project might affect them, in part because of geographic isolation, linguistic barriers, and political

marginalization. Project developers have not attempted to overcome these obstacles and have made virtually no project information publicly available, not even through media coverage.”

12. Survival’s own investigation in 2012 indicated that nothing has changed since then. None of those whom we interviewed had been able to speak to government officials about the dam. Many did not even know what a dam actually was, or that the annual flood was under threat.
13. If anything, there has been an even more abject lack of consultation about the Kuraz Sugar Project. The first that the communities knew of this Project was when Prime Minister announced it in his January 2011 speech. As the speech made clear, however, by then the decision to move into sugar production had already been made. The development, he said, would start “this year” and would “transform the entire basis of the area”. He was right on both counts.
14. Mr Zenawi did not think it necessary also to tell his audience that the “transformation” would deprive the pastoralists of the Lower Omo of their best agricultural and grazing land; or that they would lose their access to the Omo River; or that these changes would in turn force them to give up their herds and to move into government-planned resettlement villages for want of anywhere else to go.

Human Rights Abuse

15. Ethiopia’s failure to consult the Peoples of the Lower Omo has meant, predictably, that it has met fierce resistance when it has tried to put its proposals into effect. In an attempt to overwhelm this resistance Ethiopia has resorted to techniques which have repeatedly violated of the rights of these Peoples.
16. In January 2012 a joint team from USAID and the UK Department for International Department (“DFID”) visited Lower Omo and were told by Mursi and Bodi, not only of arbitrary arrests and beatings but of the deliberate destruction of grain stores; of the denial of access to the Omo River on which tribes people depend for their subsistence; of threats to sell or kill the cattle of anyone who refused to move; and of the widespread use of the military to intimidate people into giving up their land. There were also numerous allegations of rape.

17. Survival has transcripts of audio recordings of these discussions. They are confirmed by our own investigations in Ethiopia, when we were also told by the Kwegu that the military have thrown large quantities of their sorghum into the river and bulldozed their beehives into the ground to force them to move. Human Rights Watch, the Oaklands Institute, International Rivers are among the other observers which have made similar findings.
18. Only a few weeks ago Mursi told a journalist from Christian Science Monitor that “the Government uses our ignorance and backwardness to control us. They force us to do farming ... Those who have been in the bush shall settle together in a common village and be brothers. But our leaders do not accept this.” Immediately after that discussion police forced the journalist to leave the area.

Legal position

19. Article 40(5) of the Constitution of Ethiopia supposedly guarantees the rights of pastoralists not to be displaced from their lands, but this guarantee exists only on paper. It does not have the force of law until it has been implemented by national legislation, and none has been enacted.
20. On the contrary, Rural Land Administration and Use Proclamation No 456/500 gives Ethiopia the untrammelled power to remove pastoralists from their lands as and when the Government chooses. The Government even has the power under Article 5(3) of the Proclamation to change communal holdings to private holdings “as may be necessary”. The sole arbiter of whether or when a change is “necessary”, and how much land should be taken, is the Government itself.
21. Ethiopia’s treatment of the Peoples of Lower Omo is in breach not only of the Constitution but of human rights instruments that Ethiopia has ratified.
22. The Convention on the Elimination of All Forms of Racial Discrimination, for example, requires State Parties to ensure that the equal protection of the law to all ethnic groups. But pastoralists in Ethiopia have been treated very differently from peasants, from whom they are ethnically distinct. While pastoralists have been denied the land rights supposedly guaranteed to them by Article 40(5) of the Constitution, the land rights of peasants under Article 40(4) have been implemented in full.
23. The prevention of the annual flood of the Omo, and the conversion of huge swathes of grazing land to sugar cane, will both deprive the Peoples of the Lower Omo of their means of subsistence contrary to Article 1(2) of the CPR and ESCR Covenants.

24. The refusal to consult the Peoples of the Lower Omo about Gibe III or the Kuraz Project, let alone to seek their consent to either, is a violation of their right to self-determination under Article 1(1) of both Covenants.
25. These facts also evidence multiple breaches of the UN Declaration on the Rights of Indigenous Peoples and in particular of the rights of the Peoples of the Lower Omo under Article 10 not to be forcibly removed from their lands or territories; and of the duty of Ethiopia under Article 32(2) to consult and cooperate with them in good faith in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories

Recommendations

26. We respectfully ask the Council to urge Ethiopia as a matter of the highest priority:
 - (1) to seek the approval of the House of Peoples Representatives, in accordance with Article 55(2)(a) of the Constitution, of a Proclamation to give legal effect to the right of pastoralists under Article 40(5) of the Constitution not to be displaced from their own lands;
 - (2) to take practical steps in the meantime to ensure that the Lower Omo Peoples are not required to move to any new village or other site selected for them, or are otherwise displaced from their own lands, without their free prior and informed consent
 - (3) not to cut further canals or carry out any other works on lands traditionally occupied or used by the Lower Omo Peoples if the practical effect of these works would be to displace them against their will.

Yours faithfully,



Stephen Corry

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