

## AFRICAN PARKS FOUNDATION AND THE OMO NATIONAL PARK

David Turton

Senior Associate, Department of International Development, University of Oxford and  
former Director, Refugee Studies Centre, University of Oxford

*I have been carrying out anthropological research amongst the Mursi, since 1969, focusing on environmental change, migration, response to drought, warfare, ethnicity and political identity. My last visit was in December 2005 - February 2006. The following notes have been prepared for a meeting of African Parks Foundation and the IUCN National Committee for the Netherlands, which is due to take place on 17 May, 2006, under the chairmanship of Paul Wolvekamp of Both Ends. The notes set out what I consider to be key matters of concern in the recent takeover of the Omo National Park by African Parks Foundation (APF) of the Netherlands.*

**APF's claim that it has no plans forcibly to displace people**

People living in the Omo National Park may not be in danger of being rounded up at gun-point and put on lorries, or of having their houses burnt down.<sup>1</sup> But they are, by any reasonable assessment, in danger of being denied access to vital subsistence resources, without compensation - meaning not cash handouts, but an alternative means of obtaining a sustainable livelihood. This is what people in the Lower Omo fear most, for two main reasons. First, they have already been subjected, over several decades, to this more subtle type of forced displacement,<sup>2</sup> by the establishment of state farms and national parks and by the allocation of hunting concessions to safari companies. The result has been that their already difficult lives have become steadily more difficult and their children have become steadily more vulnerable to malnutrition, death and disease. Second, since APF arrived on the scene in September 2005, it has steadfastly refused (as explained below) to give any written assurances, let alone legally binding guarantees, that this process will not continue under its management of the Omo Park. It has also failed to provide local people with the information they would need in order to obtain independent legal advice about their situation. Despite its rhetoric about 'collaboration' and 'co-management', therefore, APF has disempowered those it wishes to collaborate with by denying them a realistic chance of engaging, on anything like equal terms, in discussion and negotiation about the future management of the park.

**APF's failure to guarantee local land rights**

Long before APF signed its contract with the Ethiopian government to take over management of the Omo National Park, I and others tried to persuade it to include a clause which guaranteed the land rights of local people. Its repeated response was that this would be impossible, not because it wanted to move people off their land or deny them access to it, but

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<sup>1</sup> Although the houses of Guji residents in the Nech Sar National Park in Arba Minch were burned down, three months before APF took over the management of the park and nine months after it had agreed to do so, in a contract stipulating that all those living in the park would have been resettled by the time it took over.

<sup>2</sup> The resettlement policies of multilateral donors such as the World Bank, the African Development Bank and the Asian Development Bank now treat as the equivalent of forced displacement the 'involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons' (World Bank Operational Directive (OD) 4.12, Paragraph 3 (b)). See M. Cernea, 'Restriction of Access is Displacement: a broader concept and policy', *Forced Migration Review*, 23, pp. 48-49, May 2005. <http://www.fmreview.org/mags1.htm>

because it could not ‘interfere’ in the policies of a ‘sovereign government’. But it would not be ‘interference’ in the affairs of a ‘sovereign government’ to insist that the land rights of people living in and around the Omo Park are protected. It would be no more than is expected by the relevant international conventions and guidelines on the rights of indigenous people and by the resettlement policies of multilateral donors.

I again raised the issue of guaranteeing local land rights at a meeting with APF staff last December. By then, the contract had been signed, but I asked whether it would be possible for an addendum to be signed, guaranteeing the land rights of local people. The response was threefold. First, I was told, this would not be *possible*, because the government would not agree. Second, it would not be *worth it* because, even if such a clause were added, the government would not consider itself bound by it. And third, it would not be *necessary* because the rights of ‘pastoralists’ to their land are already guaranteed by the Ethiopian constitution (Article 40, 5). There is no need to point out the contradictions here. As for the Ethiopian constitution, most informed observers of the Ethiopian political scene, inside and outside Ethiopia, would surely acknowledge that the government still has a long way to go to bring political practice into line with constitutional theory.<sup>3</sup>

Not only has APF failed to sign any agreements (whether legally binding or not), protecting the land rights of local people, but it also appears to have no plans to do so in the future. The Chair of its Executive Committee has stated, in a letter which she copied to me last December, that ‘we are not going to make written agreements with the local people’. APF may protest as much as it likes, therefore, that it has no intention of displacing people from their land, but unless it is prepared to enter into legally binding agreements to back up its claims, it cannot expect them to be taken seriously. One can safely assume that those who are nevertheless prepared to take its words at face value would not be so willing to do so if their own property, their own livelihoods and their own children’s futures were at stake.

#### **APF’s failure to make publicly available its contracts with the government**

Not only has APF failed to guarantee local land rights, but it has also failed to make available to local people the contracts it has signed with the federal and regional governments. It has thereby denied local people the right to seek and obtain independent legal advice about a contract that will have enormous consequences for their own and their children’s futures and which was agreed and signed without their knowledge or consent. Again, one can only assume that APF’s own staff and supporters would be thoroughly outraged if they were to find themselves in a similar situation.

#### **The boundary demarcation process**

Local people were also not given copies of documents the government asked them to sign, using their thumbprints, in which they ‘agreed’ to the current park boundaries. In March 2005 a ‘Celebration’ was held at the Omo Park HQ at Mui, at which 50 local people who had taken part in the ‘demarcation’ of the boundaries over a 15 day period, signed papers stating ‘We demarcated ZONE 1, ZONE 2, or ZONE 3...etc. and, as a group, we agreed on the trees that were selected to demarcate these areas.’ This was a necessary step in the process of gazetting the park (which had remained ungazetted since its establishment in 1966), a process which would in turn make local residents into illegal ‘squatters’ on their own land.

In July 2005, a party of game guards from the Mago NP arrived at a Mursi settlement known as Maganto (and to the government, as Hailu Wuha) and asked people to put their thumbprints on documents describing the boundaries of the Mago NP. According to a Mursi who witnessed this event, several people ran away to avoid signing the paper, but eventually

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<sup>3</sup> See D. Turton (ed.) *Ethnic Federalism: the Ethiopian Experience in Comparative Perspective*, James Currey Publishers, Oxford, 2006; and D. Turton, ‘Four questions about Ethiopia’s Ethnic Federalism’, *St Antony’s International Review* (University of Oxford), 2, 2005.

three men were ‘forced’ to sign with their thumbprints. A human act is forced if it is carried out in the absence of a reasonable alternative and force can therefore be applied in subtle as well as brutal ways. If those who signed these documents were aware of the implications of what they were being asked to do, it is safe to assume that they did not comply willingly, since the park boundaries enclose much of their most productive subsistence resources. If they were not ‘forced’ – i.e., if they did not sign because they felt they had no reasonable alternative - then they were tricked.

When I asked a national park official last January why those who signed these papers were not given copies of them, he replied ‘because they would not have been able to read them’. This, of course, is the very reason why they *should* have been given copies, so that they could get independent legal advice about the implications of what they had been asked to sign. Once again, this is nothing less than APF’s staff and supporters would themselves take for granted, in the event of a party of armed police turning up on *their* door steps, asking them to sign documents written in a language they could not read and the legal implications of which they had no way of knowing. It is true that the boundary demarcation was organized by the government, at least eight months before it signed its agreement with APF, but it was clearly intended to pave the way for this agreement. This process of demarcating the park boundaries made a mockery of ‘prior informed consent’, contravened international agreements on the rights of indigenous people<sup>4</sup> and revealed a colonialist attitude on the part of the Ethiopian government towards its own citizens which APF has turned a blind eye to.

#### **APF’s response: ‘Trust us’**

APF’s standard response to the points set out in the above paragraphs has been that all these crucial (to local people) matters will be negotiated and agreed upon in the course of discussions and consultations with local people over the coming months, leading up to the writing of a ‘management plan’ for the park. But what kind of ‘negotiation’ is it in which one side has all the financial and political power and the other has no legally enforceable rights at all? To speak of ‘negotiation’ in these circumstances is utterly meaningless. The, ‘Trust us: everything will be sorted out in the management plan’, approach looks, in practice, like a way of ensuring that all decision-making power remains firmly in the hands of APF. It is unlikely that local people would be happy with this approach in any case. But APF’s record in the region so far does not inspire confidence. The burning down of houses in Nech Sar by the government just before APF took over the park, the continuing displacement of Guji within the park, APF’s refusal to guarantee local land rights and to make public its agreements with the government, and its claim that it cannot interfere with the policies of a ‘sovereign government’ – all this means that it has a lot of ground to make up before it can expect to gain the trust of local people in the Omo.

#### **Making up the ground**

As I have repeatedly advised in the past, APF could go a long way towards making up this lost ground if, without delay, and irrespective of any discussions it may be planning with local people concerning the preparation of a management plan, it were to:

- sign legally binding agreements with each of the groups living in the park and/or making use of agricultural or grazing land within it, guaranteeing their right to a secure livelihood in their existing territories;

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<sup>4</sup> See, for example, ‘Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries’ of the ILO, Art. 17, 3: ‘Persons not belonging to these peoples shall be prevented from taking advantage of their customs or of lack of understanding of the laws on the part of their members to secure the ownership, possession or use of land belonging to them’.

- specify, in writing, the social and economic benefits that are expected to accrue to local communities, including an agreed percentage of tourist and hunting revenues;
- make freely available to local people the full text of any agreements it has signed with the federal and regional governments; and
- provide local people with copies of the documents they were asked to sign during the boundary demarcation process, and by which their ‘prior informed consent’ was obtained to the legalisation of the park boundaries.

By taking these steps APF would be helping to empower the groups living in and around the Omo National Park, so that they could genuinely negotiate, and take part in shared decision making, about park management. By empowering local people, APF would inevitably be ceding some of its own power – a difficult thing to do. But if it really believes that ‘the strong support of the Mursi and other local people is fundamental to effective management of the area’,<sup>5</sup> as I am sure it does, there can be no other way.

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<sup>5</sup> Taken from APF’s ‘Position statement of African Parks Foundation on management of Omo National Park’, which is available on the website of African Parks Conservation (<http://www.africanparks-conservation.com>)