

# Access to Land and Resource Management in Ethiopia and the Horn of Africa

Report of a Workshop  
held 27–28 November 1997,  
Addis Ababa, Ethiopia



## Background to the workshop

In the Horn of Africa, where most people depend on crop cultivation and raising livestock for their livelihood, land is not considered as property, but as a vital resource to which everybody needs access. Access and rights to land in this part of Africa have multi-dimensional implications: economic, political and spiritual. However, when land is owned by the state or by land-owners, there are major implications for the tenants in exercising their civil and political rights. Furthermore, for some people, land has a spiritual significance; they believe humans come into being from the crust of the earth.

In several countries in the region, peasant farmers have been coerced into following the wishes of the land-owners, be they state or individual. Thus land rights issues are extremely sensitive and unless handled and addressed carefully they can become the cause of violent conflicts. Prospects for sustainable peace and development in the region very much depend on these rights being respected.

## Introduction

For several years, the Institute of Development Research (IDR), Addis Ababa University, has undertaken a Land Tenure Project in collaboration with the Land Tenure Center of the University of Wisconsin-Madison and the African Studies Center of Boston University, USA (established mainly with funds from the Ford Foundation). As part of this project, Minority Rights Group International (MRG) helped organize a

workshop entitled 'Access to Land and Resource Management in Ethiopia and throughout the Horn of Africa', held in Addis Ababa on 27–28 November 1997. MRG had previously published a Report *Land Rights and Minorities* in 1994, and it provided workshop participants with a range of its Reports.

The two-day workshop was attended by more than 40 participants from Africa, Europe and North America. The participants included academics, central and regional government personnel, non-governmental organization (NGO) representatives, and an official from the International Labour Organization (ILO). A total of 21 papers were read and five oral presentations were made. The workshop covered various themes: the first three sessions focused on Ethiopia, and the fourth session explored land rights and minorities across the Horn of Africa.

Dr Tegegn Gebre Egziabher, Director of IDR, opened the workshop – the fourth in a series under the Land Tenure Project – and welcomed all the participants. He noted that since the inception of the Project in 1993, attempts had been made to establish a network bringing together experts and institutions with a particular interest in land-related issues. MRG's involvement in the workshop is a result of this networking process. Dr Egziabher also stated that the results of research activities that were presented at the three previous workshops have been communicated to policy-makers in Ethiopia.

The aim of this workshop was to disseminate new research findings on land tenure and its impact on agricultural development, resource management, and the improvement of

WORKSHOP REPORT

the livelihood of peasant farmers – with a particular focus on the experience and situation of ethnic minority groups in the region. It was hoped that the results of such research would encourage decision-makers to draw lessons from current practices, and embark on policy reforms to redress the problems of mounting rural poverty and the marginalization of minorities. This Report is a summary of the main issues raised at the workshop, with a special emphasis on land rights and minorities.

## Land rights in Ethiopia

### Land tenure and rural policy

Many of the presentations dwelt on the rural policies and land reforms of the Derg (the Ethiopian government from 1974 to 1991) and Ethiopian People's Revolutionary Democratic Front (EPRDF) governments. Both governments enshrined the state ownership of land in their constitutions. In 1975 the Derg nationalized private land and redistributed it to the people. During the civil war (from the late 1970s to 1991), the Tigray People's Liberation Front (TPLF), which is now the most dominant organization within the ruling EPRDF, again redistributed land – this time in most parts of Tigray province. Following the formation of the government of the Federal Democratic Republic of Ethiopia (FDRE) under EPRDF control, land was redistributed in the Amhara Regional State. There was some disagreement among the workshop participants as to whether the Amhara Regional State's land reform was constitutional, for the constitution only gives local government the power to *administer* the land in their domain according to the law, but not to change the landholding of individual peasants, let alone dispossess them of their holdings.

While acknowledging that the land redistribution did provide up to one quarter of a hectare of land to poor, formerly landless peasants, most of the speakers dealing with this topic doubt whether it will fulfil its objectives of bringing social equality and doubling Ethiopia's capacity for food production. The main weaknesses cited in their criticism of the EPRDF government's rural land policy, particularly the land redistribution programme as practised in the Amhara Regional State, are the following:

- The land reform was top-down and did not secure the full participation and consensus of the farming community. Nepotism and political favouritism were also present in its implementation.
- The land reform did not take into account existing forms of access to land, the resource endowments of recipient farmers, and their competence to manage the land productively and sustainably.
- The land redistribution was politically discriminatory, based on a political classification of farmers as 'bureaucrats' (those officials of former Peasant Associations or peasant militias and political cadres of the Derg's party), 'feudal remnants', 'rich', 'medium' and 'poor' farmers. Those labelled as 'bureaucrats' and 'feudal remnants' were targeted for a reduction in their landholding for redistribution to the so-called 'medium' and 'poor' farmers (often the young, widows, and women) while the landholding of the 'rich' farmers remained intact. Even the landless children of the 'bureaucrats' and 'feudal remnants' were not given the same access to land as those of the 'medium' and 'poor' farmers.

- The redistribution of land resulted not only in land fragmentation but landholdings being reduced, with everyone becoming poorer with each reallocation.
- The land reform heightened tenure insecurity, which acted as a disincentive to farmers to invest in the land and manage it properly.
- Since farmers only have usufruct rights over their holdings, the prohibition of legal transfer prevented consolidation of plots. Also since the exercise of even the usufruct rights were dependent on residence in the Kebele (the smallest unit of local administration), this condition discouraged the movement of the rural population out of agriculture. Together with the lack of alternative off-farm employment in rural areas, it is precipitating the growing rural population's pressure on the land leading, in turn, to a conversion of land reserved for afforestation, environmental rehabilitation and grazing into farm plots.
- The continued parcelling up of the land is resulting in a shortage of fodder, a shrinkage in livestock production, and the promotion of micro-holdings which are too small to enable farming households to break out of subsistence farming. This situation, coupled with a national extension package that relies on expensive, imported agri-inputs, is likely to undermine the aim of doubling food production. Therefore, it is also doubtful whether the government's policy of Agricultural Development-led Industrialization can be achieved.

### Gender and land

Some presentations concerning gender and land rights stressed the inequality between men and women in access to agricultural land, especially in polygamous families. In areas such as Tigray, where women received farm plots from land redistribution, their newly acquired holdings did not improve their capacity to effectively manage and cultivate the land; hence they had to remain dependent on the resources of men. The land redistribution has enhanced women's chances of marriage; it has also led to more women initiating divorce. The speakers emphasized that there is a need for legal reforms to promote women's equality and to protect their interests against gender-biased cultural practices.

### Population dynamics

According to the speakers' research findings, the interaction between demographic change, environmental degradation and population dynamics may be a symptom, rather than a cause, of socio-economic problems. The solution is not necessarily to reduce the size of the population, but to address the root causes of poverty. The speakers pointed out that the preliminary results of their research in a densely populated part of Ethiopia invalidate the Malthusian belief which underlies the government's population policy. For example, their findings indicate that migration is a safety net, where people move from densely populated to less densely populated areas; this is also associated with agricultural innovation.

### Management of natural resources

The absence of sound land-use policies, frequent changes in the landholding system, the resultant tenure insecurity, and the increasing conversion of grass and bushy land into cultivation plots have resulted in the loss of over 90 per cent of the soil and nutrients in sampled highland areas of Ethiopia. It





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*Massai women's blessing ceremony, Kajiado, Kenya*

is suggested that with the proper application of simple soil conservation technologies, 68–73 per cent of the current resource loss could be reversed, and the lifespan of the soil increased fivefold.

In contrast with the techniques of soil and water conservation which were introduced by outsiders, the traditional methods – which use a combination of biological and physical measures – are found to require less labour for their application and maintenance. Being rooted in the traditional knowledge of the peasant farmers and applied flexibly depending on local conditions, they are generally felt to be more sustainable; although a few methods such as soil burning do contribute to long-term soil degradation. The speakers therefore recommended that a combination of the more effective traditional and other methods of soil and water conservation be encouraged, along with land reform to strengthen tenure security.

## Land rights and minorities in the Horn of Africa

The issue of land rights and minorities was one of the workshop's core topics. This is perhaps the first time that this issue has been seriously considered in such an academic forum in Ethiopia. Six papers on various aspects of the land rights of minorities in Ethiopia, Kenya and Uganda were presented.

### **Land rights and Muslim minorities in Semen Mountain National Park, Ethiopia:**

*Paper presented by Gizachew Abegaz*

About 12 per cent of the population inhabiting the Semen Mountain National Park (SMNP) and its buffer zones are Muslims; the remainder are Christians. Oral tradition holds that the Muslim settlers in the SMNP were given land rights by Emperor Amde Tsion in the fourteenth century. A harmonious relationship existed between the Christian and Muslim communities except during the rule of Emperor Yohannes I, when some Muslims had to give up their land and flee to avoid forced conversion to Christianity. Prior to this episode, Muslims used to have equal access to land through the *rist* system of tenure, whereby land was held communally on the basis of kinship and one had to trace one's lineage to get land. Even new settlers, whether Christian or Muslim, had access to land through sharecropping arrangements and as tenants.

Until the enclosure of the SMNP by a proclamation during the time of Emperor Haile Sellassie, both communities had free access to the forest resources. After this 1969 Proclamation, both communities lost the right to use natural resources such as agricultural and forest land, land for settlement expansion and the right to hunt wild animals; but they were not denied access to grazing land in most parts of the park. (However, due to poor policing, the illegal cutting of trees within the SMNP has not been stopped.)

The 1975 land reform was implemented in the SMNP area only around 1980–1 because of the civil war. Following its implementation, the *rist* system of land tenure was abolished. This meant that access to agricultural and forest land, and grazing, was limited to areas within the domain of their particular Peasant Association; farm plots located far away were lost. In 1990, the EPRDF wrested control of the SMNP area from the Derg and implemented its own land redistribution. When land was reallocated to the landless, some of the inhabitants lost part of their farmland while others, especially the young and the landless, received three-quarters of a hectare of land.



Amhara man, central highlands of Ethiopia

### **The threat to the Tsamako, Arbore and Birale minorities' rights over the natural resources of Weyto Valley in south-west Ethiopia:**

*Paper presented by Melese Getu*

The three major economic activities of the Tsamako are animal husbandry, beekeeping and crop production. Trees are also important for the Tsamako, the main uses including: beekeeping, browse for their animals, construction poles, firewood, fruits and nuts, mattresses, sources of incense and wood for tool handles. Large trees have ritual and ceremonial values among the Tsamako. Forests are communally controlled and carefully managed with little wastage. The felling of trees or clearing of forests to reclaim land for cultivation used to be sanctioned by the village community. But new settlers attracted from Gofa and Wolayita by a new commercial farm owned by the Birale Agricultural Private Limited Company are destroying the forest for charcoal production, construction purposes and firewood. Since the settlers have open access to the forests, forest ownership is now divorced from its management.

The Tsamako use honey for consumption, for sale, for exchange and as bridewealth. However, many of the beehives of the Tsamako who live near the new commercial farm were destroyed by the farm's employees. The remaining beehives are now empty because of the use of pesticides spread from helicopter by the commercial farm. So beekeeping is now dying out in areas close to the farm.

Among the Tsamako, communal and private property arrangements coexist, but no one who needs land is left landless. The impact of the 1975 land reform was reduced due to the relative inaccessibility of the area. But towards the end of the Derg period, over 4,000 hectares of Tsamako land with a high potential for agriculture and grazing was leased for 30 years to a newly established commercial farm. It produces cotton, and fruits such as banana and papaya. This land used to serve the

Tsamako for dry season grazing as well as flood recession and irrigated agricultural land. The commercial farm gave 229 households half a hectare of farmland each in compensation, but the villagers say that the land they were given was unproductive, and that the company denied them water for irrigation. Villagers are fined when their livestock stray into the farm on their way to the grazing land. According to the speaker, this situation led to armed conflicts between local people and farm staff, leading to the death of 16 people in 1996.

Other effects induced by the establishment of the Birale farm are:

- the loss of the shortest path to a dry season livestock watering point;
- the slackening of traditional informal rules governing natural resource management and use, and the weakening of the authority of the elders; and
- the introduction of alcoholism and prostitution.

The Arbore and Birale minority groups neighbouring the Tsamako have also suffered from these effects. In addition, the Birale have lost one of their food sources – fish – due to the dam constructed by the commercial farm to divert the Weyto River. Since the Birale are also hunters the diminution of the forest has led to the disappearance of game animals which were sources of supplementary food.

Article 40 (5) of the FDRE Constitution provides that 'Ethiopian pastoralists have a right to free land for grazing and cultivation as well as a right not to be displaced from their own lands.' Article 43 (2) states that 'all persons have the right to participate in national development and, in particular, to be consulted in respect to policies and projects affecting their community.' In practice, these constitutional provisions are not strictly observed.



## External threats to land rights and resource management of the minorities in the Omo-Gibe Valley, Ethiopia:

*Paper presented by Alula Pankhurst*

The three major kinds of external threats to land use and management of resources that are common in the Omo-Gibe valley are: competition from migrants, private investment projects and state development projects. The three types of state development projects are: agricultural development, hydroelectric power dams and wildlife conservation. The Ethio-Korean State Farm, for example, which was established a decade ago during the Derg era, confiscated some of the arable land of the Dassanech and threatened the delicate balance they held between pastoralism and flood retreat agriculture. Under the current government the possibility of privatization and further expansion of the farm would reduce the flooding downstream and thus expose the Dassanech to famine. The farm has not benefited the Dassanech by creating job opportunities since labourers are brought in from outside. Other government farms in the area include the Gibe River State Farm and the Wushwush Tea Plantation.

Prompted by interest in generating revenue from the expansion of tourism, if the proposed legislation to set up the national parks, controlled hunting areas and wildlife reserves in the Omo-Gibe Basin is carried through, it would seriously threaten the livelihood of several minorities – particularly the Chai, Bodi, Kwegu, Mursi and Suri. The immediate threat of eviction in the Mago and Omo parks may have subsided in part due to the influence of pressure groups. Yet the Mursi depend on seasonal migration over a wide area, making use of available grazing, flood retreat and rain-fed agriculture. The area designated for park development is vital for their way of life. However, the Mursi and Guji face the threat of resettlement.

The Gilgel Gibe Hydroelectric Dam Project is threatening the people in the lower Omo Valley who rely on flood-retreat agriculture. Private investors using mechanization for their commercial farms have begun work in the Gibe and Gojeb river basins as well as on the Lower Omo and Weyto rivers. The local communities' rights to land and access to other resources have been overlooked in the process of encouraging private investment. This has resulted in evictions and restriction of the use of resources by local communities.

## Trends in pastoral land tenure and conflict over resource use in the Afar area, Ethiopia:

*Paper presented by Getachew Kassa*

The Amibara district covers the flood-fed and wet-season grazing land of Afar pastoralists in the middle Awash. As elsewhere in Afar Region, the flood-fed and wet-season land is subdivided into segments of clan land, separated from neighbouring clan land by natural boundaries; each is named after a clan whose members have been inhabiting it for many generations. Land is the communal property of all members of the clan and cannot be held exclusively by an individual or sold as private property. Access to land and resources is regulated by clan heads and clan elders, who also settle disputes. Access to land is gained in two ways: 1) by virtue of being a clan member one has an inalienable usufruct right to clan land; 2) a client can lease land by paying a sum of money, or providing services to the clan, or as a result of established bilateral clan relations. Leaders of two or more clans can negotiate to allow their respective clan members to use land and other resources for a limited period of time, especially during drought seasons.

Legislation by the state to set up a national park in the Awash Valley and development schemes such as the Awash

Valley Authority have transferred land through concessions to large agro-industrial projects. This has resulted in the loss of the Afars' customary land rights and restricted their access to the natural resources in their territories. The Derg's 1975 land reform had disastrous consequences for the Afar pastoralists' land rights. It led to the diminution of access to land and generated fierce competition and conflict between clans for the remaining land and resources. The Awash Valley Authority's establishment of settler farms by allocating parcels of farmland to some Afar households opened up a precedent for the individualization of landholding among the Afars. Some clan leaders took advantage of their position to enclose large tracts of land for their household's exclusive benefit, without requesting the permission of the traditional clan authorities; then they began to set up commercial farms. Furthermore, they also began to lease part of this land to non-Afar investors to set up irrigated commercial farms.

These developments undermined the traditional usufruct rights of clan members and generated armed conflicts among clan members, between Afar pastoralists and non-Afar farmers, and between Afars and state agencies, with the state agencies protecting the non-Afar settlers as well as the commercial farmers. It also instigated a demand for the return of all Afar land expropriated in order to set up state farms. This resulted in the return of 6,673 ha. of state farmlands to the Afars in 1994. However, influential clan leaders tried to gain control of this land to lease it to commercial farm investors.

The competition for land and resources has been further complicated by the appearance of new players on the scene – the young and the educated Afar elites who organized themselves into political groups and competed with the traditional authorities by controlling the administration of local government agencies. Meanwhile the majority of the Afars in the Middle Awash Valley are unable to get full access to their traditional land and natural resources.



*Terracing the land against soil erosion, Tigray, Ethiopia*

JAN HAMMOND/PANOS PICTURES

## Pastoralism, conflicts over resource use and land tenure reform in Kenya:

Paper presented by Abdi Umer

A quarter of the Kenyan population are pastoralists raising livestock in the arid zones of the country, especially in the border areas. The pastoralist system was disrupted by colonial settlers who enacted several laws which alienated the local community from their land. The Crown Land Ordinance of 1915 put all land occupied by and/or reserved for 'native tribes' of the Protectorate at the disposal of the colonial administration. The colonial settlers took over the choicest parts of the highlands which the pastoralists, especially the Massai, used for grazing. New infrastructures such as health centres, roads and schools were built in the highland areas, but these services were not extended to the dryland areas inhabited by the pastoralists.

Uhuru and Mau Mau movements for liberty and land began to put pressure on the colonial administration, which again enacted a series of laws that enabled some Kenyan bureaucrats, businesspeople and politicians to secure large tracts of land. These sectors of the society became not only absentee landlords but also the post-independence opponents of any land bill that aimed at an equitable redistribution of land. Although the Kenyan Constitution on Trustland appears to recognize the rights of pastoralists to the land they occupy, it undermines this right by favouring written laws of land ownership over the customary laws by which the pastoralists used to claim ownership of the land they had been occupying. Moreover, the constitution neither provides protection of the pastoralists' land rights, nor a mechanism for compensating pastoralists for land which has been expropriated from them by the state for dam building, game reserves, mineral exploitation or other economic purposes. Although nomadic groups formed Group Ranches, these were not effective in protecting the land rights of the

pastoralists. Seasonal movements by nomadic pastoralists for scarce grazing land and water have led to an inter-ethnic competition and conflict over control of such resources.

There were two attempts in parliament to pass a land bill to address the issue of pastoralist land, but these failed. The establishment of a multi-party system in 1992 has added a new impetus to the drive for constitutional change. As far as the pastoralists are concerned, the key changes that need to be made in the Kenyan constitution are to get pastoralist areas segregated and to secure the recognition of local pastoralists' customary land rights. Currently, various bodies are trying to promote the interests of Kenyan pastoralists. There is an Inter-Party Parliamentary Group which supports the protection of minority rights, and the Kenya Pastoralist Forum (KPF), a membership organization consisting of over 300 institutions, pastoralists and researchers. The KPF aims to act as a catalyst for improving the quality of life of Kenyan pastoralists and promotes linkages among all groups involved in pastoralist issues. The KPF has links with decision-making bodies such as the National Assembly and with local government councils, whose members have been participating in KPF meetings.

## Land tenure and the Abayanda community in Uganda:

Paper presented by Samuel B. Tindifa

The land reform decree of 1975 made customary land public land and automatically removed the Abayanda (Batwa or Pygmy) peoples' land rights over the forest land they had inhabited for centuries. The establishment of the Mgahinga Gorilla National Park in 1991 compelled the Abayanda to flee their territories to the outskirts of towns or to live as squatters. Conservationists see the Abayanda as a threat to nature, not as partners of the very nature they have nurtured for centuries as the oldest inhabitants of the region. The process of marginalization of the Abayanda in matters of land is continuing without regard to their rights as indigenous people. An attempt at resettlement of the Abayanda by an NGO failed and resulted in many Abayanda deaths.

Uganda's 1995 constitution recognizes the rights of minorities and provides that all Ugandans holding land under customary rights may acquire certificates of ownership. However, this had little effect on the Abayanda since they had already been alienated from their land by the conservation law which declared their traditional territory to be a restricted area. The marginalization of the Abayanda should be seen as a human rights problem that requires a political solution. Corrective action must be taken in the interest of these people. The implementation of ILO Convention no. 169 could be a first step in this direction.

## Conclusion

Before the closing of the workshop the participants discussed ways to strengthen networking and considered how to create a conducive policy environment. The following were the main points raised:

- The discussion of the land tenure system is very important and many people are interested in the issue. Donor support is essential for conducting further research on the topic.
- The networking activities carried out so far have brought together various groups and researchers to share their concerns on the issue of land tenure. Are



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Abayanda/Batwa in Uganda





TRYGVE BOLSTAD/PANOS PICTURES

*Turkana nomad family, Kenya*

there other steps that could be taken to improve networking? It was suggested that NGOs with grassroots links and engaged in resource management activities should be included.

- In response to the question – how can the results of such research best be communicated to policy-makers to promote reforms – the following approaches were suggested:

- Government line departments are the best vehicle for communication, but as land tenure is often treated as a political issue they tend to shun the issue.
- It is better to talk to the technical staff in the regional administrations since they are easily available and many decisions are now taken at the regional level. It is useful to invite them and local government representatives to workshops and inform them of the issues.
- Influential community leaders who are interested in the welfare and improvement of the livelihood of their people should be approached. Such leaders are often the ones whom governments also want to draw to their side.

- When collecting information through interviews pay attention to the local power structure – interviews can often serve as a medium for raising awareness among local people.
- Use donors and pressure groups for influencing policies since they are the sources of funds for state projects.
- Initiate dialogues with policy-makers and persuade them to heed the results of research. On such occasions it often helps to compile research results into a package which can be used by policy-makers. If talking about land tenure is regarded as a sensitive issue, it can be helpful to approach the subject under topics such as ‘demographic factors’, ‘livelihood of rural households’, ‘resource management’, etc. When approaching government officials, advocacy should be distinguished from dissemination.
- Prepare the necessary information in a comprehensible and accessible form for public use. The media can also be used to channel information to the public and to raise public awareness of the issues.

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# Minority Rights Group International

Minority Rights Group International (MRG) is a non-governmental organization working to secure rights for ethnic, linguistic and religious minorities worldwide, and to promote cooperation and understanding between communities.

We publish readable, concise and accurate Reports on the issues facing oppressed groups around the world. We also produce books, education and training materials, and MRG's 800-page *World Directory of Minorities*.

We work with the United Nations, among other international bodies, to increase awareness of minority rights, often in conjunction with our partner organizations. We also coordinate training on minority rights internationally and work with different communities to counter racism and prejudice.

MRG is funded by contributions from individuals and institutional donors, and from the sales of its Reports and other publications. However, we need further financial support if we are to continue to develop our important work of monitoring and informing on minority rights.

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*Cover photo (left): Tigré woman digging during drought, Ethiopia. - NEIL GOORIK/PANOS PICTURES -*  
*(Right): Oromo girl collecting water from Lake Bishoftu south of Addis Ababa.*

MARTIN ADREY/PANOS PICTURES



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