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Mandate of the Special Rapporteur on the rights of indigenous peoples.

REFERENCE: AL Indigenous (2001-8)
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22 October 2012

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the rights of indigenous peoples pursuant to Human Rights Council resolution 15/14.

In this connection, I would like to bring to the attention of your Excellency's Government the allegations received concerning **agricultural development in the lower Omo valley associated with the construction of the Gibe III hydroelectric project, as well as the Government's "villagization" programme**. As your Excellency's Government is aware and as is reflected in my last communications report to the Human Rights Council (A/HRC/21/47/Add.3), the situation of the Gibe III hydroelectric project has been the subject of several previous communications to your Excellency's Government. I would like to again thank your Excellency's Government for its response of 24 August 2011.

According to the information received:

Major irrigated commercial agricultural and other development projects are planned by the Government of Ethiopia for areas downstream of the Gibe III dam within the lower Omo valley in the Southern Nations, Nationalities and Peoples' Region. The Government reportedly has planned to use approximately 450,000 hectares in that region for commercial irrigated agriculture, 245,000 hectares of which would be used for state-run sugar plantations and the rest would be leased to private agro industrial companies. Official development plans for the region also include the construction of infrastructure such as processing facilities, irrigation canals and roads for the sugar plantations and the construction of the Gibe IV and Gibe V hydroelectric projects. It has been alleged that these development projects entail the massive resettlement of indigenous agro-pastoralist groups inhabiting the lower Omo valley, including members of the Bodi, Mursi, Karo, Kwegu and Suri peoples.

It is alleged that no specific social and environmental impact assessments in relation to the sugar plantations or other large-scale commercial agricultural

development projects in the lower Omo valley region have been developed. According to the information, the environmental and social impact assessments carried out in relation to the Gibe III dam have not taken into account the cumulative effects of the commercial agricultural development projects further downstream of the dam, or of the proposed Gibe IV and V dams, on the lands and natural resources used by indigenous peoples in the region. It has been pointed out that resettlement action plans related to the Gibe III dam were developed only for the residents displaced by the construction of an electric transmission line, road realignment, and the reservoir. However, resettlement action plans were not developed for those displaced by the sugar plantation and other agro-development projects downstream of the Gibe III dam.

The information received indicates that resettlements have already been underway in the lower Omo valley to make way for the Government's proposed development plans for the region. It has been pointed out that the resettlement process in the lower Omo Valley and the Southern Nations, Nationalities and Peoples' Region is part of the Ethiopian Government's larger "villagization" program instituted in at least four other regions of the country. The villagization program reportedly consists of the relocation of pastoralist, agro-pastoralist and shifting cultivators into sedentary villages where they are supposedly provided with improved social services, housing and infrastructure. This relocation reportedly takes place without consideration of the rights to lands and resources that the affected indigenous peoples may have over the areas from which they are located. The information received indicates that 10,995 pastoralist households underwent villagization in the Salamago district of the South Omo Zone in 2010 and 2011, and that for the 2012 budget year, 103,000 pastoralists were planned to be relocated in the Southern Nations, Nationalities and Peoples' Region, and the South Omo Zone in particular.

According to the information, the Government of Ethiopia considers the villagization programme as a necessary means by which pastoralist and other indigenous groups can receive social services more effectively, in addition to making land available for large-scale agricultural and other development projects deemed necessary for the national economy. The Government has reportedly stated that agro-pastoralist and other groups participate in the villagization program voluntarily. However, the allegations received indicate that the resettlement of Bodi, Mursi, Kwagu, Suri and other indigenous peoples in the lower Omo valley has not been voluntary and that threats and intimidation by police and military personnel have been directed against indigenous community members who have resisted their resettlement. In this connection, it has been alleged that up to 100 Mursi and Bodi indigenous members have been arrested as of September 2012 for opposing their relocation.

It has also been alleged that Government and military officials have sought to prevent indigenous communities targeted for villagization from engaging in their traditional subsistence activities as a means to pressure them into accepting their

resettlement. Suri indigenous communities, for example, were allegedly prevented recently by military officials from planting their crops for several weeks so that they would resettle to avoid starvation. Mursi indigenous communities have allegedly been told that they would be resettled at the end of 2012, and have been pressured by Government officials to reduce or sell their cattle, which are a fundamental part of their traditional culture, subsistence, and economy. While, reportedly, the Government has in some cases promised that indigenous community members could work as wage labourers at the sugar plantations, many indigenous peoples reportedly have also expressed their unwillingness to leave their lands and stop engaging in their traditional cattle raising, agricultural and other activities upon which they have relied for their subsistence.

The current state-run and private commercial agricultural operations in the lower Omo valley region have allegedly caused the clearing and deforestation of the forests and agricultural lands traditionally used by Kwegu, Mursi and Bodi for their subsistence activities. In addition, the construction of irrigation canals for the sugar plantations have allegedly lowered the water levels of the Omo River, thus gravely affecting the fish population that indigenous peoples like the Kwegu have depended on for their subsistence.

Allegations have also been received about the living conditions of indigenous groups or communities at the resettlement sites. Many resettlement sites have reportedly lacked the houses, clinics and schools promised by Government officials. In the case of Mursi and other indigenous communities that were able to bring some cattle with them, they have found scarce water resources to maintain the cattle. Furthermore, Government officials have allegedly prevented those communities from going out into areas within the Omo River floodplain to provide water to their cattle. Without their cattle or access to traditional crops, the resettled indigenous communities would allegedly become increasingly dependent on the food rations provided by the Government, although these are reportedly insufficient. Serious concern has been expressed over the risk of famine at the resettlement sites due to insufficient food, water and the drought conditions that are characteristic of the area.

While I do not wish to prejudge the accuracy of the above information, I note ongoing concerns still persist regarding the construction of the Gibe III hydroelectric project along with concerns about the large scale agricultural and other projects promoted by your Excellency's Government in connection to this dam, as I have expressed in my observations concerning this case (A/HRC/21/47/Add.3).

In this connection, I would also like to refer to observations and recommendations by other international bodies regarding the Gibe III dam and related development projects. The UNESCO World Heritage Committee has expressed concern over the cumulative impacts of the Gibe III dam, the Gibe IV and V dams, and related irrigation projects, on the water levels, ecology and overall cultural and natural heritage value of Lake Turkana, a designated World Heritage site on both sides of the Ethiopia and Kenya

border.¹ Consequently, the World Heritage Committee requested that Ethiopia “immediately halt all construction on the Gibe III dam and related irrigation projects until [a Strategic Environmental Assessment to be conducted bilaterally by Ethiopia and Kenya] is completed and appropriate measures have been identified and implemented.”²

I am also aware of the recent concluding observations on Ethiopia by the Committee on Economic, Social and Cultural Rights which expressed concern over the Gibe III dam and its effects on the traditional practices, subsistence and food security of the indigenous peoples in the Omo River region. The Committee recommended that Ethiopia “continue to identify and address the adverse social and environmental impact of the Gibe III dam [and to] to initiate, prior to construction of hydro-electric projects, comprehensive impact assessments as well as extensive consultations with affected communities, involving genuine opportunities to present views and influence decision-making.”³

With respect to the allegations received regarding the relocation of indigenous communities in the context of the Governments villagization programme, I would like to make reference to international standards, in particular the United Nations Declaration on the Rights of Indigenous Peoples. As stated in article 20 of the Declaration, indigenous peoples have the right to “maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.” The Declaration affirms indigenous peoples’ rights to the lands, territories and resources that they traditionally owned, occupied or otherwise used or acquired, and for States to give legal recognition to those lands, territories and resources with due respect to their customs, traditions and land tenure systems, *art. 26*.

Article 32 of the Declaration relates to the duty of States to consult with indigenous peoples in good faith, and “through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.” Article 10, concerns the issue of removal of indigenous peoples, and states that “[n]o relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.”

In light of the information and allegations contained in this communications, I would be interested in knowing your Excellency’s Government’s views on the accuracy of the information contained in this letter, and I would be grateful to receive any

¹ UNESCO – World Heritage Committee, Decisions adopted by the World Heritage Committee at its 35th session, WHC-11/35.COM/20 (7 July 2011), Decision 35 COM 7B.3, para. 6.

² UNESCO – World Heritage Committee, Decisions adopted by the World Heritage Committee at its 36th session, WHC-12/36.COM/19 (June-July 2012), Decision 36 COM 7B.3, para. 7

³ Concluding observations of the Committee on Economic, Social and Cultural Rights: Ethiopia, E/C.12/ETH/CO/1-3 (31 May 2012), para. 24.

additional information your Excellency's Government may deem relevant. In particular, I would like to know further information about:

1. Whether a determination of the land and natural resource rights that the Bodi, Mursi, Kwagu, Suri and other indigenous peoples in the lower Omo valley region were made prior to the initiation of the commercial agricultural projects and the resettlement of indigenous communities in the region;
2. The details of the Government's villagization policy, including its purpose, its design, and how many people it will affect and in what ways;
3. Whether the free and informed consent of the Bodi, Mursi, Kwagu, Suri and other indigenous peoples in the lower Omo valley was obtained prior to their resettlement under the villagization program;
4. The measures taken to ensure the adequacy of food, water, housing and provision of health, education and other basic services in the resettlement sites;
5. Any measures taken to investigate the alleged cases of undue coercion, intimidation, and arbitrary arrest of indigenous peoples in the lower Omo valley in the context of villagization program as described in this communication.

I would appreciate a response from your Excellency's Government within 60 days. I undertake to ensure that your Excellency's Government's response will be taken into account in my assessment of this situation and in developing any recommendations that I make for your Excellency's Government's consideration pursuant to the terms of my mandate.

Please accept, Excellency, the assurances of my highest consideration.

James Anaya
Special Rapporteur on the rights of indigenous peoples