

Range Enclosures in Southern Oromia, Ethiopia: An innovative response or erosion in the common property resource tenure?

By Bokutache Dida

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Abstract

Rangeland enclosures and related issues of property rights in African grazing lands have received research attention since the 1980s (e.g. Behnke, 1985; Behnke, 1988), indicating gradual changes in the property right regimes. The changing scenarios make it important to assess enclosures within pastoral innovation systems in order to bridge the knowledge gap that exists in this aspect. This draft paper deals with rangeland enclosures (*kaloo*) in Borana and Guji Zones of Oromia Regional State, southern Ethiopia, in the context of growing resource use change. The paper attempts to provide an overview of the processes, trends, typologies, rationale, status and early impacts of enclosing the resources along with implications of the practice for resource tenure security. The data on which the report is based were collected through observation and interviews conducted with key informants during scoping visits to various reserved sites in Gorodola and Liban districts (Guji Zone), Arero, Yaballo, Dirre, Dillo, Taltalli and Moyale districts (Borana Zone) between February 2010 and February 2011. Preliminary findings show existence of enclosures in various forms, multiplicity of objectives and motives in enclosing lands and involvement of various wealth groups in rangeland enclosures in the study area, implying land fragmentation and decline in common property resource tenure.

Introduction: ecological foundations of pasture reserves in pastoral land use

Reserving a section of the communal rangeland for later use has always been an integral part of pastoralist innovation in land use in the arid/semi-arid environments where pastoralist land use strategies are largely influenced by spatial and temporal resource variability. Fluctuation in the rainfall imposes resource mosaics over different but functionally interconnected landscape units (Tache, 2008), thus making it necessary for pastoralists to devise mobility in order to access the patchy resources, sometimes involving long distance trekking (Niamir-Fuller, 1999). Mobility is augmented with homestead pasture reserves that target those physically weaker and more drought vulnerable herd classes (immature calves, emaciated milk cows and selected breeding bulls), particularly in stress periods. This risk consciousness drives this land use strategy to enhance drought survival by protecting the nucleus herd, thereby contributing to natural herd growth and household food production.

Under ideal common property resource tenure, a decision to make an enclosure is made through consensus. Management of the enclosed pasture is a collective responsibility and utilization is for communal purpose. These elements define the fundamental characteristics inherent in communal pasture reserves in customary pastoral land use.

In southern Oromia where the study focuses, drought reserves have been widely practiced among Borana, Guji and Gabra Oromo communities long before the advent of externally funded pastoral development projects and extension work, although the details may vary from one locality to the other, depending on settlement patterns, variations in relative degree of aridity and territorial organization. The communal pasture reserves, locally known as *kaloo*, provided a means for meeting the special need. Closing and opening at appropriate times, management and utilization are all effected by the customary institutions of resource management, on the basis of customary rules governing key natural resources within the CPR arrangements.

Among the Borana, these restricted areas were not fenced in the past. A word of mouth used to suffice to restrict access, and subsequent communications to the inhabitants used to hold effectively- everyone knew that this was an enclosure for calves not to be used by other herd classes¹. What about now? In the recent decades, pastoralists in the southern Ethiopian rangeland have witnessed resource base shrinkage and the resultant land use changes. The loss of big chunk of the rangeland and dry season wells in eastern and south-eastern territories to competing groups (Tache and Oba, 2009; Bassi, 1997), rangeland productivity decline due to large-scale bush encroachment, increased drought recurrence, etc have forced the Borana households to internalize the problem mainly through engagement in land use types that directly compete with pastoralism. Proliferation of crop cultivation and corresponding enclosures may be cited as examples (Tache and Oba, 2010; Tache, 2010; Berhanu and Colman, 2007). In connection with the former, it has been reported that households enclose a large area ostensibly for crop cultivation but actually for *de facto* pasture reserve (Tache, 2000).

¹ Among the Guji Oromo communities the neighbouring highlands where annual precipitation permits cultivation of food and cash crops, individual families keep grazing reserves.

There are still places in Borana where communal enclosures are not physically fenced. But the growing trend now is to fence out the reserved areas. As modernity creeps in and as more pressure on open ranges mounts, the effectiveness of oral decision is getting weaker and trespasses becoming more frequent.

Enclosures in the new context

In the Borana rangeland today, grazing reserves exist in various forms. One is the customary enclosure where a group of villages reserve pasture on communal basis. The second type is the enclosures used by the community but introduced or supported by NGOs. This particular category emphasises hay availability during critical times. The third category is something that looks like individual's closed areas, where ownership is very important. Under this category, individuals fence out a large area for crop cultivation. They cultivate a part of it and leave another part untilled. The latter aim is to reserve 'private' pasture in the 'farm plot'.

Pasture is a key resource which is customarily perceived as God given. The society owns and uses it according to the customary rules that guarantee use right to the inhabitants under regulated access. Enclosing pasture reserves for private use is like making an island in an ocean. Those individuals reserving 'private' pasture on 'farm plot' make reference to private holding right to the cultivated land – the concept which has root among the peasantry in northern Ethiopia where land has long been cultivated and titled. Land is inheritable here. This type of land holding system was introduced in the rangelands subsequent to the Abyssinian conquest of the South in the late 19th Century. The conquerors implemented this tenure system in other parts of the country, including pastoralist areas, and farm plots became 'my plots', even if customary laws do not recognize private holdings. But in reality, crop land is individually owned and utilised.

The drivers of change

The *de facto* private enclosures relate largely to expansion of crop cultivation in the rangelands. Historically, farming in Borana areas used to be restricted to sub-humid rangelands near towns and cultivators were largely non Borana immigrants. The Borana

inhabitants used to buy food crops from these areas in dry seasons. Large scale expansion of crop cultivation is a recent phenomenon, especially since 1997 – year of El Nino. People who had cultivated had a great harvest that year. A family harvesting 10 quintals of maize etc had an impetus to expand their cultivation. Since then, it has been rare to find a Borana household that is not involved in crop cultivation. Frequent drought is also an important factor to consider. As the frequency of droughts increases from time to time, the need to maximise options for drought survival also increases more than any other time (Tache and Oba, 2010). Since 2000, the Government of Ethiopia and NGOs have been transporting dry hay from the highlands to pastoralist areas as an emergency relief during major drought episodes. The relief largely targeted nucleus herd protection. The increased drought frequency and the corresponding increased demand for hay also gave impetus to the crop-associated ‘private’ pasture reserve.

Livestock marketing opportunity is a one factor that has triggered *de facto* private enclosures (e.g. in Moyale District, see later). Moyale is an important point for livestock trade that provides an international business outlet for herders and traders from southern Ethiopia and northern Kenya. Thus animals (camels, cattle, small ruminants and even equines) are trekked to Moyale town for sale everyday but Sunday from different parts of Borana and Guji Zones and the number of animals brought to the market apparently increases from time to time. Given the opportunistic nature of livestock marketing in pastoralist areas and unpredictability of selling, animals are often backlogged. So the communities adjacent to the towns are enclosing land to rent grazing to animals that come from long distance. It was observed that suburban communities driven by income generated from the land rent have caused land fragmentation in town vicinity.

Concerning the NGO-supported enclosures, the rationale was to improve hay availability in critical times and perhaps to try to replace the expensive hay transported from the highlands to the lowlands. It was thought to improve local capacity in minimizing vagaries of drought through community enclosures. In Liban District for example, communities had these enclosures. Some of the communities had benefitted tremendously in terms of drought survival, in terms of saving women’s labour (hay collection), availability of milk in dry period for children, and availability of cosmetics

(butter) for women in dry season (Tache, 2010). There are also a few fattening bulls on some sites for marketing purpose.

During a field mission, the researcher participated in an ‘enclosure day’ near Nagelle Borana town in Liban District. It was a demonstration day and thanksgiving to those development actors (Save the Children US and the District Administration) who championed the idea of community reserve in the otherwise degraded environs of Kobadi. The community told the difference between before and after the enclosure. In terms of innovation, there were heaps of hay on the enclosures and covered with tarpaulins for protection from rain and the sun. The community fodder bank was meant for use only in elongated dry season and a drought year. Method of use varies from community to community. In some communities (e.g. Kurkurru), each household cuts their own share and stores them at home. In other communities (e.g. Simminto and Kobadi), there is a communal hay heaped on sites. The idea was valuable in terms of drought preparedness but one needs to look into issues of equity, who gets what, etc.

It was learnt that there was a remarkable interdependence between the communities over the reserve. People travelled long distance with pack animals to receive hay gifts from friends (e.g. Qoratti). The recipients reciprocated later when their hosts faced grazing scarcity (e.g. Dambalaa Raabaa). There was an element of both change and continuity in resource sharing. The community hay heap (the heaping practice was reportedly learnt from farming communities) indicates change as opposed to the customary community grass stand that used to be grazed by the targeted herd classes when the reserve was opened up. Continuity concerns with an upholding of the pastoralist tradition of resource sharing and reciprocity. Another element of change is hay sale practiced by some communities (also see later). Those who sold hay were those who lived close to town. The closer the community is located to the town, the more is their interaction with urban population on hay sale. The practice was not observed in places far from town.

Hay sale varies with the degree of ‘pureness’ of pastoralist livelihood. In ‘pure’ pastoralist areas, there is no hay sale as there was no surplus to sell. Apparently also, hay sale might still be a social taboo. With ‘returnee’ populations around towns, it is

important to understand business dynamics – one community the researcher visited was quite heterogeneous and the ‘returnees’ were observed involved in this sale.

A close look at the innovation

Pasture is a key pastoralist resource, also a key social resource. Pasture sale raises doubts. Some might look at it as a positive innovation i.e obtaining cash income from the sale of what is locally available for a household. For them, ‘we do not need pastoralism; if it can attract financial value, what else does it matter for?’ The other side of the argument is that, relating the innovation to the bigger picture of property right, the practice may contribute to erosion in the common property resource tenure. The worry is that the key social resource finds its way into markets as a commercial commodity. If we relate it to the resource sharing tradition, accommodation and symbiosis within and between pastoralist communities – no matter how limited the scale and impacts - the very practice might translate into the larger production system and affect reciprocity and social fabric. Enclosing the key resources have caused conflicts between and within pastoralist communities (see the Moyale case study).

With the pastoralist domain – the customary one – the most important change is physical fencing of areas. When we look at pasture utilisation, decision-making processes, it is still in the customary domain. It is the public that decides when and where to fence the land, which villages will use it, what rules are applied to deter illegal use, etc. Customarily, to ‘own’ an enclosure, the legitimate unit is a village – comprising a number of households or families. Or a group of villages ‘own’ an enclosed area. That still exists to a larger extent, particularly in places far removed from urban influences. However, there is a tendency whereby rich pastoralists fence an area by certain tactics – they have huge herds and need extra pasture. The rich also have influence in different arenas. This is triggering discussions among the community members. There are debates and disputes and conflicts of ideas. Some communities are innovating in terms of enclosing a ‘degraded’ area and allowing natural regeneration to happen.

When one looks at the whole innovation, sometimes it is worrisome that pastoralism and the rangeland are under different types of pressures that pastoralists are forced to fire

fight. There are internal processes as well as external pressures. Pastoralists are compelled to internalise the external pressures by embracing land use types that might carry, in the long run, unforeseen consequences for sustainable livelihoods and internal peace of the community. These have already contributed to fragmentation of a rangeland ecosystem that is very inter-connected. In the past, through mobility and using different landscapes at different times, the production system had been successful. It is a concern that the enclosures may break down this connectivity.

What are other implications? One is social. As was pointed out, pasture is a common property with rules and principles governing its use. If rich persons can spontaneously fence an area, what does this imply? They can play a game using their connections to the politicians, civil servants, merchants, etc. Those who can buy the hay will buy it but those who cannot will be excluded. The cultural concept that people have of this key resource contributes to bio-diversity conservation because the key pastoral resources are God given and not for sale, at least in the past. What will happen if these resources are openly commercialised? What guarantee is there that the key resources won't be for open sale in the future? What is the implication of this for social relations and for resource sharing? Pastoralists are increasingly interacting with markets and absorbed into cash economy. Where does this leave pastoralists?

The researcher has discussed these issues with communities. In areas where enclosures exist in their customary form, there are few problems around property rights. The problems are with *de facto* private enclosures and farm-associated enclosures. Indeed people are worried about enclosures for private use.

Rangeland enclosures and customary institutions

Enclosures not only have attracted daily informal discussions among pastoralist families but they have also become a priority agenda point at various formal stakeholder forums that culminated in *Decisions and Directives Issued by Leaders of Borana Oromo* regarding severe pasture scarcity and subsequent community action plans. For example,

the Borana community represented by 16 top customary leaders² (top Gadaa leaders, the Laduu and Gadaa councillors) thoroughly explored the causes of appalling pasture scarcity throughout the Borana rangeland with the meeting participants drawn from different grazing zones in nearly all the constituent districts, government partners and NGOs, having discussed both short-term and long-term livelihood implications of resource degradation at the meeting held in Yaballo over the period of 5-7 December, 2009, made decisions and issued signed directives with the objective to tackling the worrying pasture scarcity and *de facto* resource privatization (Tache, 2009). The decision contains 6 points³ but we will reproduce the text on private enclosures as it is directly relevant for the subject at hand.

In our culture, rangeland is the property of the community as a whole and our customary law does not recognize and allow making and holding of private pasture reserves in any forms. However, the communities in different districts have repeatedly complained about de facto private enclosures that are spontaneously flourishing in our common property resource areas. The control of the best grazing lands by self-interested individuals has resulted not only in degradation of the non-enclosed communal areas but also has caused internal conflicts at different times in different places. Having consulted with community representatives from different districts in our Zone, government line departments and NGOs involved in pastoral development here, we hereby issue our directives that as of today December 7, 2009, there will be no private enclosures recognized in any part of our rangeland. Only the calf reserves enclosed for the purpose of supporting the more drought vulnerable herd classes (such as calves and weak cows), through public consensus, for communal utilization by ardaa and reera, are recognized by our customary law. Community leaders, district and PA leadership in different places where the problem exists are expected to implement the opening up of all the privately controlled enclosures for equitable public access in the manner that ensures peace and security of all concerned (Tache, 2009: 25).

The leaders appealed “to community members and customary institutional leaders, government institutions, NGOs operating in our areas, to take initiative towards

² They include Abbaa Gadaa Guyyoo Gobbaa, Abbaa Gadaa Rooba Jaarsoo, Abbaa Gadaa Murquu Jiloo, Qaalluu Kuraa Tuuttoo, Qaalluu Dhaayee Kosii, Adulaa Jaarsoo Boru, Adulaa Jaldeessa Diidoo, Hayyuu Liiban Duubaa, Hayyuu Guyyoo Diidoo, Hayyuu Waariyoo Xachee, Hayyuu Jaldeessa Godaanaa, Hayyuu Diida Fooraa, Hayyuu Galgaloo Huqqaa, Hayyuu Yaayyaa Qancooraa, Hayyuu Liiban Jaldeessaa and Hayyuu Faayoo Dhibaa. The document was signed by these leaders and dispatched to development actors in the Zone on December 12, 2009 on behalf of the Borana community.

³ These comprise decisions and directives concerning private enclosures, emergence of spontaneous settlements at community grazing reserve sites, expansion of crop cultivation in the rangeland, consumption and sale of alcohol, irreverence and use of vulgar language and forest and wildlife conservation (for details see Tache, 2009, pp. 25-27)

implementation of these directives. All concerned are hereby requested to render due support to persons and institutions making efforts to translate the directives into practice” (Tache, 2009: 27).

These community level policy directives have received public support in several places. Some families wilfully opened ‘their’ enclosures for public use (e.g. in Arero); some showed systematic resistance and dragged the implementation process by accepting the decision in principle but requested a grace period until the next rainy season. The situation in Moyale is somewhat unique, thus requiring a more in-depth consideration.

Enclosures in Moyale District

The researcher visited 11 rural *kebele* in Moyale District located along the Yaballo-Moyale highway. 30 villages constitute them. Inhabitants in all of them keep ‘private’ enclosures that range from 1 to 10 hectares of land. These enclosures, fenced out of the communal grazing areas, have existence history of 18 years, first emerged as farm lands, and then evolved into ‘private’ grass reserves when the intended crop production repeatedly failed⁴. According to our informants, dramatic expansion of enclosed sites has economic, demographic, social and political explanations.

Economically, poverty and development of livestock marketing were identified as the main drivers. With regard to poverty, the area suffered series of crop failures due to failed rains or inadequate soil moisture over the last decades, leading to marked decline in the livestock sector. Poverty was further triggered by rampant conflicts, raids and counter raids among the neighbouring groups (Borana, Gabra and Garri). Moyale is also a regional hub for livestock marketing to which multi-species animals are brought 6 days in a week.

Concerning political and related demographic matters, the Moyale District has been claimed by the Somali Region as belonging to them, over the last two decades. The District has thus witnessed a huge population pressure due to high influx of people into Moyale town and its environs by groups who identify themselves with what has been under *de facto* administration of the Somali Region, and the anticipated control of the area through demographic hegemony that would create favourable condition for winning

⁴ Interview with Abiduba Halake, Ibrahim Ali, Xache Adan and Boru Roba.

referendum to determine regional identity of the territory (Bassi, 1997; Tache and Oba, 2009). In rural parts of Moyale, therefore, politically motivated spontaneous enclosure are common features, aiming at exclusive resource control by warding rival groups off access to the claimed areas and gaining space to be incorporated into one's Regional State. For example, along the Moyale-Goofa route, all the lands left and right, have been fenced and thus "a tired passerby would have no place to release his pack animal to rest for a while as there was no piece of God's land" as an informant explained the situation⁵.

Socially, the spontaneous expansion of land enclosures is indicative of weakened customary governance institutions. Moyale is one of the places where the above Directives were not implemented. Informants identify gradual taking over and replacement of the customary resource management institutions by the statutory ones (e.g *kebele*) as the main root cause of weakened resource governance, which in the past regulated resource use, including pasture reserve making.

Who is enclosing the land in Moyale? This question was put to the attention of the informants. The response was that individual families from all the 'ethnic' groups practised land enclosure regardless of their wealth statuses, measured in terms of livestock holding. Here, the immediate economic objectives in land enclosure are threefold, summarized in the Oromo language as: *tokko loonii jaara*, *tokko looniin bitataa jaara*, *kaan qotiif jaara*, meaning, respectively, that one fences the land to gaze own herd; the other to build herds with the proceeds from the grass sale, while others fence the land to produce food crops. Of the three categories, informants ranked first those who fence the land to build family herd through the sale of the grass reserve while motivation for crop cultivation come last in the order of prevalence.

Who buys the reserved grass? Buyers include better off pastoralist families - that still pursue mobile pastoralism- to ensure drought survival, animal traders who purchase emaciated animals for cheap price with the motive to fattening and selling them later for

⁵ Informant Ibrahim Ali interviewed on February 25, 2011, Moyale.

higher prices, and those itinerant livestock traders who rent the sites as temporary holding grounds until the animals are all sold out.

Hay price varies, depending on quality of the grass and size of the reserved site. If the grass quality is good, the least price for 1 hectare of land is 2,500 Birr. As price easily doubles with progress in dry seasons, the reserved grass is usually kept standing until such time when the open range is completely overgrazed, usually until close to rain onset.

Consequences and prospects of enclosures for common property and future of pastoralism

Some consequences of the spontaneous land enclosures in Moyale have already manifested while others are latent and may require more time to surface. The most immediate outcomes are the observable environmental degradation in terms of above ground vegetation cover in the non enclosed areas due to fierce competition over limited resources. At the time of the field work, the peak of long dry season, nearly all the grass reserves at the enclosed sites had been sold out and entirely consumed. Thus there was no lush grass comparable to the condition in the open range areas. However, one would wonder how the few herds, particularly grazers, survived in the environs of Moyale town, given the scale of enclosures and pasture scarcity in the remaining open sites.

Local residents apparently generate subsistence income sources from firewood sale, petty trade in consumable items smuggled from Kenya and retail business in *kat* grown in the Sidama highlands. The quality of firewood brought to Moyale market suggests marketers' wealth status. Those who could afford use lorries to transport and sell good quality *Acaia sayal* while the observable majority bring half-dry twigs on donkey back or women's back.

From observation, pastoral production in Moyale is deeply in crisis and spontaneous enclosures have contributed to worsening of the situation. Informants state that animal husbandry is trending towards transition from labour intensive to capital intensive across

seasonal divides where, even in a normal dry season, families are forced to buy expensive animal feed transported from around Addis Ababa, more than 770kms away. During the field work, an 11 kg of hay bale cost 70 Birr while 50 kg of wheat husk was sold at 160 Birr in Moyale.

Another dimension of the consequence relates to violent internal conflicts, escalating over infringe over the enclosed lands. Reported cases include verbal abuse, fighting with dangerous instruments and killing of animals by shooting/beating/stabbing/hamstringing them (cruel way of killing animals contrary to pastoralists' tradition!). Correspondingly, an unprecedented culture of litigation is in the making. Informants cited some examples to illustrate the point further, summarized below (Table 1).

Table 1: Examples of violent internal conflicts over enclosures in selected kebele, Moyale District

Incidence	Immediate consequence	Legal measure taken	Remark
Killing of the only milk camel found by the enclosure owner on 'his' land in Dambi <i>kebele</i>	Shock-induced Miscarriage and hospitalization of the owner lady	Fines two camels	Incidence took place between two Borana families.
Fighting with machetes in Dambi <i>kebele</i>	Mutual disability		As above
Killing of the only milk cow found in the enclosure in Lagasure <i>kebele</i>		Fine of one pregnant camel and 700 Birr	Incidence took place between two Gabra families. The victim family supports 20 dependent

			children.
9 camels, goats and dogs found dead recently in various enclosed sites in Lagasure <i>kebele</i>			

How do the informants see the land use change in relation to the customary resource tenure and future of pastoralism? They responded to this question by stating that pastoral production requires open space to allow mobility and to mitigate seasonal resource variability over landscape, and to allow resource sharing beyond ‘ethnic’ boundaries. However, this space and tradition hardly exists in Moyale today due to conflicts and politics over land, spontaneous enclosures and occupancy and spontaneous settlement, among others. Given the complications with land issue today, they foresee a conflict-ridden prospect and further crisis in pastoral production in the area.

Conclusion

Given the complexities of the problems faced, pastoralists are concerned about their future; the community rangelands are changing; pastoralism is changing; institutions are changing. Change is a dialectical phenomenon; it may occur for positive or negative. Regarding secure future, sustainable livelihood and property right in the era of real/imminent land grab for private interests, pastoralists are living with more uncertainties, more so in scope and depth than the ecological uncertainties inherent in the arid environments.

As one colleague stated⁶, in the rangelands, initially it was livestock that was monetised, then livestock products (milk, meat, hides), now it is the resources to support livestock production. The entire production system is apparently heading to be in the market domain. When the production system is marketed, the weaker pastoralists may fall out.

⁶ I am grateful to my colleague, Dr. Abdurazak Nunow for this point. I also acknowledge with gratitude enriching comments I received from my other colleagues, Dr Jeremy Lind and Abdi Abdullah Hussein.

Gradually it might grow into an industry; mobile pastoralism may lose out to resemble the western ranching systems.

Pastoral development policy in Ethiopia emphasizes sedentarization as a way out of poverty. This policy direction fails to recognize the centrality of mobility for food production in the arid lands such as southern Oromia. Alternative policy option should aim at maintaining resource base security and supporting the mobile production strategy while, at the same time, promoting social development.

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