Testimony
Of
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Nyangatom Tribe
Before

The Tom Lantos Human Rights Commission
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Written Testimony of Phillemon Nakali Loyelei

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Good morning Chairmen and Commission Members, and greetings from Ethiopia. My name is Phillemon Nakali Loyelei, a member of the Nyangatom Tribe. Our customary homelands, along with those of numerous nearby tribes, are located in the Omo River Valley.

I know my time is limited, but let me take one moment to publicly thank the Tom Lantos Human Rights Commission, Chairmen Frank Wolf and James McGovern, and the U.S. House of Representatives for holding today's hearing on the Indigenous Peoples of Africa. It is a timely hearing for Indigenous tribes of the Omo River Valley. I also understand it to be the first hearing Congress has ever devoted solely to the Indigenous Peoples of Africa, and I am honored and hopeful to be taking part.

I will have good and hopeful developments to speak of, but I must begin with the disaster that has struck my people and neighboring tribes in the form of the Gilgel Gibe III dam. This gigantic dam is the Ethiopian government's largest development project. When completed in a few short years, it will dam the Omo River which we have always relied on. We rely on it to flood arable land, and there we plant our crops. But already we have noticed that "coffer" dams, built to assist in construction until the main dam is finished, have reduced the flow of water in the Omo. In one recent year, reduced flow meant the flood waters of the Omo did not inundate as much land as usual, so we could not plant as many crops as usual. With a drought already upon us, the reduced planting resulted in famine. I and other tribal members in my region know that tribal individuals died in the famine.

We face this impact, yet our basic human right to be consulted about plans for our customary land has been ignored. The government of Ethiopia has disregarded our right to free, prior and informed consultation, let alone consent. Few of us have any genuine information about the dam. Even now only a few of us understand its full implications for the Nyangatom and other Omo tribes. But in view of the current Middle East conflicts that began in Africa with dispossessed

Indigenous nomads, Congress should be aware that among the implications of Gilgel Gibe III dam is – conflict.

In fact, this is how violence begins. As Indigenous Peoples, we are left out of the decision to build the dam. But the fighting will be left to us once the dam narrows the river or dries it out. Then my tribe will face the tribe that has always been far away across the river, planting their bank of the river as we plant ours. Without the river to separate us and provide for us both, we will fight it out for what little water is left. We don't know where that war would end, but we do fear it will come about as a direct result of Gilgel Gibe III dam. And we are not alone. An independent feasibility report foresees "disruptions in food production and drinking water access" among the economic impacts of the dam. "Despite their significance, these impacts do not appear to have been quantified or adequately considered in assessing the economic and technical feasibility of Gibe III."

The same independent report cites many technical problems with the dam's construction plans. Potential funders, such as the World Bank, have been warned off by the guarded nature of the Gibe III project. ("Gilgel Gibe III Economic, Technical and Engineering Feasibility": Desk Study Report Submitted to the African Development Bank By Anthony Mitchell, April 15, 2009.)

The government of Ethiopia continues to take a hostile view of the dam's critics, especially those Indigenous critics who have the most to lose. I have spoken out publicly against the dam, and for this I must seek political asylum in the United States. The government has questioned my family and friends about my activities and whereabouts, and in Ethiopia we know what this means.

We do not have Democracy in Ethiopia today. Our human rights are considered expendable, and even the rule of law is suspended at will when it comes to Indigenous Peoples. I sincerely hope that in the birthplace of modern Democracy, we can find allies in Congress who will help us build Democracy in Ethiopia. A modest stronghold of Democracy in the South Omo (as our region of Ethiopia is known), encouraged by America but achieved by peoples who belong to this land, would furnish a model for other tribal regions. Enough such models would most certainly enhance U.S. national security, given the Indigenous presence in many potential conflict zones.

I have dwelt so far on major troubles we face as Indigenous tribes in Ethiopia. But we are also taking a major step to solve our own troubles, and I hope you will see the value of our efforts, which continue to inspire us.

We are placing great hope in what are known as "Community Conservancies." For Indigenous purposes, a better term would be "Indigenous Stewardship Areas." But by any name, they stand for the collaborative management of land in a manner that protects its biodiversity, while producing revenue or other goods for the local people. Often the land at issue is a government "protected area" that is also customary land to Indigenous Peoples. In this case, the Mursi and

other South Omo tribes are collaborating in the establishment of a community conservancy. Other pastoral and forest peoples are watching with interest. Indeed, the potential today exists for a network of community conservancies throughout South Omo.

That networking, that bridging into broader relationships that First Peoples Worldwide helped us initiate, represents a dramatic change for the better. When we learned of the community conservancy model in 2007, conflict in South Omo between pastoral communities and conservation agencies was commonplace, especially where homelands and protected areas overlapped. The sources of conflict ranged from conservationist restrictions upon traditional Indigenous resource use, to government agency efforts to resettle whole communities through destruction of villages or the expulsion of residents. The Nyangatom and neighboring tribes could easily still be living with the expectation of worse to come.

But our expectations looked up in 2007. Through First Peoples Worldwide, we learned of the community conservancy model, well-established in Kenya. With support from First Peoples Worldwide, Mursi representatives traveled to Kenya and met with representatives of the Maasai, Rendille and Samburu tribes. Let me note what a departure this was from established practice in conservation. Normally, conservationists either want to recruit we Indigenous Peoples into their own master plan, or they want to evict us altogether from our customary lands – they want to drive out Indigenous Peoples who are protecting the land through traditional ecological knowledge, so that they can protect it through a more "scientific" approach. Research findings continue to debunk the myth of scientific superiority in conservation, but that is not my point.

My point here is that on the visit to Kenya, Indigenous Peoples got to learn from other communities about a model of conservation that worked for them. The Mursi came back and said – "We are going to do that, we don't quite know how. But it's a good thing and we, the Indigenous Peoples on our own customary land, are going to do it." Afterward they contacted the Nyangatom, and we too knew a good thing when they described it to us.

And we have proceeded upon that community commitment ever since. We have been able to hold our own against two concerted attempts to evict us from our customary lands by making them a "protected area." The challenge before us is related in detail in the book *Conservation Refugees*, by Mark Dowie, who dwells on the Mursi experience but also mentions my own Nyangatom people, along with the Suri, Dizi, Kwegu, Bodi and Me'en.

We have done well to survive the challenge so far. The conservationist and government interests behind these eviction processes have not altogether gone away. But again we have been heartened by the government's 2007 Ethiopia Wildlife Proclamation, which aligns the government with a paradigm shift in conservation toward community conservancies.

Advocates for the new paradigm were not mainstream conservationists but Indigenous organizations and human rights NGOs, incensed at mounting evidence of evictions of Indigenous communities living within national parks and reserves. To counter what is generally known as

'science-based conservation,' these advocates invented a new expression: 'rights-based conservation.' Under this emergent new conservation regime, local communities enjoy varying degrees of ownership and responsibility. Communities may plan, propose and manage dedicated Community Wildlife Conservation Areas. They can collaborate with agencies and NGOs in managing other protected area categories. They may be paid for their labors.

But two great obstacles remain. One is the refusal of old guard governments and their allies to abandon the option of resettling communities from "core conservation areas." Though the new paradigm insists that resettlement will be voluntary and consensual, it seldom offers any convincing alternative formula for reaching consensus.

The second obstacle to rights-based conservation under the new paradigm is funding, for no widespread mechanism has been established to support community initiatives. Community trust funds tend to go unfunded; also absent are agreed-upon provisions for supporting in-community capacity-building in stewardship that are equivalent to those institutional options catering to conventional protected area managers and technicians.

The Indigenous community conservancy, collaborative management initiative under development in South Omo, however, presents a model of both conflict avoidance and economic development through land management. We have come to recognize the potential of pastoral communities in our region to prevent conflict between rival traditional neighbors in the course of negotiating community conservation areas. In brief, to join the community conservancy co-management program is to abdicate violence. Having witnessed this effect in the Kenya community conservancies, the Mursi of our region have already embarked upon their own conflict prevention process, and the rival Bodi have agreed to join. The Mursi unilaterally imposed a hunting ban throughout their territory, half of which overlies half of Mago Park, a protected area in South Omo. They then proceeded to persuade the Bodi to join their conservation initiative. The principle of compatibility seen here is site-specific and agile; it opens up debate and offers resolution based on Indigenous assertion of their rights within their own homelands, while respecting the broader necessity of protecting biodiversity through conservation.

Sustainable economic development through land management is within the grasp of an Indigenous community conservancy in Ethiopia. The rights-based paradigm in conservation recognizes that land-based communities are well-placed to monitor illegal hunting and logging. It offers communities the chance to obtain their own sports hunting or timber extraction concessions, in return for their surveillance of safari outfits for compliance with game quotas, or of loggers for compliance with timber extraction quotas.

Land-based communities in conservation areas are also well-placed to make distinct contributions to threat response, threat anticipation and threat avoidance, based on their local knowledge. And finally, Indigenous protection of their customary lands, as we're seeing in

Mursiland for instance, leads to flourishing wildlife and other biodiversity, with lucrative consequences for tourism and ecotourism revenue.

The Indigenous communities of South Omo are engaged in the process of establishing a community conservancy that will protect biodiversity, produce revenue for regional peoples, and help stabilize a potential conflict zone next door to Sudan. The government of Ethiopia is engaging in the negotiation process. A network of Indigenous conservancies in South Omo will mark an advance in national security for Ethiopia, Africa, and by extension the United States.

I most sincerely hope that with today's great hearing as a starting point, the Tom Lantos Human Rights Commission and the United States Congress will see its way to encouraging the Ethiopian government in behalf of Indigenous-controlled community conservancies in South Omo.

But in addition, as we turn toward the more distant future, I respectfully urge the Congress to establish an Indigenous-specific funding mechanism for Indigenous community conservancy projects that meet the criteria of protecting biodiversity, producing sustainable revenue through collaborative land management in poverty-stricken regions, and stabilizing hostilities in potential conflict zones. Such investment would be innovative, effective, and much to the credit of a nation that has taken a leadership role in the struggle against climate change, poverty, and instability. It would also contribute, in time, to the cherished American vision of global Democracy.

But the prospect of an unprecedented funding mechanism requires me to explain the problem with existing funding mechanisms, in this case the United States Agency for International Development. USAID is the one American counterpart of the many European government ministries that channel funding direct into Indigenous causes and Indigenous hands. I rely on my friends at First Peoples Worldwide for this account of USAID.

Much as Americans may cherish the picture of U.S. grain sacks at African crisis sites, all must agree that a much greater sight would be sustainable African communities without a dire need of U.S. assistance. That sight is not yet within view, but we have enough of a track record to know that USAID is not good at innovative solutions to the cycle of poverty. Indeed, USAID is good at promoting the disparity in capacity and funding that afflicts Indigenous Peoples worldwide. It has no policy for dealing with Indigenous Peoples beyond occasionally referencing them as a "target group." And the only funding USAID provides for Indigenous Peoples is routed through intermediary NGOs or consulting firms.

Under new agency head Rajiv Shah, USAID is trying to reform their approach to international assistance, and we give them every credit for trying.

But reforming an entrenched institution is not easy, and now the USAID operations budget has been cut to the quick, with steeper cuts in store for next year if we can believe the trends we are seeing. Under the best of circumstances, we doubt that USAID would be able to reform itself and

correct the problems it has helped to promote – the problems of crisis funding that leave no local capacity in place once the crisis passes.

Under the circumstances, we believe USAID should intervene in times of crisis, along the lines of reform spelled out by Rajiv Shah – a slow approach that leaves capacity in local hands once the crisis fades from conscience and USAID funding is tapped out.

But it is time that Indigenous development – on-the-ground, local development, directed by people who know their own needs and who aren't going anywhere – found a new institutional home within the U.S. federal system of international assistance.

Along with a new institution, a new worldview is also profoundly needed. Despite the millions of dollars in aid and philanthropy poured into relieving the poverty of Indigenous Peoples throughout the world, poverty persists and deepens as land-based cultures erode and spiritual attachments to land and living beings diminish. Many in the philanthropic community and USAID circles explain this persistence of poverty through a lack of Indigenous capacity, which they proceed to address by funding non-Indigenous intermediaries working on behalf of Indigenous Peoples.

A long track record in this regard proves, however, that the challenge lies not in a lack of Indigenous capacity, but in the lack of capacity of donors and funders for adapting their paradigms and practices to the Indigenous context.

But in Africa, Indigenous allies are proving that Indigenous land management can offer powerful protections to biodiversity, as I have mentioned in this testimony. Indigenous land management, guided by traditional ecological knowledge, can protect biodiversity at a fraction the cost of organized conservation, while generating revenue streams through tourism, ecotourism, and environmental monitoring services. In South Omo, we have learned that Indigenous-controlled community conservancies can also produce a peace dividend.

Encouraging and supporting on-the-ground, local Indigenous groups in their land management claims would be a wise priority of Congress. As if the Gibe III dam were not enough, land throughout the continent is being sold to foreign interests, to feed their own citizens, raising the prospect of future food insecurity – with all that may imply for future cycles of conflict and humanitarian crisis in Africa.