



THE INSTITUTIONAL SPHERE OF COFFEE FOREST MANAGEMENT IN ETHIOPIA: LOCAL LEVEL FINDINGS FROM KOMA FOREST, KAFFA ZONE

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Abstract

Ethiopia's coffee forests have witnessed high rates of deforestation during the last decades. Main reasons identified are intensified forest resource utilisation and expansion of smallholder agriculture. These are major drivers, however, as the processes and impacts are mediated and promoted by institutional arrangements through which intensification and expansion unroll. This paper interprets institutional arrangements primarily as rules and regulations. It provides an understanding of the particular (informal) forest resource use rights of smallholders in Kaffa Zone, South-western Ethiopia. Given the path dependent character of land tenure and property rights institutions, this research takes a historical perspective. In the case study area, the coffee forests are historically divided into use right plots individually held by local peasants. The nationalisation of all land in Ethiopia in 1975 was the major institutional turning point in which responsibility for forest use and management was by decree shifted from local peasants towards newly established centralised state entities. These bodies neither had experience, expertise nor financial resources to tackle the challenge of forest governance. In practice, state control did not 'reach' the forest areas, and rather created a muddled and frequently changing institutional framework that turned out to have no, or only minimal actual impact. Consequently, use and management of forest resources in large parts of Ethiopia remained defined by traditional use rights.

Keywords: *coffee forest, institutional analysis, Ethiopia.*

Introduction

Ethiopia is the cradle of worldwide Arabica coffee. The montane rainforests in South-Western Ethiopia are the only place in the world where

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coffee naturally grows in its original habitat. This coffee forest ecosystem presents a biodiversity hotspot of worldwide importance. An estimated 30% of the total Ethiopian coffee production originates from forest and semi-forest coffee cultivation systems, contributing about 20% of the whole export earnings of the country (Abebaw & Virchow 2003). In these cultivation systems, coffee grows naturally under the full coverage of a primary rainforest canopy and is utilized as a non-timber forest product with very low labour and cash input (Teketay 1999).

Forest and semi-forest coffee is the most important cash crop in Kaffa Zone; the coffee producers, however, live in extreme poverty. While their livelihood traditionally depends on low-yielding subsistence agriculture and the utilization of forest coffee for income, coffee producer prices are, however, considerably low and highly fluctuating.

At the same time, the coffee forests of Kaffa Zone witness alarming deforestation, at annual rates of up to 9% (Boum 2002). This is mainly due to the expansion of smallholder agriculture and over-utilization of timber and non-timber forest products driven by poverty. This development does not only promote change of local climate, land degradation, erosion and scarcity of forest products—all aggravating the poverty cycle—but also leads to the irreversible loss of forest biodiversity and the coffee gene pool.

Empirical field research providing the background of this paper has been conducted in Kaffa Zone—right in the geographical center of the Ethiopian coffee forests in South-Western Ethiopia. Methodologically, a combination of structured and semi-structured interviews, focus group discussions, and visual communication techniques such as mental forest mapping and timeline mapping was used.

Theoretical Background

According to the “Institutional Analysis and Development” framework (Kiser & Ostrom 1982, Ostrom & Gardner *et al.* 1994, Ostrom & Burger *et al.* 1999, Koontz 2003, Ostrom 2004), decisions to deplete or destroy a forest are produced in a social sphere where individuals interact over processes and impacts, called the ‘action arena’. The decision making processes within the action arena are influenced by three groups of exogenous variables, namely a) the attributes of the natural resources (forest in our case), b) the attributes of the community (the forest users), and c) the institutions.³

³ The interaction between humans and nature, people and natural resources, is mediated by technology and institutions. This paper focuses on the institutional arrangement of forest resource use. Technological mediation is absent both in the IAD framework and in the paper. The technologies for the production of forest coffee in Ethiopia are extensive technologies with low labor and capital input generating low output. It is therefore assumed that that institutional

In the past, scientists concerned about forests and forest loss identified the attributes of the forest user communities, with their specific historical, cultural, social and economic background, to be the main determinants for forest depletion and destruction in the so-called developing countries. Research focused primarily on demographic (population growth) and economic (increased market pressure) factors as the primary threats for the concerned forests.

This supported the argument that endangered forests need to be prevented from the (over-) utilisation by an ever-growing population with an ever-growing propensity to extract forest resources for economic gain. This, in turn, offers justification for exclusionary forest conservation approaches, which, in Africa, are often associated with nationalisation of forestland. Nevertheless, after many unsuccessful attempts it became evident that ‘no go conservation’ cannot be an appropriate instrument to actually halt forest degradation and loss (Poteete & Ostrom 2002).

Since the early 1990s, an increasing number of studies revealed that variables other than population pressure might play a role in depletion and loss of forests in developing countries. Arun Agrawal, among others, indicated that despite rapid population growth and increasing market pressure, some local communities are able to manage forest resources in a sustainable way, while others—in a similar situation—overuse and destroy them. There is strong evidence that institutions are the decisive ‘missing factor’ in this regard as these direct demographic, social and economic developments within a given environment by providing incentives and disincentives that shape human decision making and action in regard to forest resource use, management and conservation (Agrawal 1995, Agrawal & Yadama 1997, Bodin & Tengö *et al.* 2005). Consequently, understanding the institutional arrangements through and within which forest resource users operate is essential when thinking about sustainable forest management and conservation.

Studying institutions has a long and established tradition among scholars interested in social science, starting from Aristotle’s times. Ever since, a great number of approaches from various disciplines were developed, resulting in different theoretical frameworks with no common research programme, methodology, and understanding what is actually an institution (Immergut 1998). A prevalent much quoted definition in the social - including economic - sciences is the one of Douglas North, who understands institutions to be “*humanly devised constraints that shape human interaction [and] structure*

mediation is the more important element for understanding the process and impact of forest resource depletion.

incentives in human exchange, whether political, social, or economic [as well as] define and limit the set of choices of individuals" (North 1990).

Beyond shaping human–human interactions, institutions can have a considerable role in shaping human–nature relationships. In this sense, institutions represent the critical role in the relations between humans and forests as they can determine and regulate human access to forest resources, and “*bring order into disorder*” (Nørgaard 1996). Institutional arrangements provide a structure that says which person has which particular right to use which forest resource to what extent, denote manners in which way goods and services are to be used, as well as conservation measures that are to be accomplished. As such, institutions are not neutral. They may contradict individuals’ attempts at gaining short term benefits and can exclude or include individuals or groups from access to resources (Carswell & de Haan *et al.* 1999). Hence, the analysis of institutions needs to address matters of institutional plurality, imbalances among actors, and conflicts arising out of these, especially when resources are central to appropriators’ livelihoods - as forest resources often are in rural areas of the developing world (Watson 2001). Accordingly, the concerned institutions demand explicit enforcement, which entails that beyond their pure existence, institutions need to be complemented by implementation and enforcement instruments that are able to address the consequences of contravention (GTZ 2004).

The Changing Land Property Rights and Regimes in Ethiopia

Property rights are understood as “*an enforceable authority to undertake particular actions in specific domains*” (Ostrom 1990), or—more applied to the research topic concerned—as a bundle of institutions at the constitutional level that can entitle actors with authorized access to resources and to the benefits derived from them as well as to the potential to deny these benefits to others (Bromley 1986). Land is an important production factor in the agrarian society of rural Ethiopia. Land rights have an impact on forest resource use, management and conservation, as well as on the livelihoods of forest users. Whether forest land is the property of the state, an individual, a group of individuals, or a combination of the above and whether tenure and property rights are actually executed, these are the critical concerns.

The most important land property rights system in Ethiopia in terms of geographical dispersion and formal recognition is the one imposed by the state. Below therefore, we discuss the state-initiated land policies as well land administration as its executive structure. State-initiated land policies are the “*formal decisions, laws and programmes*” (Keeley & Scoones 2000) designed for the different administrative levels. Land tenure and property rights arrangements are ‘*path dependent institutions*’, in which history determines not only the present situation but also future developments and prospects for

change. Policies evolve and change over time as a “result of the interplay between context specific circumstances and the changing effectiveness of different networks of actors in the policy debate” (Keeley & Scoones 2000). In our analysis, considerable emphasis is thus given to the past, commencing with the time of Haile Selassi I.

In the Emperor’s time before 1974, land tenure and property right arrangements in Ethiopia were some of the most complex in the world. They included private, communal, serfdom, state and church land property right arrangements, among others (EEA/EEPRI 2002). Kaffa Zone, from the end of the 19th century onwards, had been largely dominated by a landlord – tenant system (*neftegna – gebber* in Amharic) with feudal characteristics in the form of the *gult* system. After the Ethiopian revolution in 1974, the new military government, popularly known as the *derg*⁴, proclaimed the abolition of the political system and the award of all ‘land to the tiller’, i.e., assignment of land tenure rights to the peasants. The subsequent land reform of 1975 aimed at putting this proclamation into practice and was probably “one of the most radical land reform[s] ever attempted in Africa” (Pausewang 1990) laying the foundation of a land tenure system based on the socialist model. All land tenure and right systems in Ethiopia – including the *gult* – were abolished, landlords were dispossessed and land holdings, whether farmland, grazing land or forests, were nationalised and came under direct possession of the state (Stellmacher 2007a).

The administration of land was vested nationwide into a newly established “Ministry of Land Reform and Administration”. At the local level, the enactment of the “Proclamation to Provide for the Nationalization of Rural Land No. 71/1975” led to formation of Peasant Associations, the lowest administrative units in which a number of villages and hamlets (*gots* in Amharic) were grouped together (McCarthy 2001). Peasant Associations were given full control over the distribution of land and, starting from 1975, they gave usufruct land rights to the peasants living in their administration as well as to Agricultural Producers’ Cooperatives. The condition for obtaining land use rights was the peasants’ permanent physical residence in the Peasant Association and their capability and willingness to farm themselves and to meet a number of administrative dues and obligations (EEA/EEPRI 2002, Pankhurst 2002).

In the post-revolutionary years, the weaknesses of the nationalization approach became evident. Most notably, since Peasant Associations administrations frequently withdrew and reallocated land tenure rights from peasants – often on short notice and without compensation. That uncertainty

⁴ *Derg* (Amharic), also referred to as *dergue*, stands for committee or council used as a short form for “Armed Forces Coordinating Committee”.

reduced the incentives to invest in land maintenance and improvement measures, aggravated the problem of soil mining, and led to short term oriented measures on the allotments (Marena Project n.d.). In addition, land could not be used as a collateral to secure credit, resulting in low creditworthiness and only marginal financial investment by the peasants (EEA/EEPRI 2002).

After a violent regime change in 1991, the new transitional government, dominated by the "Ethiopian People's Revolutionary Democratic Front" (EPRDF), took power. Notwithstanding the fact that economic liberalisation was emphasised as one of the key transformation objectives, the "Constitution of the Federal Democratic Republic of Ethiopia" approved in 1995 and valid to the present day states: "*Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange*" (Article 40). In addition, the 1995 constitution states that legal rules and regulations should be enacted for the utilisation and conservation of land and other natural resources (Article 51), and that the governments of the newly established regional states are designated to have more responsibility in administering land and other natural resources under the federal laws (Article 52). Two years later, the new "Federal Rural Land Administration Proclamation, No. 89/1997" was enacted, in force until the present day. By this proclamation, the power of land administration, i.e., the "*assignment of holding rights and the execution of distribution of holdings*" (FDRE 1997), was shifted from the national bodies to the regional states. The system of Peasant Associations as the lowest administrative level has remained without much modification until today, except that the name was changed into *kebele* association.

In summary, the revolutionary nationalisation of all land holdings in 1975 was the major institutional turning point in which land and forest responsibilities were shifted from local to central institutions and authorities. However, it soon became clear that the change of an institutional setting and the transfer of rights and duties from one institutional system to another does not necessarily bring a change for the better, that approving new rules and regulations does not guarantee their enforcement in reality, and that proclaiming new administrative bodies does not mean that they are actually effective in the achievement of their objectives. In practice, the new state-initiated bodies neither had the necessary organisational structures nor the experience, the expertise or the financial and infrastructural resources to tackle the cross-cutting and nation-wide challenge of governing the Ethiopian forests.

The "National Forest Priority Area" approach, commenced in 1980, can be historically portrayed as an ambitious attempt to tackle the problem of loss and degradation of the primary forests in Ethiopia. However, it did not work

out in practice. This failure can be mainly traced back to the fact that attempts were made to administer and conserve forests in a top-down manner, hence by means of a centralised body most of the time under the “Ministry of Agriculture and Rural Development”, and integrated into the overall political structure. Similar to nationalisation and top-down forest policies in other East African countries such as Tanzania and Kenya, also the ruling decision makers in Ethiopia overestimated the state’s institutional capability, effectiveness and efficiency for implementation, enforcement and monitoring of their forest concerned policies. Concomitantly, pre-revolutionary land use rights persisted, and customary forest use, management and conservation practices were neglected. The state efforts at environmental protection in general and primary forests in particular, in force since 1975, did not bring the designated results under any Ethiopian government. State control did not ‘reach’ the forest areas. Instead, it created a muddled and ever changing institutional framework that turned out to have no or minimal impact in terms of the stated objectives. We subsequently discuss the underlying institutional determinants that actually work in practice when it comes to use, management and conservation of the concerned coffee forests.

Understanding Institutions from the Local Experience: The Case of Komba Village

Komba village is located in Gimbo District of Kaffa Zone. It is an administrative unit of the Southern Nations and Nationalities Peoples Regional State (SNNPRS). Kaffa Zone is known as the birthplace of Arabica coffee. According to an Ethiopian legend, the etymological origin of coffee and its miscellaneous variants in different tongues can be traced back to ‘Kaffa’, its place of origin.

One third of Kaffa Zone is covered by montane moist forests. The terrain is dominated by a dissected tableland with flat to moderately undulating terrain on areas above 1,500 meter above sea level (asl), with a maximum altitude of 3,350 meter asl (Ersado 2001). The area enjoys some of the highest rainfall in Ethiopia (Mayne & Tola 2002).

Livelihoods are mainly based on subsistence, rain-fed farming and horticulture (maize and *enset* as the major staple foods) and the utilisation of forest products. Coffee from forest, semi-forest and garden production systems as well as honey are the main cash crops. Plantation production plays a marginal role in socio-economic and ecological regards (Stellmacher 2007b).

Komba village was chosen as a case study for three reasons: a) it is situated within Koma forest, one of the largest coffee forest areas of Kaffa Zone and facing high rates of deforestation, b) the utilisation of forest coffee plays a crucial role in the income generation of the local population, and c) the village with around 40 households is relatively small allowing in-depth

research. The local level case study approach justified the combination of qualitative and quantitative instruments of empirical social research. In total, interviews with 160 key informants (elders, *kebele* and *iddir* chairmen, NGO workers) and ten focus group discussions with farmers were conducted. Supplementary socio-economic data was obtained by means of a total household census in Komba village. Data obtained was cross-checked and triangulated. Main field research was conducted between 2003 and 2006. Subsequent field visits to Komba village showed that the empirical evidence provided is still relevant today as the major institutional, socio-economic and environmental conditions and constraints remain unchanged.

Findings show that despite the creation of a new institutional structure by the state, the people-nature interrelation in parts of rural Ethiopia continue to be influenced by community-initiated institutions that originate from within the local society, have historical legitimacy, are adapted to local realities, and are reproduced over generations. Local institutions, however, are not unchanging in form and meaning, nor equitable in access and impact. There are a great range of institutions, with different roles and functions, and operating in different ways with a diverse set of rules and responsibilities.

The fact that community-initiated institutions in rural Africa persisted during decades of influence and interference from 'the outside', e.g. European imperialists or the centralised national state, is not new as such. It is, however, not thoroughly understood local institutional arrangements impact on the use, management and conservation of the Ethiopian coffee forests. In Komba village in Koma forest of South-western Ethiopia, two sets of institutional arrangements are of particular importance, namely:

- a) the institutional arrangements for collective coffee forest management (including harvest of forest coffee berries), which have taken the organisational form of neighbourhood working groups;
- b) the legislative and juridical structures that provide the operational set of institutions determine land and forest resource use rights.

These are discussed in the following sub-sections.

Collective Forest Management: *daddo and dabbo*

In many African societies, one of the benefits of being member of a community is the access it provides to the labour of other community members on a non-cash basis (Tache & Irwin 2003). In the coffee forests, a wide range of activities are carried out by neighbourhood working groups, be it the relatively light work of forest coffee harvesting, the production and putting up of beehives which requires more knowledge and skills or – at the top of the 'hard labour' scale – timber-logging and construction of *tukuls*, the thatched round huts omnipresent in South-western rural Ethiopia. For collective labour, two types of working groups are relevant in Komba village,

daddo and *dabbo*. Both provide short term work teams beyond kinship ties on the basis of equal labour exchange in times of high labour demand. In both working groups, the households being assisted are expected to provide sufficient food (maize and *kocho*⁵) and a beverage (coffee and *tella*⁶), for the workforce involved, hence the arrangements provide for a certain 'food for work' aspect. A *daddo* working group consists of about three to five people working together half-day. *Dabbo* is "much bigger than *daddo*" (23/11/2004: Alemayehu Ketto, secretary of Komba *iddir*) in terms of workforce involved, expenditure of time and action radius⁷ (Stellmacher 2007b). All households in Komba village are engaged in *daddo* and *dabbo* at any time of the year. Labour is exclusively carried out by adult men, whereas women are busy preparing food and beverage for the workers. If a household requires a larger numbers of workers at a specific time, the respective head of the household can ask at an *iddir* meeting (see the discussion below) for work assistance.

Beyond guaranteeing a high level of reciprocity and social cohesion, these working group arrangements provide a substantial level of social control against individual (over)use of forest resources. The working systems are not spontaneously evolving, but are arranged by and respond to a higher level village administration, the *iddir*.

The 'Formal Tradition' of iddir

Iddir is an Ethiopian phenomenon. It can be found all over the country and even among Ethiopian communities abroad, across all social classes, ethnicities, and religions. Nevertheless, although often thought to be, *iddir* is not an ancient institution. The first *iddir* developed as late as during the Italian occupation in the 1930s (Abbot & Hailu *et al.* 2000, Pankhurst 2002). There is no clear and consistent definition of what *iddir* actually is. Literature describes it as a financial institution informally organised by local communities in which members regularly contribute to a common pool with a view to mutually support each other (Aredo 1993). There are, in fact, several types of *iddir* that vary in terms of organisational arrangements, aims, rules and regulations, as well as social and economic membership. Some *iddir* are, for example, potentially open to all members of a community, others are restricted to a certain group of people (women *iddir*, youth *iddir* etc.).

⁵ A staple food made from *enset*, a plantain-like perennial crop endemic to Ethiopia, often referred to as the 'false banana'.

⁶ A self-brewed light beer.

⁷ The people in Komba village differentiate between forest areas relatively close to their homesteads, called *kubboo* in the local language Kaffichio, which are used and managed individually on a daily basis (e.g. by women for firewood collection), and more far-off forest areas, named *kuddoo*, that are entered only in groups, which is also due to security reasons like the protection from wild animals.

In Komba village, there is only one type of *iddir*, which is multifunctional. Following the stringent ethnical differentiation in Komba village, however, Komba *iddir* is in fact subdivided into one *iddir* for Kaffa and one for Mandjah people (subsequently termed Komba Kaffa *iddir* and Komba Mandjah *iddir*). Both are governed by an *iddir* committee, composed of five committee members each, namely chairman, treasurer, secretary and two additional members with advisory functions.

The Komba Kaffa *iddir* and Komba Mandjah *iddir* are sub-*iddir* of the higher level Agama *iddir*. Agama *iddir*, in turn, is one out of five umbrella *iddir* in Yeyebitto *kebele* (district). Membership in one *iddir* implies being a member of the higher level one, thus: “if you are a member of Komba sub-*iddir*, you are also a member of Agama *iddir*” (7/10/2004: Hailemariam Gebre, former chairman of Komba Kaffa *iddir*).

All households of Komba village are members of either the Komba Kaffa or the Komba Mandjah *iddir*. Households are represented as members by the head of the household.⁸ They meet for general *iddir* assemblies once a month on the communal grazing ground located right at the centre of Komba village. These meetings serve different purposes. They are occasions at which *iddir* committees are nominated, elected and dismissed by the *iddir* members, by means of voting by a show of hands. There is no legislative period, and only “when a committee member makes bad things, he will be substituted by another person” (7/10/2004: Hailemariam Gebre, former chairman of Komba Kaffa *iddir*). The cited chairman of the Komba Kaffa *iddir* was in charge from 1991 to 2004. We have no information on the reasons behind the termination of his tenure.

General *iddir* assemblies are not only being held for the appointment of internal positions but serve the function of ‘plenary sessions’ in the broader sense. A regular point on the agenda is the payment of the monthly membership contribution to the *iddir* treasurer. Both Komba Kaffa and Komba Mandjah *iddir* membership fees amount to 0.25 birr per household (about 0.025 EUR) per month, payable in cash. Admission of new members is another duty undertaken at the general *iddir* meetings. In case of newly founded households with kinship linkages from within the *iddir*, the case seems rather simple: “when a son [offspring of a household which is *iddir* member] gets his own house he directly becomes an *iddir* member” (30/11/2004: Komba Kaffa *iddir* group discussion). For settlers coming from ‘outside’ a stricter procedure to become *iddir* members is applied in which applicants have to present a letter of recommendation from their former *iddir*. Thereupon, the *iddir* committee will decide on the new admission “when he

⁸ This includes female headed households. In Komba village, there is no pure women *iddir* as found in other communities in Ethiopia.

does not have the letter, we will refuse him" (7/10/2004: Hailemariam Gebre, former chairman of Komba Kaffa *iddir*). When a larger number of settlers relocate in the area they can ask for the incorporation of their own sub-*iddir* under the existing umbrella one. This happened to be the case with newcomers from Kambata (see discussion below).

Beyond being a multi-purpose insurance system, the Komba *iddir* associations hold and execute significant functions as administrative and juridical bodies. This includes not only a definite member roster, but a written statute, to which all household members are bound. For the management of the nearby forest, the Komba Kaffa *iddir* statute⁹ contains two relevant articles (see box below).

Rules and Regulations of the Komba *iddir* Concerning Forest Management

1) If any *iddir* member from the village stands against the rule and regulation of the forest management, for example, when ordered to keep the forest from any attacks, first, he will be punished for birr 50, second for birr 75 and lastly he will be formally accused and referred to the *kebele* social court.

2) If any *iddir* member is absent from any [working group] call concerning the forest management and development, he will be punished first for birr 5, second for birr 10 and lastly he will be rejected from any share of the forest product.

Signed by the *iddir* committee

(translation from Amharic)

This extract of the Komba *iddir* rules and regulations exemplifies the formality and distinctiveness of community-initiated institutions—otherwise often referred to as being ‘informal’—towards management of forest resources by the population concerned. The *iddir* is the most significant community-initiated institution concerning forest use, management and conservation in the research area. The *iddir* provides a clear and long standing organisational structure at village level, with definite membership and—fairly unknown from literature—written by-laws concerned with the forest management activities of its members.

Beyond *iddir*, there is one other community-initiated decision making structure with decisive impact on the forest resource users’ decisions and activities in the research area, which is the group of the elderly, locally known as *shimagile*.¹⁰

⁹ The Komba Mandjah *iddir* statute could not be obtained.

¹⁰ *Shimagile* (Amharic) literally means “old man”.

The Elderly Who do "not Fear Others"

By tradition, village societies in Ethiopia are gerontocratic. Age is accorded a high socio-political value and particularly older men possessing greater economical resources enjoy a high social status (Vaughan and Tronvoll 2003). This is expressed in the respect paid towards the elderly and the influence of this group that extends beyond households and extended kinship networks to local communities. Nevertheless, although being a *shimagile* often coincides with 'being older', their reputation comes less from their seniority, but more from being a 'wise' and 'rich man'. This tends to coincide with belonging to an influential family clan¹¹ and a status of an 'unassailable' who "*does not fear others any more*" (4/5/2004: Mesfin Tekle, Farm Africa/Kaffa Zone Rural Development Desk). Elders are not elected in a democratic procedure, and they do not represent the interests of the village community as a whole, rather those of certain peer groups. Women, the younger generations and persons from less influential family clans are basically excluded. In Komba village, a total number of eight elders were identified, four each from the Kaffa and Mandjah ethnicity, and all male. Formal education, age and religious affiliation were found to be varying considerably.

The *shimagile* can be defined to be the lowest legislative and juridical body beyond mere kinship relations in Komba village. This village internal social structure holds considerable authority in decision making and enforcement of traditional norms and rules, and manages the affairs of the villager to a certain extent. In the use, management and conservation of the coffee forest, the elders hold a teaching and advising function, in the sense that they pass on local knowledge to the local resource users and monitor its compliance. This is indicated in the following two statements of inhabitants of Komba village: "*The shimagile give advice how to manage the trees, not to cut them at a very early stage*" (25/11/2004: Yerango Ambo Gedawo), "*the shimagile said we did not have to disturb the trees. For cardamom they told us to clear every unwanted material from the plant. They set restrictions to cutting wanza trees [important for lumber, equipment and furniture making]. They did not pronounce penalties, but they give us warnings not to do again*" (26/11/2004: Abeto Mamo). The primary role of the elders is to encourage compliance with village internal rules and regulations, also concerning the management of coffee forest resources, and to preside as a group over disputes or conflicts that go beyond the scope of nuclear families and remain outside state courts. They are the "*respected people to negotiate quarrel*" (30/11/2004: Komba *iddir* group discussion). The function of the elders is embedded in a specific code of conduct in which the *iddir* can assign juridical cases to the 'elders', as specified by an *iddir* chairman: "*If two*

¹¹ Clan is understood as a number of households with social ties bound together by a tight kinship network.

people have a quarrel, I [the iddir chairman] try myself to solve the problem, if not possible, I call the iddir committee. The committee tries to solve the problem, but if they fail then they give the problem to the elders. [...] They report to the iddir chairman what their decision is [...]" (7/10/2004: Hailemariam Gebre). This 'protocol of respect' was delineated in a group discussion with Komba Kaffa iddir members as follows: "Firstly the iddir is informed about a problem, then the elderly come and talk to the iddir head, than the elderly take the individuals in dispute to other places and then they report to the iddir" (30/11/2004: Komba iddir group discussion).

In sum, the elderly constitute, together with the *iddir*, the village-level administrative and juridical basis to administer, manage and enforce the community forest property rights.

"The Forest Belongs to Us": Community-Initiated Forest Use Rights

Empirical research from Komba village and the Bale mountains coffee forest area provides evidence that beyond the 'official' land legislation initiated by the Ethiopian state, long established arrangements of definite forest use rights do exist in the coffee forest areas (Zewdie 2003a, Zewdie 2003b). Their roots are definitely found in history. During Imperial times, the *neftegna* in Bonga town (see map) owned all land in Bonga forest. His district officer, the *chiquashum*, managed his belongings in the area between Weshi River and Wushwush, including Koma Forest. Within Koma Forest, the *chiquashum* in turn entrusted local representatives (*gacheukurro* in Kaffichio language) as local 'village officers', who assigned use rights for agricultural and forest land to the smallholders, the *gebber*, from whom he, in return, obtained tax payment.

Population of today's Komba village is composed of former *gebber* (or their descendants) from six hamlets (Bushasha, Cangatarra, Goksha, Kabah, Kama and Kidah), who held land use rights in Koma forest in the Emperors time. The former chairman of Komba Kaffa *iddir* narrates the historical context as follows: "First, the forest belonged to the *chiquashum*, but he distributed it permanently to the farmers. But I got my land from my father. The *gacheukurro* once gave it to my father and my father gave it to me. [...] The *chiquashum* gave the order to give 10 percent of our harvest to him. This was for all crops. When we collected coffee from the forest, he got 10 percent, also from the honey. [...] I had to pay 5 kg honey per year for the forest use to the *chiquashum* (for my 70-80 ha). In Haile Selassi's time, we used the honey to pay the *chiquashum*, now we have the honey for ourselves" (12/11/2004: Hailemariam Gebre).

After the revolution in 1974, the institutional set up fundamentally changed. *Neftegna*, *chiquashum*, and *gacheukurro* were dispossessed and lost their privileges and had to begin as 'normal peasants'. The Yeyebitto Peasant Association was established embracing a dozen villages with some hundred

households in total (cp. section 2. above). Also former *gebber* of the concerned six hamlets were provided with some acreage of agricultural land for farming. In the words of the former chairman of Komba *iddir*: “*The derg gave land to all people that they could live equally. The derg gave some land to me. I got six ha of farm land only, but there was no reform on forest land*” (12/11/2004: Hailemariam Gebre). This narrative provides an insight into how the regime change of 1974 and the following reform of land use and property rights was perceived and experienced as a *gebber* and forest resource appropriator at ‘local level’. The peasants’ own words illustrate that the *dergs*’ land reform concerned the redistribution of land that was meant for agricultural purpose, but did not include land of the coffee forests in this area. De jure, the Yeyebitto Peasant Association took over responsibility for Koma forest, but the state-initiated institutions concerning its use, management and conservation were not enforced. Consequently, from the peasants’ perception the de facto property rights of the coffee forest did not change. “*Starting from Haile Selassie time the forest belonged to us. [...] This did not change during the derg*” (12/11/2004: Hailemariam Gebre).

Accordingly, from the mid-1970s onwards, resilient community-based and newly established state-initiated forest tenure systems drifted apart and created a mode of legal pluralism. The former *gebber* continued to execute ‘their’ forest land rights rather than within the scope of the newly established Peasant Associations or higher level state bodies.

The institutional arrangement was consolidated with use rights transferred from generation to generation, mainly by patrilineal inheritance, in the way that “*when a father divides his forest, the first son gets the most, the second and third etc. less. The boys who are engaged in school or in governmental jobs often get no forest*” (5/11/2004: Abetu Mamo). We found no empirical evidence in the case study area that these use rights are—or have been in the past—subject to disposal.

But what about the effectiveness of these institutions? If they are not legitimately recognised by the state but initiated by the communities themselves, what happens in the case of malfeasance, misfeasance or nonfeasance, for example, if community members do not appreciate the forest use rights and pick coffee cherries in plots that ‘belong’ to others.

The effectiveness of institutions is very much linked to the actual availability of sanction tools which can be applied in case of rule breaking.

For the management of forest resources in Komba village, the community case law system foresees three kinds of pressure and disciplinary media to exert its functions, namely: exclusion, fining, and directing the case to the *kebele* court, known as *fered shengo*, for arbitration. The most radical sentence that the *iddir* can impose on its members is a membership revocation, hence the permanent exclusion of a household from the *iddir* system. In

reminiscence of the fact that all households of Komba village are *iddir* members in the way that “*without iddir you lack social acceptance*” (7/10/2004: Hailemariam Gebre, former chairman of the Komba Kaffa *iddir*), it is clear that execution of this sentence would be tantamount to stigma and social ostracism, and hence it becomes a strong pressuring instrument. However, this sanction is *ultima ratio* and has not been applied in recent history of the Komba Kaffa *iddir*. A more frequently applied sanction for behaviour that is judged to be objectionable is fining. The amount of fines increases with repeated indictment and was reported to peak at 75 birr. As a third possible juridical reaction, the cases can be referred from the community-initiated to the state-initiated law system. This comes about when the former cannot reach consensus to resolve the case, or on the request of the accused. This provides evidence that state-, and community-initiated institutional systems are not necessarily fully independent from each other, but may co-operate at a certain point. The handover of cases between the community-initiated to the state-initiated legal systems in rural Ethiopia has also been described by Fule and Tadesse (1996), although in a somewhat different institutional setting and course of action.¹²

The perpetuation of this institutional system has implications that are positive as well as negative from environmental and social points of view. On the one hand, the transmission of forest land rights by inheritance implies a certain commitment to the ‘forefathers’ and strengthens the emotional bond of the forest ‘owners’ with ‘their’ forest plots. On the other hand, this system is self-contained with little potential to react to changes from outside, be it ecological, socio-economic or demographic. The existence and the distribution pattern of the individually-held forest plots in the coffee forest are part of the special original inhabitants’ common knowledge and so far in no way ‘formally’ recorded or documented. Most importantly for the management of resources in Koma forest, the system does not allow the involvement of people from ‘outside’, as new settlers. No one out of 54 forest plots identified in Koma forest was reported to be obtained by a new settler household. The issue of new settlers living right next to Koma forest is briefly described in the next section.

“I am not from This Area”: The New Settlers and the Community-Initiated Institutions

Even before the invasion of the Amharic Empire at the end of the 19th century, the cultural and ethnic composition of the population living together in the then Kaffa Kingdom was a complex patchwork. Since the violent

¹² In their case study village located in the Rift Valley area of central Ethiopia, legal cases are at first brought forward to the *kebele* which then hands them over to the elderly (Fule & Tadesse 1996).

integration of the area into the Ethiopian state, diversity increased greatly due to big long-distance population movements from the other Ethiopian regions, often strongly facilitated or even forced by the ruling government. The state's involvement has already begun in the Emperors time, but became more considerable during the *derg*, with the implementation of nation-wide resettlement programmes with hundreds of thousands of households being relocated. As a result of this policy, the present, Kaffa Zone is one of the most multi-ethnic parts of the country. Komba village and its surroundings are no exception, with two ethnicities living in the village alone, and communities of Kambata, Oromo and Amhara ethnicities at only a few minutes walking distance.

One rationale behind the *derg*'s resettlement programmes was to allow a more intensive use of land. Forest land had been identified to be 'underutilised' meaning low population density, seemingly low agricultural output, and hence low economic value—at least according to the official records of the "Ministry of Agriculture and Rural Development". In that view, Kaffa Zone in general and the then Yeyebitto Peasant Association in particular provided an ideal area of destination, with large tracts of land covered by relatively undepleted primary forests with comparatively few people around and inside. In search for adequate resettlement areas and agricultural land for new settlers from Kambata region¹³, the then Peasant Association administration chose an area south of the national road, until then a part of Koma forest, which was almost totally clear-cut. The ethnic, cultural and religious background of Kambata people is considerably different from that of Kaffa and Mandjah people. For example, the Kambata in Yeyebitto *kebele* speak the Cushitic Kambata language and are without exception affiliated to Catholic Christianity, while the locals speak Kaffa language and follow predominately Orthodox Christianity. Environmentally, the region of the Kambata origin can be described as savannah lowland, without any tracts of primary forest.

With the successive arrival of Kambata settlers, the size of the population living adjacent to Koma forest increased, involving a growing demand for land for dwellings, infrastructure and grazing, as well as forest resources like firewood and timber. Beyond population increase, the new settlers brought along a different institutional and knowledge background, not adjusted to the specific ecological and management conditions of the coffee forest environment.

¹³ Kambata (also known as Kambatta or Kembata) is located in Central Ethiopia and is administratively part of Sidama zone in the most eastern tip of the "Southern Nations and Peoples' Regional State" (SNNPRS). The region is characterised as one of the most densely populated and impoverished regions of Ethiopia.

As already mentioned above, the new settlers' households could not obtain traditional forest use rights in Koma forest. Nevertheless, they are knowledgeable of the existence of the forest land use rights held by the local people. There is evidence that new settlers are aware of their own 'secondary' status by acknowledging the old settlers 'primary' use rights at least regarding the use of forest coffee. This is reflected *inter alia* in the answer of a new settler from the Amhara dominated community Bita Chega who moved from Wollo region in Northern Ethiopia to some four kilometres north-west of Komba village in the year 1985 in the course of the *dergs'* resettlement programmes. To the question whether people from Bita Chega village do utilise forest coffee from the nearby Komba forest he responded: "*We do not have own coffee in the forest. The forest is occupied by other people*" (26/6/2003: Seyoum Tefera). These words match the statement of an inhabitant from Washi village, located about four kilometres to the west of Komba village: "*Around Mulah (Bita Selam) and Agama village there is coffee in the forest. Only the people in these villages get the coffee in the forest*" (25/6/2003: Tadesse Lola).

The diverse historical and ethnic background of the new settlers raises the question not only of whether they are acquainted with the fact that Koma forest is fragmented into forest plots individually 'owned' by the original population, but also of whether they accept the rules and regulations that are attached to this forest 'ownership', and act accordingly. In other words, do new settlers in a rights system created and maintained by the original community, in which they themselves do not have any chance to acquire rights over a forest plot or resource, actually respect this system?

The issue of "disobedience" with respect to the community-initiated forest related institutions is a delicate one, and took much effort and time to investigate. A major question is what happens in the case of non-compliance by people that are not living in the sphere of jurisdiction of the village *iddir* or the elderly? Do 'rule violators' need to fear any penalty when they use the forest resources according to their own understanding? How are the institutionalised authorities involved in the resolution of conflicts between the different groups of forest resource appropriators? To elaborate on these issues, two different 'truths', the one of new settlers and the one of the original people are presented in the form of interviewees' statements.

First we discuss the perception and experience of new settlers. The following statement was issued by a peasant who settled in Komba village on his own instigation in the year 2001, thus not within the scope of the *dergs'* resettlement programmes. Although he is of Kaffa ethnicity and – compared to the Kambata people – ethnically a 'native', he (respectively, his household) does not possess use rights in Koma forest, which begins some twenty meters behind his *tukul* house. When he was initially asked whether he ever collects coffee from the forest he responded: "*I do not go into the forest to collect coffee*

because I am not from this area" (14/9/2003: #32). After many months of field research when more confidence had been established between the researcher and the interview partners, the question concerning the utilisation of forest resources from the nearby forest (not only coffee) was answered more specifically, partly contradicting the previous statement: *"I get firewood from everywhere within Koma forest, also the coffee and spices. I do not have to ask for permission. Also for house construction materials I simply go into the forest. The owner does not complain. Also the forest owner steals coffee somewhere else. Even the hanging of beehives is sometimes possible without permission, otherwise the owner is very serious. The serious people kick the thieves and take all the products from the thieves. But the forest is not controllable, that is why I do not want to have my own forest"* (28/11/2004: #32). Other settlers living adjacent to Koma forest commented in a similar way: *"Anybody can pick coffee, it is impossible for the owner to prevent stealing. But the owner does not try to prevent. Sometimes they go into the forest, and if they see a thief they take the products from him and give him a warning. It is possible to use both firewood and house construction materials. But timber for selling was forbidden. Timber thieves would have been brought by the owner to the kebele and accused. [...] There are demarcations, but I do not know where the plots are"* (28/11/2004: Mekuria Wolde).

Nevertheless, the issue of validity and effective reach and enforcement of the community-initiated forest use rights, and the 'stealing' of forest resources respectively, look different from an original settlers' point of view, hence from the perspective of the forest plot 'owners'. A peasant of the Mandjah ethnicity who grew up in Gokessa got told the 'stealing narrative' from a rather contrasting angle: *"Others are not allowed to take coffee, to take firewood, to hang beehives, spices, fruits, medicinal plants. Four days a week (Tuesday, Thursday, Saturday, Sunday), I keep my forest from thieves by patrolling. When I meet the thief, I will catch him. He begs me not to bring somewhere, then I allow him to go, but he has to give [the forest product] what he gathered. After the third time I will bring him to the kebele. The kebele will punish him. They put him into prison for two to three days and give him advice not to do it again. I did not allow other people to take materials, only house construction materials, or for ploughing material, I give permission to any people of my kebele. If people from different kebeles were stealing, I bring them to my kebele, and they will write a letter to the other kebele"* (26/11/2004: Abeto Mamo).

These statements illustrate that with a larger heterogeneity and fragmentation of forest resource users, the strict adherence to the existing community-initiated institutional framework is relaxed. This is basically due to the fact that the people that are *"not from this area"* are less involved in, bound to or knowledgeable about the community-initiated institutional setting regarding forest resource use, management and conservation than the original inhabitants *"from this area"*. The new settlers are aware of the existence of certain rules and regulations initiated by the original

communities concerning use of the forest resources, but perceive them to be not binding personally. This situation is conflictive as households of all communities, despite their historic or ethnic background, depend on resources from Koma forest for their very livelihoods.

“The Kebele Knows”: Between Local ‘Tradition’ and State Policies

The *kebele* administration provides the state-initiated institutional framework through which governmental policies ought to be implemented ‘on the ground’ (see section 2). For use and management of forest resources, the *kebele* is vested with the authority to enforce state-devised operational institutions, hence rules and regulations meant to guide activities of forest resource appropriators in its area of responsibility. But how does the *kebele* execute this mandate in practice? How does it deal with the local level legal pluralism that developed in the coffee forest areas? To elaborate on these questions, interviews were conducted with the *kebele* chairman and vice chairman. The first issue concerns the *kebele* chairman’s perception whether the *kebele* administration is in practice capable to regulate forest use and management activities in its area of authority and to prevent Koma forest from undesirable human interference such as wood cutting: *“The kebele cannot catch the people, they hide themselves. [...] From 1986-89 [1992/93-1995/96 Gregorian calendar], I was vice kebele chairman, from 1994 [2000/01 Gregor. cal.] up to now main chairman. [...] We never caught anybody, because the forest is very vast. When we wanted to catch them, they throw everything down and run away”* (29/11/2004: Mengisto Mamo, *kebele* chairman). According to the *kebele* chairman, ever since the early 1990s, not a single person has been accused of disobedience of forest conservation state laws in Yeyebitto *kebele*. This statement reflects how the responsibility of the state exceeds its practical capability to control it at local level. The *kebele* administration is *de jure* responsible for maintenance of state ‘law and order’ but has no *de facto* implementation capability to enforce the state forest resource conservation policies.

But how do the *kebele* representatives perceive the community-initiated forest use rights within its own area of responsibility, and how does the *kebele* administration deal with this issue? Is there - as is evident through the words of the above cited Mandjah peasant - juridical interaction or even cooperation between the two institutional ‘worlds’? When the chairman of the Yeyebitto *kebele* was asked whether he is informed about the subdivision of Komba forest into use right plots he stated: *“The kebele knows the traditional forest division, but the traditional users do not pay forest use taxes.”* (29/11/2004: Mengisto Mamo). The Yeyebitto *kebele* vice-chairman also stated that *“even if the [forest] land officially belonged to the state, it unofficially belongs to the people. The kebele knows and accepts it”* (24/11/2004: Abebe Abafogi). The threshold

between toleration and collaboration in the way that community-initiated forest use rights can institute legal proceedings at the *kebele* court, the *fered shengo*, could not be fully ascertained in the interviews conducted. The *kebele* chairman expressed the circumstances in the statement: "*The traditional demarcation is not documented, and there are no written documents. But the fered shengo acknowledges the traditional rights, if the forest owner comes with tangible evidence*" (29/11/2004: Mengisto Mamo). This, however, seems to be more the theoretical case than a practical reality: "*Since I am the leader of the kebele nobody came to me with traditional forest issues. [...] People say 'my honey, my coffee etc. is stolen', but they do not bring the thieves*" (29/11/2004: Mengisto Mamo). These statements make clear that the lowest state representative in the case study area is a) knowledgeable about the existence of community-initiated institutions, b) does not disapprove or take action against them, and c) acknowledges them in the way that malfeasance against the community-initiated institutions can principally be prosecuted in the legal court of justice.

The individuals working in the *kebele* administration have themselves grown up in this area, have manifold kinship and peer relationships on site; moreover, their own households' livelihood also critically depends on the extraction of resources from Koma forest. To put it into the provocative words of an NGO representative working in Bonga area: "*The use of forest products is allowed by the kebele because also kebele leaders use them*" (4/5/2004: Mesfin Tekle).

When combining the forest resource appropriators' statements with the *kebele* representatives' ones, it becomes evident that there is no stringent division between community-initiated and state-initiated institutional 'worlds' with regard to their cognisance of forest resource use and management activities, and that the institutional systems complement each other. The *kebele* acts as the "*the linkage between informality and government*" (4/5/2004: Mesfin Tekle) and leaves the basic responsibility for forest use and management issues with the community-initiated units, elders and *iddir*, that get their authorisation primarily from historically developed social standards and norms. Forest-related rule and regulation compliance is ensured by mechanisms of social sanctioning which are powerful in a relatively cohesive society with common norms and values. Similar findings are presented by Alula Pankhurst who did research on irrigation in South Wello in Central Ethiopia. He writes that "*disputes over irrigation tend to be solved by elders, with the threat of sanctions by burial associations [being iddir] in recent years. Only if the matter cannot be resolved informally, [...] the case be taken to government institutions*" (Pankhurst 2002).

Conclusions

In this article, the local level institutional sphere of forest resource use and management is illustrated on the basis of data and insights gathered by means of empirical research in the coffee forests of Kaffa Zone, South-western Ethiopia. Evidence shows that there are historically-evolved and community-initiated institutional structures that regulate the use, management and conservation of forest resources. By combining concerted executive and juridical functions at village level, the institutions partly fill in for governance failure of the Ethiopian state. However, the research findings also indicate that the community-initiated institutional system rests on social sanctioning and consensual conventions limited to groups of original settlers only, rather than on tangible and universally accepted agreements among all people living in a particular forest area and using its forest resources. This critically limits the practical assertiveness of the community-initiated institutional sphere, and resulted in a local institutional vacuum in which both state-initiated and community-initiated forest use, management and conservation rules and regulations are violated by local people.

What can be concluded when we reminisce about the ongoing and rapid depletion and loss of the last montane moist forests of Ethiopia? The article shows a situation of legal pluralism in which local people have no contractually warranted and effectively enforceable property use rights for the forests they live in and on which resources their livelihoods critically depend. Neither the state nor the community-initiated bodies alone are in a position to govern the forests and their ecological, socio-economic and cultural functions and services. This unclear and uncertain situation offers both, original people and new settlers, little means and incentives to apply future oriented sustainable use and management practices, and hence promotes the depletion and loss of the Ethiopian montane coffee forests.

In the last few years, environmentally and socially concerned development organisations recognized the importance of a more sustainable use and conservation of the last Ethiopian primary forests. Consequently, an increasing number of externally-funded 'Forest Management' projects were established, opting for different approaches. However, they all tend to aim at institutional change by the creation of forest users groups or societies with determined rules and regulations, hence yet another institutional 'world'. Instead, already existing structures should be 'taken on board' and bolstered. An expedient approach is to provide local level community-initiated bodies, particularly the *iddir*, with better capacities to act and decide on forest use, management and conservation. Formal recognition and legal backup of these institutions by the state would be a necessary first step into this direction.

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