

HARAMATA



BULLETIN OF THE DRYLANDS: PEOPLE, POLICIES, PROGRAMMES

No. 48. July 2005

Who controls the water?



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Cover: Near Warshal *hafir*, Sudan
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EDITORIAL

The G8 are meeting in Gleneagles, Scotland as this issue of *Haramata* goes to print. On their agenda is climate change, the doubling of aid, the cancellation of debt and the promotion of fair trade, all in a bid to “make poverty history”. Millions of people in Europe, the United States, Asia and parts of Africa have taken to the streets and attended the Live 8 concerts to demonstrate their solidarity and demand from the eight leaders at the G8 an end to poverty in Africa. A huge amount of goodwill and money, but also a heightened consciousness among citizens of the issues at stake have been raised. Charity is increasingly recognised as insufficient and even undesirable. People and politicians in the North now argue that the debate and action have to shift from aid to fair trade, and other forms of mutual support and solidarity.

But where in all these processes are those at the centre of all this attention – ordinary African women and men? The government-to-government negotiations and deals for poverty reduction are laudable, but they risk bypassing the very subjects of their reforms. Ordinary people in Africa have to become the agents of their change, and drive the processes of their development according to their values. Central to this is empowering them to understand and participate in decision-making processes that affect their every day lives. It also involves building on their skills and experience and the resources they have at their disposal to reduce poverty, rather than injecting huge sums of money or alien technologies designed for other contexts. African citizens too have to march in the streets and hold their leaders accountable, if they are not to remain the objects of an external agenda.

A people-centred approach to poverty reduction takes time and will not necessarily be highly “visible”, particularly in the short term. But it is essential if we are not to see in 20 years yet another generation of marches and global concerts driven by celebrities from the North in protest of African poverty.

Indigenous people want power to veto World Bank plans

Indigenous groups are demanding that the World Bank seek their consent – not just consult them – before carrying out development programmes on their ancestral lands. Representatives of native communities came away from UN-sponsored talks criticising the World Bank for, in their view, making cosmetic changes to its development policies, which they said continue to undermine native interests. They referred to the Bank's new policy on indigenous peoples' development which calls for "free, prior, and informed consultations" with communities. But indigenous leaders said they were demanding that the Bank recognise their communities' rights to their ancestral territories and natural resources. Activists were calling for the terminology to be changed to "free, prior, and informed consent." The new Bank policy is set to take effect in July.

To access the full report visit the Dana Declaration website Announcements page: www.danadeclaration.org

Commission for Africa report

British Prime Minister Tony Blair launched the Commission for Africa in February 2004. The aim was to take a fresh look at Africa's past and present and the international community's role in its development path.

The report

On March 11, 2005, the Commission launched its report entitled **Our Common Interest**. The report aims to define the challenges facing Africa and to provide clear recommendations on how to support the changes needed to reduce poverty. The recommendations were based on evidence available and consultations inside and outside Africa with governments, civil society, the academic world, the public and private sector.

What it says

The report advocates a comprehensive "big push" for African development on many fronts as the problems the continent faces are multiple and interlocking. As a result **Our Common Interest** covers many topics including the need for peace and security, governance and capacity building, growth and investment. But it remains to be seen how the recommendations of the report will be implemented.

On trade, for example, the Commission's recommendation is at odds with the UK government's position. The report states that trade liberalisation should not be forced on African countries and that they should be allowed

to choose when to open their markets based on their own development and poverty reduction plans. This, however, differs sharply from the UK government position, set out in the most recent White Paper of the Department of Trade and Industry, which states that ‘...those countries which have achieved the biggest reduction in poverty in recent years have been those which have been open to international trade’.

In addition, a glaring omission in the report is the absence of serious proposals to regulate multinational companies in Africa, given that it envisages a major expansion of private sector investment.

For further information or to order copies of the report please visit: www.commissionforafrica.org.

Sources: **Our Common Interest**, Commission for Africa, March 2005 and Christian Aid press release March 11, 2005.

Women accessing land South Africa – Constitutional Court Judgements

In October 2004, in the case of *Bhe v Magistrate*, the South African Constitutional Court ruled male primogeniture (men automatically inheriting land when there is no will) unconstitutional.

Ms Bhe’s husband of 12 years died in October 2002. She and her husband had two young daughters and the family lived on property owned by Ms Bhe’s late husband. According to customary law upon the death of her husband the property should go to her father in-law. Her father in-law stated that he intended to sell his late son’s property in order to pay for funeral expenses. So Ms Bhe, on behalf of her two daughters, took the case to court. She contended that the customary law rule of male primogeniture unfairly discriminated against her two daughters in that they prevented the children from inheriting the estate of their deceased father.

In a similar case, Ms Shibi was prevented from inheriting the estate of her deceased brother who was unmarried, had no dependents and had not left a will. In terms of customary law her brother’s two cousins should inherit his estate. But she brought the case to court. Following these two cases a third was brought to court in the public interest as a class action on behalf of all women and children prevented from inheriting by reason of the customary law rule of male primogeniture.

The effect of these cases was that the rules governing inheritance and the procedures whereby the estates of black people are treated differently from the estates of white people were held to be inconsistent with the Constitution. This is an important step forward for women in South Africa.

See www.concourt.gov.za for further information.

The Millennium Ecosystem Assessments (MAs)

The Millennium Ecosystem Assessment (MA) provides scientific information on the consequences of ecosystem change for human well-being and options for responding to those changes. For example, what impact will climate change have on people's daily lives and how can we respond? The MA focuses on ecosystem services (the benefits people obtain from the environment), how changes in the ecosystem have affected human well-being, and how they may affect people in the future.

Desertification Synthesis

In June 2005, the Millennium Ecosystem Assessment (MA) launched the Desertification Synthesis. The report asks the following questions:

- How has desertification affected ecosystems and human well-being?
- What are the main causes of desertification?
- Who is affected by desertification?
- How might desertification affect human well-being in the future?
- What options exist to avoid or reverse the negative impacts of desertification?
- How can we improve our understanding of desertification and its impacts?

The report states that desertification is among the greatest environmental challenges that we face. Effectively dealing with it will lead to a reduction in global poverty.

To download copies of the report and for more information see www.millenniumassessment.org.

Guidelines for contributions

Please send us short articles, about 500 words, on topics you think are important to the lives and livelihoods of people living in dryland areas. Tell us about:

- People
- Policies
- Programmes
- Resources

Haramata is published twice a year. Send your contributions to **Haramata, IIED, 3 Endsleigh Street, London WC1H 0DD, UK** or drylands@iied.org.



Lions, livestock and livelihoods in northern Tanzania...

Emmanuel Ole Sitayo, the Community Liaison Officer of Manyara Ranch managed by the Tanzania Land Conservation Trust (TLCT), recently spoke to Haramata about the work he is doing to reconcile pastoralism with wildlife conservation in northeastern Tanzania.

Haramata: *Emmanuel, many policy makers and conservationists in East Africa are trying to separate wildlife from pastoralism, and yet you are trying to do the opposite. Why?*

Trying to separate wild and domestic animals is a “false” problem, if I may say so. Pastoralists, and particularly the Maasai, have co-existed with wildlife for thousands of years without stepping on each other’s toes. Many accuse our cattle of transmitting diseases to wildlife or our warriors of killing wild animals, but this is because they do not understand either veterinary science or our culture. This is not to say there isn’t a problem between pastoralism and wildlife, but it is not of our making. Both wildlife and livestock, who depend on natural pastures and water for their survival, are being squeezed in northern Tanzania. Private ranches, flower farms and other pri-

vate investments in the name of modernisation are blocking their migration routes and access to natural resources. This is creating a lot of conflict and unfortunately for the Maasai they are the ones being blamed. The work we are doing in Manyara Ranch will challenge these negative perceptions and we will be able to show how local people, when given the responsibility for managing the area, will do so in a responsible way for both the wildlife and their livestock.

Haramata: *It sounds as though Manyara Ranch is not a conventional ranch raising livestock for beef production!*

You are right, although it started as such! Back in 1956, the pastoral community gave the area today known as Manyara ranch to the Farrab East Africa Company. At that time, it was a Tsetse infested area and the local people hoped the new owners would improve it. But they failed and sold the land, totalling some 45,000 acres, to a German rancher called George Dam who developed it into a highly profitable enterprise. But George Dam was murdered in 1974 and the Ranch came under the control of the National Ranching Company (NARCO), who



managed it until April 2002. Unfortunately, NARCO didn't manage it well and, in the late 1990s, the government decided to sell it off.

When the pastoralist community heard about this they were very worried, and, with the help of their local MP, held a meeting with President Mkapa. The President agreed to their request for the land to be returned to them so long as they managed it sustainably and did not destroy the wildlife. By this time, a study had been carried out revealing the importance of Manyara Ranch as a wildlife corridor between Tarangire National Park and Lake Manyara National Park. Elephant, wildebeest, zebra, giraffe, lion, wild dog, buffalo, and the lesser kudu passed through the ranch on their seasonal migrations.

After this, things began to move quickly. A task force was established composed of representatives from the Moduli District, the pastoral community of Esilalei, Tanzania National Parks, WWF and the African Wildlife Foundation. Their job was to decide how best to manage the area for the benefit of the people and the wildlife. After several meetings, they decided to

© Alais Ole Morindat



Emmanuel Ole Sitayo

establish the Tanzania Land Conservation Trust (TLCT).

Haramata: *What is the purpose of the TLCT and how does it work in practice?*

The TLCT is a new idea in Tanzania. To some, it is even "revolutionary"! Its overall purpose is to care for areas of environmental significance for the benefit of local people. In the case of Manyara Ranch, the main objective is to promote the sustainable utilisation of land through livestock rearing, wildlife conservation and other

land uses. In the short-term, the idea is that the trust will manage the land on behalf of the pastoral communities until they have developed the capacities to manage it themselves.

Haramata: *But if, as you said earlier, pastoralists have a long history of co-existence with wildlife, why do they need the Trust to manage the land on their behalf?*

This is a very good question! The problem is that many decision-makers do not believe the pastoralists are careful custodians of the land or of wildlife. Because they do not understand how the pastoral system works, they accuse it of degrading the environ-



Cattle at Manyara Ranch

ment, and propose what they consider better and more modern ways of managing the land.

Haramata: *So how is the TLCT helping the local pastoral communities to manage the ranch?*

We began in 2002 and our first task was to repair the ranch's infrastructure such as buildings, the school and the road and water systems. We also had to recruit staff for the Management Team. We are a team of four: an overall Ranch Manager supported by a Livestock Officer, a Finance and Administration Officer and myself, the Community Liaison Officer. Together, we are responsible for designing a management strategy for the ranch in line with the objectives laid down by the Trust Deed of the TLCT. In addition to the management team, we have over 40 employees, 90% of which are drawn from the local communities. They are employed as salaried herders to look after the ranch's herd of 1,800 Boran cattle and 900 Black Persian sheep, as game scouts or manual workers. Their combined salaries pump about 25 million TZ Shillings into the local community!

We have opened up the ranch as an area of dry season grazing through a system of grazing and water access agreements. These agreements specify where a family can graze their animals and for how long.

Another very important activity has been helping the community build its capacity as a "manager" so that one day it will manage the ranch. A community-based organisation called Ramat, which means, "taking care of" in the Maasai language, has been established. In addition to loaning them some money to buy and sell livestock, training workshops have been organised to build leadership skills.

Other activities include help in the rehabilitation of some community dams, the building of a new boarding school and help to the community in developing village level land use plans integrated with those of the ranch. Through the work of the game scouts, we made an inventory of community livestock and farms, and are monitoring the movements and number of the different wildlife that pass through the ranch. Since we took over, there has been a marked increase in wildlife numbers and species, especially of



elephant, which are now destroying neighbouring community crops leading to conflict.

Haramata: *It is early days, but what are some of the lessons that you have learnt?*

I think the main lesson is that if the TLCT is serious about handing over the ranch to the community, it needs to develop a long-term strategy for community empowerment. Although we have started training them in leadership skills, much more needs to be done. They lack any formal education and so can not read and write. Most of them have no idea of the laws of the land and how these things are important for them to make secure their claims to the land. They also need to develop a shared vision of what they, as a community, want for the land. This is difficult and will take time, as there is a conflict of interest among various powerful individuals both within and outside the community. But this must not be used as a reason to later deny these people their rights! An idea we are currently working on is an educational centre to give local people a chance to develop the skills to make informed decisions about the management of the ranch in the future. It will cost money and may not at first give easily visible results, but we are serious about the sustainable development of the ranch for both the communities and the wildlife, it is the only way.

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Elephant at Manyara Ranch

Haramata: *Thank you Emmanuel! And good luck in your work.*

If you want to know more about the Manyara Ranch, you can write to the Ranch Manager at: Tanzania Land Conservation Trust P.O. Box 2658, Arusha, Tanzania.

The Ogiek: a century of defending land rights

According to the UK-based NGO Survival International, the Ogiek are “one of the few remaining hunter-gatherer peoples of East Africa”. Numbering about 20,000, the Ogiek live in Kenya, mainly in the Mau Forest and in forests around Mount Elgon. They make a living by hunting and gathering, but also by farming and livestock keeping. And, they are renowned for their honey, which they collect from beehives that they place in the forest. Since colonial times, the Ogiek have struggled to maintain their cultural identity and to live on their ancestral lands. The colonial administration first, and then the post-independence KANU government, repeatedly evicted them from the Mau Forest. There was new hope in 2002 when the new NARC government came into power. But these hopes are still to be realised.

A story of evictions

The struggle of the Ogiek exemplifies the tensions that can arise between conservation goals and local communities’ livelihoods. It is also a story of abuse by government officials, manipulation by wealthy elites, and lack of understanding of

“indigenous peoples’” needs by “modern” state institutions. Although the Ogiek have lived in their ancestral lands from time immemorial, their resource rights are not recognised by the laws of Kenya. Under the Forest Act, the government can gazette, degazette and alter the boundaries of forest areas. Apart from publishing a declaration stating the intention to take these measures, no consultation of the forest dwellers is required. After the Ogiek lands were gazetted by the government, hunting, gathering, livestock keeping, farming, honey collection and even staying in the forest overnight – the key elements of the Ogiek traditional way of life – were outlawed. The Ogiek became illegal squatters in their own land. Legal notices to evict them were issued one after the other. Meanwhile, settlement schemes to provide land to the landless, including the Ogiek community, were captured by civil servants, businessmen and politicians. On the other hand, large areas of forest land have been degazetted and converted to commercial plantations and other uses – again, well-connected elites made the most of this. As a result of all these factors, the Ogiek have seen their lands shrink and their livelihoods undermined.

If your government doesn't listen, sue them!

In 1997, confronted with yet another wave of evictions, the Ogiek brought the matter to court. Since then, a flurry of court cases has followed, with the Ogiek seeking to challenge government eviction and/or degazettement notices (for an example, see Box 1). Often, government authorities ignored court orders to halt the evictions pending adjudication, and continued to allocate forest lands to their cronies.

In October 2001, the then Minister for Environment and Natural Resources issued Legal Notices degazetting some 60,000 hectares of forest lands in Western Mau, Eastern Mau and Molo Forests. A lawsuit filed by the East Mau Ogiek to quash one of the Legal Notices was dismissed on legal technicalities.

New hope, or mirage?

All this happened under the Moi regime. In 2002, a new government came to power, raising hopes for a new approach to governing the country and for more attention to the plight of the Ogiek. Since then, the Ogiek have continued to campaign for their rights. In January 2004, Ogiek leaders and elders sent an Open Letter to the government, calling upon President Kibaki to defend their rights. Meanwhile, in March 2005,

Box 1. The legal battle over Tinet Forest

In 1999, after the government issued a 14-day notice to leave the Tinet Forest (which is part of the Mau Forest), some 5,000 Ogieks sued the Kenyan government. They argued that the evictions violated their right to life, by depriving them of the basis of their livelihoods, and several other internationally recognised human rights. If evicted, the Ogiek would be landless, unable to gather food, hunt and farm. In 2000, two High Court judges dismissed the arguments of the Ogiek. The judges found that the Ogiek violated forestry legislation by living and undertaking activities in the Tinet Forest without a license, and that the evictions were necessary to "save the whole of Kenya from a possible environmental disaster". The appeal brought by the Ogiek is still pending.

moves to evict thousands of "squatters" from the Mau Forest were blocked by a court order sought by seven forest dwellers. The struggle of the Ogiek goes on.

To read more about the Ogiek, visit www.survival-international.org and www.ogiek.org, and read TJ Kimaiyo, "Ogiek Land Cases and Historical Injustices", Nakuru, Ogiek Welfare Council, 2004 (downloadable at www.ogiek.org).

Box 2. Getting involved

Over the past few years, a growing number of Kenyan NGOs and civil society groups have taken up the plight of the Ogiek. The Ogiek Welfare Council is one of the leading organisation campaigning for the Ogiek cause. It publishes a quarterly newsletter – The Oasis – that provides information and updates on decision-making processes that affect the lives of the Ogieks. Through advocacy and campaigning activities, the Council seeks to influence key national policy processes. For instance, in 2004 it submitted a memorandum on the draft Constitution. To get in touch, write to ogieknet@multitecweb.com.

The Kenya Land Alliance is a network of NGOs working on land rights in Kenya. It undertakes advocacy and campaigning for land policy reform in Kenya. KLA supports the Ogiek cause, particularly their struggle to continue inhabiting their ancestral lands. KLA helps the Ogiek in their national campaigning efforts, and it facilitates their participation in regional and international fora – from the African Human and Peoples Rights Commission to the UN Working Group on indigenous peoples. And, it is one of the plaintiffs in the ongoing court case. To get in touch, write to klal@africaonline.co.ke.

ECOTERRA Intl is an international civil society organisation working as a humanitarian agency in sustainable development which respects the cultures, lifestyles and traditional values of tribal peoples and their right to self-determination. Together with ECOTERRA Kenya it was the first international as well as local group fostering the struggle and defending the rights of the Ogiek. For more information visit their websites: www.ecoterra.net, www.ecoterra.org.uk and www.ogiek.org.

Friends of People Close to Nature (FPcN) is a global movement of individuals and groups dedicated to the survival of tribal peoples, in particular hunter-gatherers. For more information visit their website: www.fpcn-global.org



Ogiek

Adapting to climate change

Mount Kilimanjaro is drying up!

Climate change, coupled with widespread deforestation of the slopes, is melting the ice and snow that has crowned Africa's highest peak for more than 11,000 years, dramatically altering the surrounding ecosystem. Scientists warn most of the glaciers may be gone by 2020 (IRIN). This is a dramatic example of how global warming (or climate change) is altering our environment. But what is climate change and how will it affect the daily lives of people in Africa?

According to the secretariat of the United Nation's Framework Convention on Climate

Change, the average temperature of the earth's surface has risen by 0.6 degrees Celsius since the late 1800s. And it is expected to increase by another 1.4 to 5.8 °C by 2100. This is a

© Dieter Telemans



Mount Kilimanjaro

rapid and profound change. The main reason for this increase in temperature is 150 years of industrialisation: the burning of oil, gasoline, and coal, the cutting of forests, and certain farming methods.

These activities have increased the amount of "greenhouse gases" in the atmosphere, especially carbon dioxide, methane and nitrous oxide. These gases occur naturally and are critical for life on earth. They keep some of the sun's

warmth from reflecting back into space, and without them the world would be a cold and barren place. But in increasing quantities, these gases are pushing up the global temperature and altering the climate.

What does this mean for Africa?

Many countries in Africa are amongst the poorest in the world. They are, therefore, extremely vulnerable to climate change, because their people are less able to adapt to change. This is due to extreme levels of poverty, poor levels of infrastructure, frequent natural disasters such as drought and floods and an agricultural system heavily dependent on rainfall. Ongoing research is trying to predict the way global warming will affect our environment. For Africa it seems that the main impact will be on water resources, food security and agriculture, and human health.

Predictions for **water resources** in sub-Saharan Africa show decreased rainfall in semi-arid and arid areas affecting levels of water in lakes and reservoirs. This could cause major problems for lake Chad, which has already decreased in size by about 50% in the last 40 years. For the Niger River Basin

Impact of climate change in West Africa

It is likely that most of dryland West Africa will become a lot dryer as a result of higher temperatures and lower rainfall levels. This will mean changes in the kinds of crops that can be grown and the southward movement of the arid and semi-arid zones. Changes to the start of the growing season and lower yield levels are also possible.

Source: Impact of Change on Drylands in West Africa by Ton Dietz, Jan Verhagen and Rueden Ruben, ICCD Project 2001.

Impact of climate change in East Africa

In East Africa the anticipated impact of climate change include:

- Decreased rainfall, increased temperature and evaporation in dry areas
- Frequent drought spells leading to severe water shortage
- Changes in the planting dates of annual crops
- Increased fungal outbreaks and insect infestations due to changes in temperature and humidity
- Decrease in forest area and areas that can be cultivated and declines in yields
- Increased risk of food shortage and famine
- Increased potential of malaria transmission and the related burden on the health care systems

Source: Adapting to Climate Change in East Africa: A Strategic Approach by Victor A Orindi and Laurel A Murray, Gatekeeper 117, 2005. IIED, London (www.iied.org)

Locusts

Locust outbreaks occur in desert/semi-arid areas of the Sahel. These are linked to climate. They typically occur when a dry period is followed by good rainfall. The effect of climate change on locust outbreaks is unpredictable. Warning and coping mechanisms, therefore, have to be ready to deal with changes in the frequency and severity of these outbreaks.

Source: Mainstreaming Adaptation to Climate Change in Least Developed Countries (LDCs) by Saleemul Huq, Atiq Rahman, Mama Konate, Youba Sonkana and Hannah Reid, 2003, IIED, London (www.iied.org)

there is a predicted 10% change in rainfall, potential evaporation and runoff.

In addition, the predicted sea level rise will seriously affect many African countries. A one metre rise could cause the loss of 92km² of land in The Gambia, flood more than 6,000 km² of land in Senegal and 2177 km² of land in Tanzania. A higher sea level could also exacerbate the flood impacts of the river Niger.

If climate change adversely affects food production, many African countries will become more dependent on external aid and **food security** will decrease. It is likely that global warming will affect the production of certain crops, such as rice, wheat, corn, beans and potatoes. Crops, such as millet, resistant to high temperatures and low levels of water may be less affected.

Reduced rainfall will affect range-fed livestock. Pastoral

livelihoods in the semi-arid zones are likely to be adversely affected because of reduced access to water and pasture, resulting in a decline in the amount of animals that these areas are able to support.

Small changes in temperature and rainfall may also affect **human health** by encouraging malaria epidemics. The Sahel could be at risk if climate change increases flooding creating further breeding grounds for mosquitoes. It is also possible that with global warming, cholera will increase in the lake regions. And meningitis transmission may also be affected by a warmer climate and reduced rainfall.

What can we do?

The effects of global warming are not entirely predictable and adapting to change requires flexibility. But African countries lack the necessary institutional, economic and financial capacity to prepare for and adapt to climate change.

Something needs to be done. The United Nations Framework Convention on Climate Change recognizes the specific needs and vulnerabilities of poor countries. It established a support programme which includes the development of National Adaptation Programmes of Action (NAPAs). These NAPAs will enhance the capacity of countries to adapt to climate change by taking into account existing coping strategies

at the grassroots level, and building upon them to identify priority activities.

Many countries, like Tanzania, Uganda and Sudan, are preparing their NAPA. But these need to be integrated into wider international, national and local policy processes. For example the Poverty Reduction Strategy Papers in these countries do not explicitly mention climate change but only make reference to the impacts of floods and drought on economic development.

Given that flexibility is vital to the ability to adapt to climate change, Governments must ensure that agriculture, and natural resource management policies support and promote this flexibility. For example, agricultural policies need to support diversity and flexibility in small holder farming so that farmers can more easily change the kinds of crops they grow or pursue other activities, such as fishing, as temperatures increase and rainfall decreases. Pastoral livelihoods will also be affected by global warming so the mechanisms governing access to grazing lands and water points need to be able to take this into account. The pastoral principle of mobility is a vital strategy, enabling pastoralist groups to adapt to changing climates.

Marginalized groups are at risk. They have limited flexibility in terms of the activities they undertake to survive and very little support if these activities become unviable. To increase their ability to adapt, policies and programmes must ensure that as the climate changes they can change the crops they grow, the grazing patterns of their animals and have other options available to them for securing their livelihoods.

For more information visit the UN Framework Convention for Climate Change website www.unfccc.int. Or contact them at P.O. Box 260124, D-53153 Bonn, Germany, telephone: (49-228) 815-1000, fax: (49-228) 815-1999

Sorghum production in Mali

Some experts predicted that by the year 2025, the average temperature rise would vary between 2.72°C and 4.51°C while the decrease in rainfall may range between 8% and 10%. The impact that this will have on sorghum production could be as follows:

- 16% decrease in yield for the Tiémantié sorghum variety (for a temperature rise of as much as 4°C; which would be equivalent to a food shortage affecting 12% of the population);
- 26% decrease in yield for the CSM388 variety, equivalent to the food ration for 44% of the region's population.

Source: Mainstreaming Adaptation to Climate Change in Least Developed Countries (LDCs) by Saleemul Huq, Atiq Rahman, Mama Konate, Youba Sonkana and Hannah Reid, 2003, IIED, London (www.iied.org)

Who controls the water?

Rural communities versus local government in North Kordofan State, Sudan

Water is central to life in arid regions of Sudan. Ownership and control over this resource is vital. In North Kordofan State, rural communities have worked hard to secure access and control over water. But this is under threat because of changes in the law.

In this part of Sudan harvesting surface runoff water is done by digging *hafirs*. *Hafirs* are artificially dug pools of about one acre in surface area and a depth of 6-8 metres which are fed from seasonal water courses. *Hafirs* are usually constructed where it is not possible to drill deep bore wells and water from these pools is used during the long dry season.

SOS Sahel International, an NGO working on community based natural resource management, has been working with communities in North Kordofan since 1989. As a result of this long partnership, NGO staff and community members built 10 *hafirs*. The communities provided labour and resources, and formed local management committees so that after construction was complete they could own and manage the water pools. In 1998, SOS Sahel, handed over formal ownership and

control over these *hafirs* to the community management committees¹.

In 2004 the Water Corporation of North Kordofan State (the local government authority responsible for water) passed a new law (ordinance or local legislation) saying that the management of *hafirs* would now come under their jurisdiction regardless of any arrangements made when they were constructed. The Water Corporation also decided to tax the use of *hafir* water. Following a ban in 2003 on taxing agricultural products, tax on water has become a major source of revenue for the State.

In Warshal village, the Water Corporation asked the community² to pay SDD100,000 (approximately US\$ 400) as arrears for drawing water from the *hafir*. A Water Corporation Officer, accompanied by a policeman, also began to visit the village to collect levies on daily water sales and to monitor activities around the *hafir*.

The management committee refused to pay this tax. They made it clear to the Water Corporation, that management and

ownership of the *hafir* was their responsibility and not that of the government. As the community refused to pay, 4 members from the committee were taken to El Obied and asked by Water Authorities to pay SDD 1,300,000 (approximately US\$ 5,000). When they refused they were put in jail for 17 days.

The case went to court.³ The court ruled in favour of the village. Their claim of ownership over the *hafir* was upheld and the 4 men were released. As an immediate reaction, the Water Corporation accepted the communities' rights of management and agreed to share income earnings from the *hafirs* on equal basis. Through its contact with SOS Sahel the community was aware of their rights regarding control over the water resource. As a result they had the courage to face up to the government and take the case to court.

Despite the victory in the Warshal village case, SOS Sahel is continuing to working with the villagers and lobby members of parliament to project the rights of local people to control and manage these *hafirs*. The NGO brought together representatives from the Water Corporation, other government branches including the judiciary, civil society organizations and NGO to discuss this problem. Recommendations from this meeting (see box 1, page 20) will be submitted to the legal reform committee.



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Watering animals at Warshal hafir

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Box 1. Recommendations

- Reinstating the clauses in Water Law 1998 which relate to community compensation for contributions to the development of water sources owned by the Water Corporation.
- When, after negotiation and agreement, the Water Corporation takes over ownership of a water resource it must commit to maintenance of the resource.
- The present water law 1998 needs to be reviewed to allow for exemptions to benefits for rural communities without emphasis on revenue for the government. This would strengthen trust between government authorities and local institutions, and preserve confidence of international donors.
- The role of beneficiary communities should not be forgotten. The government should recognize local institutions. This should be supported with new legislation that defines the role, responsibilities, relationships and co-management systems for these institutions.
- The Water Corporation should take into account the history of water sources established by other institutions. This requires new clauses in laws for appropriate management.
- Creation of links between the Water Corporation and civil society organisations to agree roles/responsibilities where there exists community ownership of rural assets. This requires capacity building and coordination in planning and implementation.

1 The village committee responsible for management of the *hafirs* levies SD 5.00 (approximately US\$ 0.02) for each tin of water taken (one barrel = 12 tins). This fee applies to all water users: villagers and pastoralists. The village committee uses this income for repairs of the *hafir* and for other services in the village such as schools and health clinics.

2 Warshal village has a population of 612. But, the actual number of people benefiting from the *hafir* is greater as it includes seasonal pastoralists.

3 The villagers sent a lawyer, with total expenses of SDD 100,000. (approx US\$ 400)

Keeping an eye on the EU-ACP negotiations

While public attention focuses on negotiations at the World Trade Organisation (WTO), other important trade negotiations remain largely unknown to the broader public. The European Union (EU) and 77 African, Caribbean and Pacific (ACP) states are negotiating Economic Partnership Agreements – without much public debate in most ACP countries. These agreements are to set the rules governing trade between the EU and ACP states. And, they will open up ACP markets to most European exports. They are likely to have important implications for producers in ACP countries.

Where did it all start?

Since 1975, relations between the EU and ACP states have been governed by four successive Lome Conventions. The aim of these treaties was to promote development in ACP states. In a nutshell, the fourth Lome Convention provides for development aid and for “non-reciprocal” trade preferences. In other words, the EU grants duty-free access to the European market for most ACP products, but ACP states are not obliged to open up their markets to EU exports. When the Lome

Conventions were negotiated, this scheme seemed very promising. However, 30 years on, its outcomes have been disappointing. In fact, many ACP countries do not seem to have benefited much from the trade preferences – their level of exports to the EU has not boomed, and their share of EU markets remains very small.

In recent years, the legality of the Lome trade regime has been questioned. The basic tenets of the Convention are inconsistent with WTO rules (see box 1).

From Lome to Cotonou

In 2000, the EU and ACP states signed a new agreement – the Cotonou Agreement – for a period of 20 years. Like the Lome conventions, the Agreement is primarily aimed at promoting development in ACP countries. It includes both financial aid and trade preferences. But the Cotonou Agreement radically changes the nature of these trade preferences, in order to make them compatible with WTO rules. Under the Agreement, the EU and ACP states are to negotiate WTO-consistent Economic Partnership Agreements (EPA). These are

Box 1. Lome Convention vs WTO

The Lome Convention grants trade preferences to some countries (the ACP States) but not to others. For this reason, it is inconsistent with one of the basic principles of the WTO – the principle of non-discrimination in trade relations. According to this principle, WTO members cannot grant trade preferences to some countries without extending them to all WTO members. Trade preferences granted to parties of a regional trade agreement need not be extended to other WTO members. But WTO rules include detailed criteria that regional groupings must meet to benefit from this exception – requirements that the Lome Convention does not meet. For instance, under WTO rules, “substantially all” the regional trade must be liberalised. Because the Lome Convention liberalises exports into the EU but not into ACP countries, it does not liberalise “substantially all” the EU-ACP trade, and cannot be considered as a free trade area under WTO rules.

expected to enter into force by 2008. They are negotiated between the EU and regional groupings of ACP states – such as ECOWAS in West Africa, CARICOM in the Caribbean, and SADC in Southern Africa. These negotiations will lead to the establishment of a free trade area between the EU and ECOWAS. To be consistent with WTO rules, the Economic Partnership Agreements will have to replace the existing “non-reciprocal” trade preferences with “reciprocal” trade liberalisation (see box 1). In other words, ACP countries will have to open up their markets to “substantially all the trade” with the EU! On the other hand, least developed countries have been granted duty-free access to EU markets for most of the exports under the EU “Everything But Arms” initiative. Those ACP countries that do not qualify as least developed countries and that do not sign up to an EPA will access EU markets under the EU “Generalised System of Preferences” – a unilateral system of trade preferences granted by the EU.

While all this may seem very confusing, its implications are very far-reaching. A country like Ghana, which does not qualify for “least developed country” treatment, will have to enter (through ECOWAS) into an EPA to maintain its existing access to EU markets – or see its market access “reduced” to the Generalised System of Preferences. Yet, being part of an EPA will also entail opening up the Ghanaian market to substantially all EU exports. This liberalisation will be “gradual” and incomplete (i.e. some asymmetries in trade liberalisation are likely to remain). But, in the main, Ghanaian producers will face much tougher competition from EU exports.

Least developed countries like Mali, Niger and Burkina Faso will also face

important dilemmas. As least developed countries, they will be able to maintain the existing non-reciprocal trade preferences under the Everything But Arms initiative. Yet this is undermined by two factors. First, unlike the Lome Convention, this initiative is not a binding international treaty giving ACP countries a “right” to market access. It is unilaterally granted by the EU, which can unilaterally modify or abandon it. Secondly, Mali, Niger and Burkina Faso are members of ECOWAS, which is negotiating a free trade agreement with the EU. And, for the reasons explained above, other ECOWAS members like Ghana have a strong interest that these negotiations are successfully completed. As a result, least developed countries may come under pressure to sign up to reciprocal Economic Partnership Agreements as well.

Aiding or trading?

In negotiating the Economic Partnership Agreements, there is a risk of losing sight of the very purpose of the EU-ACP partnership: promoting development in ACP countries – not at liberalising trade. In the logic of the EU-ACP partnership, trade is not an end in itself but a “tool” to foster development. Yet, there is a real danger that the EU may use its stronger bargaining power to lever out concessions on market access,

investment protection and intellectual property rights – not primarily aimed at promoting development.

Classical trade theory argues that trade liberalisation benefits all. Liberalisation forces producers to shift to those sectors where they have “comparative advantage”. As a result, productivity increases and everybody is better off. But the real world is often very different to theoretical models. Shifting production factors (labour, capital) from one sector to the other is often a difficult and painful process. The agricultural sector is particularly at risk, given the unfair subsidies that EU producers receive.

Policy changes of this magnitude require an informed debate in ACP countries. At the moment, the agenda is largely driven by the EU. Ongoing negotiations are taking place largely without effective civil society scrutiny. But too many livelihoods are at stake to treat this as a technical issue discussed only among negotiators. Producer associations and civil society in countries like Ghana and Mali must have a fair say on issues.

For more information, visit EPAwatch at <http://www.epawatch.net/general/start.php>.

Good governance in the River Niger basin

Those hoping for a solution to West Africa's water problems have kept a close watch on developments in the River Niger basin, particularly the creation of the *Autorité du Bassin du Niger* (ABN), a body involving all nine countries in the basin.¹ Around 42% of the population of West Africa lives along the 4,900km of water that make this the densest river system in the region. Its resources are under constant pressure from surrounding communities, and they urgently need more efficient organisation and management systems to help prevent further degradation and meet users' needs. However, despite the considerable effort invested in seeking a system of good governance for this river system, an institutional framework that will facilitate efficient management of its resources has yet to be developed. This was a key issue at the Paris summit in 2004,² which brought together all the countries concerned and highlighted the shortcomings of the mechanisms for participatory management of the river.

Ineffectual international agreements

Because the resources of the Niger basin extend across several borders, member states need to agree on how they are man-

aged. The ABN is supposed to ensure that the various agreements and legal mechanisms regulating their productive use are enforced,³ but the reality is that these legal instruments are both too numerous and too weak to be effective, with no mechanisms to ensure that member states keep to their commitments. The financial repercussions of widespread breaches of regulations are such that the 23rd session of the ABN council of ministers held in Cotonou on 10 September specifically raised the issue of member states failing to pay or falling behind with their contributions. Studies are under way so that the council can establish mechanisms to sanction defaulters, but their findings have yet to be published.

Discrepancies in national legislation

At the institutional level, work needs to be done on harmonising international agreements with the internal legislation of member states, to ensure, for example, that national water polices are in line with the master plan to develop the River Niger basin and avoid discrepancies between the two levels of river management. With several member states promoting Integrated Water Resource Management (IWRM), and intro-

ducing or designing IWRM programmes to encourage participatory and democratic water resource management, it is important that the broad outlines of the management plan for the River Niger basin are integrated into this new approach.⁴

Another constraint to the emergence of an effective legal framework is the compartmentalised and fragmented nature of internal legislation on natural resource management. This tends to mask the essential complementarity of some of the legislation and regulatory codes on water, forestry, land, etc. in place in member states. Cataloguing and harmonising these arrangements would not only help avoid contradictory legislation, but also make it easier to disseminate. This is particularly important given the need for communities in the river basin to be aware of the political and environmental issues at stake, and able to understand the legislation regulating its resources.

Weak mechanisms for participation

The high levels of local participation that are a key element of good resource governance have yet to become a reality in the River Niger basin, even though the decentralisation policies adopted by various countries are supposed to allow local people to play a more active role in their own affairs, and particularly in natural resource management. The laws that will take the decentralisation process forward may have been



© Panos

Niger basin

passed, but newly created local governments are still waiting for the full range of powers they need to become effectively involved in managing the Niger basin and its resources.

To ensure that these resources are managed more democratically, several member countries belonging to the ABN have established or are planning to set up consultative bodies composed of actors from the water sector. These basin committees and national water councils have not made much impact so far, partly because, as consultative bodies, they have

no voting rights and are therefore unable to enforce their recommendations. Nevertheless, it is to be hoped that more local people will become involved in these bodies through the decentralisation process.

Strengthening the institutional framework of the River Niger basin

Widespread concern about the ineffectiveness of the legal and institutional framework in the River Niger basin led member states to enlist the help of development support structures at a conference held in Paris on 26 April 2004. Two major programmes are now under way in the basin: the Shared Vision for Sustainable Development of the Niger basin, supported by the French Department for Development and the European Union; and the Global Environment Facility initiative to reverse land and water degradation in the River Niger basin. The first aims to implement a programme of institutional development and capacity building for the ABN, while the second seeks to increase the institutional capacities of actors at regional,

national and local levels in order to promote good management practices and good governance of water and land.

Creating an effective institutional environment through interaction between the different levels

The problems with good resource governance in the River Niger basin show that the success of this type of initiative depends as much on political factors as it does on technical and economic factors. The way forward is through cross-border co-operation built on the regional, national and local frameworks created by decentralisation, and by developing an effective institutional framework through interaction between these three levels of basin management. The success of the ongoing reforms not only depends on their capacity to reconcile these different levels of management, but also on local people becoming more involved in the management process.

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1 Mali, Burkina Faso, Niger, Nigeria, Guinea, Ivory Coast, Cameroon, Chad and Benin.

2 The Paris summit on the River Niger basin, held on 26 April 2004 under the aegis of the French President, was sanctioned by the "Shared Vision" – joint policy declaration issued by members of the ABN, which subsequently provided the departure point for a new NRM initiative in the Niger basin.

3 Following on from the Revised Agreement of 29 October 1987, regarding the creation of the Autorité du Bassin du Niger

4 In the context of this shift towards IWRM, Mali created the Agence du Bassin du Fleuve du Niger (Order of 29 March 2002), to act as an interface between the overall management plan for the basin and internal policies on water resource management.

Milking Drylands: gender networks, pastoral markets and food security in stateless Somalia

The Milking Drylands research project investigates socio-economic changes in north-eastern Somalia (Puntland). The marketing of camel milk is a developing women-led business in the area, aimed at ensuring food security, generating some income and providing a direct link between inland pastoral communities and urban areas.

Within a livelihood perspective, the social and economic processes related to camel milk commoditisation are investigated, so as to assess the relevance of existing institutions (clan, gender, Islam) on the construction of pastoral markets. Particular focus is given to the notion of local social capital and the impact it has on network functioning and transaction costs. Should conditions allow, an extension of this research to Somali regions in Ethiopia (Ogaden) and Kenya (NE provinces) would provide for comparative analysis of issues related to state control and local governance.

The Milking Drylands research is funded by the EC – Marie Curie programme and the CERES programme and is being implemented by Michele Nori in collaboration with the Rural Sociology Group of the Wageningen University (NL). For further information contact: Michele.Nori@wur.nl



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Camel milk market in Qardho, Puntland, 2002

Agrarian change, gender and land rights

Shahra Razavi (ed), UNRISD and Blackwell Publishing, Oxford, 2003

This book brings together a collection of essays on gender and land rights, drawing together thinking and experience from a wide range of researchers and countries in Africa, Asia and Latin America. Topics covered range from policy discussions about women's land rights in sub-Saharan Africa to land tenure reforms and women's interests in Tanzania; and from new prospects with respect to gender and land rights in India, to agrarian reform to rural social movements and women's land rights in Brazil.

The chapter by Ann Whitehead and Dzodzo Tsikata "Policy Discourses on Women's Land Rights in Sub-Saharan Africa: The implications of the re-turn to the customary" looks at current ideas on land tenure reform and their implications for women's interest in land. It shows that there is increasing agreement among decision makers (policy institutions, lawyers, academics) of the potential of customary systems of land tenure to meet the needs of all land users. This chapter provides a very good the implications of this growing consensus for women's land interests as customary institutions are often based on male dominated systems for making decisions.

For copies visit www.blackwellpublishing.com

Keep it in the family



In this video Awa Faly Ba of IIED Sahel argues that family farms are best for the environment social stability and sustainable harvests. *In keep it in the family* Awa travels around Senegal to discuss with farmers and policy makers the challenges and misconceptions surrounding family farming. She demonstrates that while small-scale farmers are eager to modernise, they face many obstacles, including the import of cheap rice from Asia. This video was shown as part of the Earth Report series on BBC World. The video will also be translated into French.

For further information please contact info@iied.org

PENHA 15th Anniversary Conference

Pastoralism in the Horn of Africa: Surviving against all odds
County Hall, London, UK
Thursday September 29, 2005



Keynote speakers:

Professor Asmarom Legesse – Mobile Peoples and Stationary States: Hurdles and Opportunities.

Professor John Morton – Pastoralists and Governance: Strategies for Increasing Pastoralist Representation.

Conference fee £35. For registration and further information, please contact:

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Telephone +44 (0)20 77242 0202

Restocking pastoralists: a manual of best practice and decision support tools

Claire Heffernan with Louise Nielsen and Federica Misturelli
ITDG Publishing 2004
ISBN: 1853395897

On the face of it, restocking pastoralists with livestock should be an effective way to get families who have lost their animals to drought or disease back into the social and economic fabric of pastoralism. And yet, despite it being a popular intervention among NGOs and projects, most restocking projects fail to live up to expectations.

Restocking pastoralists: a manual of best practice and decision support tools is the fruit of a two-year global study on restocking policy and practice funded by DFID's Livestock production programme in which over seven hundred restocked households were interviewed, and hundreds of documents from eighty-five restocking projects carefully analysed. Not surprisingly, the study discovered that restocking pastoralists is not as simple as it may first appear.

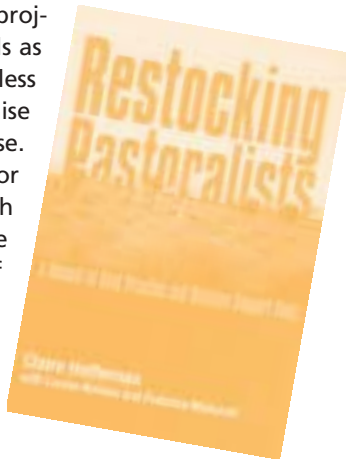
First, many projects fail adequately to clarify the intended purpose of the restocking exercise and the size of the accompanying restocking package. It is unrealistic to expect families to return to a mobile lifestyle if, for example, they are only given a handful of goats and no donkeys or camels as pack animals. Another frequent problem is the failure to follow-up initial animal health interventions when the families receive their livestock

RESOURCES

with a longer-term and sustainable animal health package. Another decision facing project planners is whether to give the animals as a gift or as a loan. Whilst the former is less complex and costly to implement it does raise issues about the sustainability of the exercise. Loaning animals on the other hand and/or requiring recipients to repay them through customary exchange mechanisms while commendable requires a large amount of monitoring and internal social capital if it is to work properly.

How best to target beneficiaries, monitor and evaluate impact, secure good quality animals, navigate multiple ownership rights and many other issues are addressed by the book, which is written in a clear and accessible language well-suited to practitioners. If you are involved in a pastoral programme, write off for your copy!

Copies can be ordered online at www.developmentbookshop.com or alternatively, details can be telephoned or faxed on the following numbers: Tel +44 (0) 1926 634501; Fax +44 (0) 1926 634502. Price £12.95 plus postage and packing – 15% UK – 20% Europe – 25% Rest of World.



Water governance – A seminar series

Water governance features prominently in international development policy making. Considerable effort has been made to develop a world water 'vision' containing key principles for better water resource management. These principles represent an international 'consensus' on water governance.

Emerging academic work criticises water policy for being narrowly based on neo-liberal principles, dominated by technical and managerial concerns and informed by limited methodologies and empirical data. NGOs and campaigning groups have questioned the privatisation focus, the neglect of environmental and ecological concerns and equity issues.

The University of Bradford, the Overseas Development Institute and World Wildlife Fund are jointly organising a seminar series enabling academics and practitioners from a variety of disciplines to critically explore key themes in water governance, assess evidence for the efficacy of policies and evaluate methodologies used in policy making. The out-

comes will inform theoretical debate, empirical research and policy initiatives across the water sector.

The series consist of five linked seminars, over the period Nov 2004 to May 2006:

Date	Title
18-19 November 2004	Seminar 1: The water consensus: identifying the gaps
1 March 2005	Seminar 2: Poverty, access and social exclusion
27-28 June 2005	Seminar 3: Politics, institutions and participation
October 2005	Seminar 4: Scarcity, vulnerability, and environmental change
February 2006	Seminar 5: Overview – beyond the consensus

Copies of papers and key resource material can be obtained from: www.bradford.ac.uk/acad/bcid/seminar/water/reference.php or you can write to the Bradford Centre for International Development, Pemberton Building, University of Bradford, Bradford, BD7 1DP, UK, tel: +44(0)1274 233 980 or email: bcid@bradford.ac.uk.



HARAMATA

is published by the
International Institute for
Environment and Development (IIED)
3 Endsleigh Street,
London WC1H 0DD, UK
Tel: +44 207 388 2117 Fax: +44 207 388 2826
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Print: Russell Press, Nottingham

Haramata gratefully acknowledges the financial support of the Ministry of Foreign Affairs, Denmark and the Norwegian Ministry of Foreign Affairs.



ISSN 0964-6973

IIED is a registered charity
Charity No. 800066



Taking a closer look: the new Issue Papers

Family and commercial farming in the Niayes area of Senegal

Issue Paper 133

What impact does the promotion of agri-business have on smallholder farmers? In the Niayes area commercial farming has developed and the expansion of peri-urban areas has created growing markets for agricultural produce.

Portraits of family farming in West Africa

Issue Paper 134

This paper shows that the stereotyped image of family farming as archaic and hide-bound is false through presenting three family farms, in Ghana, Senegal and Mali. Like the case studies presented, throughout West Africa there are many examples of small-scale producers who have established economically viable farms and who are contributing to the sustainable management of local natural resources.

Participatory evaluation and budgetary processes

Issue Paper 135

To be effective participation needs to ensure that citizens play a meaningful role in decentralisation programmes. Various methods have been developed to facilitate these processes, such as gender-sensitive approaches, citizen juries and forums for public debate, as well as tools for tracking public expenditure, the national budget, participatory budgeting, participatory monitoring of public programme performance etc. This paper draws on experience using participatory budgeting in Fissel and Ndiagianiao, two rural municipalities in Senegal.

Land in Africa: market asset or secure livelihood?

Issue paper 136

African ministers, policy makers, opinion leaders and researchers concerned with land issues gathered in London with international agencies and experts for Land in Africa, a two-day conference in November 2004, to explore current thinking and experience with land tenure issues. Participants debated how land policies and programmes for land management can best promote secure rights, investment and economic growth. This document highlights the findings and key policy messages emerging from the conference.

Lessons learned from conflict management work in the Karamojong Cluster

Issue paper 137

This paper documents the changes that have taken place during the lifetime of the conflict management work in the Karamojong Cluster undertaken by the Interafrican Bureau for Animal Resources (AU/IBAR), a specialised technical agency of the African Union's Directorate for Rural Economy and Agriculture which supports and improves animal health and production in Africa. This paper contributes to debates among the peace building community in the region and more widely.

Copies of the Issue Papers published by IIED's Drylands Programme are downloadable on www.iied.org/drylands or copies available to order at www.earthprint.com.