

**LAND DISPUTES BETWEEN VILLAGES IN THE
HIGHLAND OF ERITREA: THE CASE
OF GUAQUAT AND GEDDELE VILLAGES**

By

HABTEAB W. GHEBREAB

August 2004

Submitted in partial fulfillment of the requirement for the degree of Master in social science
in the Faculty of Human Science, University of KwaZulu-Natal, Durban.

Declaration

I, Habteab Werede, declare that this thesis is my own work. Any work done by other persons has been properly acknowledged. This thesis has been submitted in the Department of Sociology in the Faculty of Human Science at the University of KwaZulu-Natal, Durban.

Abstract

This thesis is an examination into the problem of land disputes between villages in the highland (kebessa) area of Eritrea. Through a case study of the dispute between the villages of Guaquat and Goddele, which are located in the district of Mereta Keih, Southern Zone, this study explores the causes, nature and consequences of land disputes and the mechanisms by which they are settled. It interprets the land dispute by placing it within its historical, social, and political contexts and in the land tenure systems in the area, establishing the complex nature of the case study in particular and land disputes in the highland in general. In this area of the country, where the society is made up of settled peasant cultivators, the village is the basic land owning-community in which land is communally owned. For almost all of rural Eritreans land remains the sole means of subsistence, hence the means of life. Yet, over the decades, because of high population density land resource became extremely scarce. As a result land became a source of competition and struggle for existence. It is a kind of property that must be jealously defended. While scarcity of land is the underlying cause of land disputes, other immediate causal factors have been identified, which result from tenural arrangements, unclear boundaries between villages, trespassing, etc. The disputes manifest themselves through endless litigation processes and with clashes between disputant villages. The long-established permanent village settlements, which go back for centuries, created a strong and inextricable link between land and communities. Land is, thus, a source of dignity and identity. Over the years this strong link between land and society intensified people's attachment to land, which in turn resulted in the development of significant social and cultural value to land. All these factors added fuel to the struggle for the vital resource of land. The study also shows that the new land proclamation, which puts land in the hands of the state, cannot eliminate land disputes between communities to the extent is expected, but, rather adds another dimension to the problem of land disputes.

Acknowledgement

I would like to express my greatest appreciation to my supervisor Professor Gerhard Maré for his genuine and constructive guidance. His interest in my research topic added force to my enthusiasm in doing this work. I am grateful to have been supervised by him. Many people have participated in this study through interviews and material provision. My particular thanks go to the people of Mereta Keih. I am especially beholden to the people of Guaquat and Geddele villages without whose support this research could not have been written. I am grateful to all individuals, government officials and comrades who volunteered to interviews and who provided me with important materials and information. Special thanks to the Human Resources Development Project, University of Asmara, for offering me this scholarship for study abroad. My gratitude also goes to my sisters and brothers who have encouraged me throughout my academic life.

Table of content	Page
Abstract	i
Acknowledgement	ii
CHAPTER ONE.....	1
1. Introduction.....	1
1.1 Introduction.....	1
1.2 Objectives of the study.....	5
1.3 The case study.....	5
1.4 Ethical considerations.....	6
1.5 Structure of the dissertation.....	7
1.6 Limitations of the Study.....	8
CHAPTER TWO.....	10
2. Research Methods and Methodology.....	10
2.1 Introduction.....	10
2.2 Methodology versus method.....	10
2.3 Nature of the study and methodological justification.....	11
2.4 Ethnography as a method of social inquiry.....	13
2.5 Research strategies.....	15
2.6 Interviews.....	22
2.6.1 Interview techniques and processes.....	24
CHAPTER THREE.....	28
3. Ethnographic Setting.....	28
3.1 Geographical location of the villages.....	28
3.2 The people.....	30
3.3.1 The origin and kinship relationship of the people.....	30
3.3.2 The villages as communities.....	34
3.3.3 The livelihood of the people.....	36
CHAPTER FOUR.....	39
4. Historical Development of Land Tenure Systems in Kebessa Eritrea.....	39
4.1 Introduction.....	39
4.2 What is land?.....	40
4.3 Indigenous land tenure systems.....	42
4.3.1 Family ownership of land.....	44
4.3.1.1 Family ownership of land in Mereta Keih.....	47
4.3.2 Church land.....	49
4.3.3 The <i>diessa/ shehna</i> land tenure system and its origin.....	51
4.3.3.1 The process of land distribution and rights in the diessa system.....	53
4.3.3.2 The origin of the <i>shehna/ diessa</i> land system.....	59
4.4 The attitude of the people towards their land.....	64
4.5 Intrusions and reform acts on customary land tenure systems.....	67
4.5.1 Land under foreign rule.....	67
4.5.2 The state land proclamation.....	72
CHAPTER FIVE.....	77
5. Land Disputes.....	77
5.1 Theoretical framework.....	78
5.1.1 Conflict.....	78
5.2 Land conflicts.....	81

5.3 Land disputes in historical perspective	89
5.4 Causes and nature of land disputes.....	96
CHAPTER SIX.....	105
6. The Land Dispute Between Guaquat and Geddele Villages	105
6.1 Introduction.....	105
6.2 General background	106
6.2.1 The controversies of the land of the seven Mereta	106
6.2.2 The land of Saint Georgis Church.....	113
6.3 Cause of the dispute	114
6.4 The incident of August 1975.....	121
6.5 The consequence of the dispute	124
CHAPTER SEVEN	127
7. Resolution of The Dispute.....	127
7.1 Traditional land conflict management.....	127
7.2 The Reconciliation of 1998.....	134
7.3 Comparative Assessment	140
CHAPTER EIGHT	147
8. Conclusion and Recommendations.....	147
8.1 Conclusion	147
8.2 Recommendations	153
Bibliography	155

Appendix

Glossary

Maps

CHAPTER ONE

1. Introduction

1.1 Introduction

This research study takes up the problem of land disputes between villages in the highland (kebessa) area of Eritrea. In this area of the country, land disputes between villages have been a serious problem for the rural community throughout the last century. Some of these long-lasting disputes led to violence and armed clashes, which took lives. Many properties were destroyed. People of villages that engaged in such disputes were under continuous threat of disturbance. These sites of conflict remained unresolved for many years. Indeed, some disputes remained unresolved for more than a century. The land dispute case studied in this paper, between the villages of Guaquat and Geddele, lasted for more than half a century. Such incidents of land conflicts in the highland have their roots in the history of the land, the people and the way they organize themselves, and the way they control and manage their land and other resources they are endowed with.

In the context of the rural agrarian society, land is the most important asset. It can be said that almost all socio-economic and political aspects of Eritrean rural society are determined by, or somehow related to land possession. Kinship is a critical factor in determining individual or group land inheritance, possession and entitlement. In this area, the most important, effectively organized social unit is the village community where clearly defined communal territory of land is the crucial organizing factor for this agrarian and considerably egalitarian society. Within this context various customary land tenure systems were developed over time. These institutionalized landholding systems have regulated land allocation in the different parts of the highlands. While these tenure systems have played a significant role in equitable distribution of land among members of a community and maintaining social stability, they could not, however, keep the society free from conflict as population pressure increased and land resources became scarce. Throughout the history of the country, there were many interventions and land reform acts to these customary land tenure systems by different colonial regimes, and now by the Eritrean government. In this study it will be argued,

however, that the contribution of these acts for more equitable allocation and effective use of land by the rural poor communities was small. Rather, their negative implications towards creating ambiguity of ownership and contributing to land shortage, hence to land disputes, were more significant.

The rural population of Eritrea makes up about 80% of the total population of the country. The area of greatest population density is the highland plateau. If we add estimates of the populations of the highland *awrajas* (provinces), namely Hamasien, Seraye and Akeleguzay, we arrive at a figure of around 1,259,000 for the population of the highlands as a whole. Over the last century there has been a tremendous increase in population numbers. The population density in Eritrea increased from 1.5 to 21.7 persons per sq km in nine decades, i.e. from 1893 up to 1984 (Wudassie Yohannes, 1991: 3). This leads not only to land scarcity but also to over-cultivation and overgrazing, hence land degradation, which implies low productivity. We can easily imagine how serious the problem is when we consider the fact that this population is predominantly made up of peasant cultivators. Thus, the scarcity of land, this sole economic means for the majority of the rural communities, coupled with increasing population growth rate, led to incessant struggle and competition over land.

Such a situation, quite often led people to try to acquire extra land either by legitimate or illegitimate means, often at the expense of others. Expanding their territory by pushing boundaries, conquering others' land, became frequent. This would result in serious disputes and/or confrontation with other people. Thus land disputes in the rural *kebessa*, have long been socially disruptive phenomena. Historically, most of the village communities in the highland must have been experiencing some kind of land disputes at a certain point in time. Land and the right of access to it, is of great importance to the villagers. The different rights of ownership, interwoven with kinship identities and organizational structures of the society, intensified the struggle for land possession, hence land disputes. One of the reasons for issuing the new land proclamation was this increasing frequency of land disputes. The gradual development of land ownership and boundaries between villages did not follow definite rules and this also contributed to land disputes. At this moment, most land disputes between villages happen when two communities make claims to the same area of land and/or

when they disagree on the boundary line between them. Once two village communities have been locked in land dispute, most of the time, cases were brought to courts or administrative offices. But resolving disputes remained challenging, and quite often court decisions were not respected by the disputants. Hence, many land dispute cases lasted for decades.

Conflict between communities is one of the worst human phenomena that hurt moral values, human dignity, and it affects the whole life of the communities involved. And when the cause is land, it becomes tense, as land is not only one of the most precious properties but also the means of life. Therefore, from a humanistic point of view, conflicts between human societies should be kept to the minimum as far as possible. The Eritrean people wish to achieve *peace*, as they suffered a lot from external and internal conflicts caused by land, at the national and local levels.

Although, after independence, the government has declared state land in 1994 (which puts all land under state control and gives citizens the right to use land under the rules and regulations set by the government), clashes over land that takes lives and causes property damage have continued. An example of this is the clash between Teroa Bet Sereha and Tsinadegle peoples on 18 June 1994. Many people would humbly say that, once the government proclaimed all land as state land, there would not be conflict over land. But the matter is not as simple as that. No community would withdraw from its long-lasting claim and dispute over certain land by mere state land declaration. This is because the people's feeling of control of the land and their strong attachment to it cannot be dismantled overnight. So this misunderstanding should be cleared and land disputes between communities should be considered seriously.

Despite the fact that land disputes between villages have long been a big problem for the rural communities in the highland of Eritrea it received little attention from scholars, and only a very limited number of field studies have been conducted in Eritrea. This is mainly due to the protracted liberation war. Even land tenure generally, as a subject of investigation, occupies not more than chapters in books, or articles and papers. Very few written accounts have mentioned the problem, and then have mentioned it inadequately. For example, Nadel said, "The term collective dispute was never clearly defined. It can be made to embrace disputes

between *endas* as well as between whole village communities or tribes” (1946: 99). This statement was made almost six decades ago, nevertheless, to my knowledge, there are only two field studies about land tenure systems in the Eritrean highland other than Nadel’s work. These are: *Land Tenure in Eritrea* by Ambaye Zekarias (1966) and ‘Report on Land Tenure Survey of Eritrea Province’, Department of Land Tenure (DLT), Addis Ababa, September (1970). In the latter study, Chapter Four talks about land disputes in Eritrea, but less emphasis was given to collective land disputes (which includes disputes between villages) and it discusses the collective dispute in only a few paragraphs.

Although after independence, especially since 1994, there is an increasing interest among scholars in land issues, the emphasis is limited to commenting on the new land proclamation of the state and assessing its potential impact. To my knowledge, this research presented here is the first attempt to investigate the problem of collective land disputes in this area, or anywhere else in the country for that matter. Anthropologist Nadel’s (1946) analysis of the issue of land and land disputes in the Eritrean highland plateau was one of the earliest scholarly works, but in the area of land disputes he emphasizes the legal processes of land dispute rather than the origins or causes of land disputes. Because of this lack of literature, therefore, only superficial understanding of the relationship between people and land and the nature and underlying causes of land conflicts in the plateau exist.

Thus, this study is aimed at examining the nature, cause and consequences of land disputes, and the mechanisms by which they are resolved in the highland area of Eritrea. This needs socially and historically contextualizing land disputes between villages. Socioeconomic, historical and political contexts and land tenure systems determine the kind and nature of land disputes. This, however, implies that, in order to study and understand land disputes in kebesa, many related subject areas of studies that are broad in their own establishments, yet relevant to the issue in hand, like land tenure systems, land reform under different regimes throughout the vast history of the country and socioeconomic conditions like kinship structures and livelihood of the people, need to be considered, which tend to expand the dissertation beyond the feasible size and scope. Thus, it should be noted from the outset that such issues will be looked at to a limited extent, and then primarily in terms of their relevance

and significance for explaining and understanding different aspects of land disputes.

1.2 Objectives of the study

The main objectives of this study are the following:

- a. to assess the ethnographic setting of the villages of the case study with emphasis on the villages' geographical location, the kinship relationship of the people and their means of livelihood;
- b. to identify and describe the various landholding systems and their developments in kebessa in general and in the area of the case study in particular;
- c. to examine the relationship between land and people and the social and cultural significance of land;
- d. to explore the causes, nature and consequences of land disputes with emphasis on the case study;
- e. to assess past and present mechanisms of land conflict management and the process by which the case was settled;
- f. to see challenges to effective land dispute settlements;
- g. To examine the effect of the state Land Proclamation No. 58/1994 to land dispute resolution;
- h. to increase the awareness of land policy makers in order to help them see the problem of land from a broader perspective, rather than merely land productivity;
- i. to motivate others to study problems related to land issue.

By exploring and assessing these issues, this study hopes to contribute towards a greater understanding of issues related to land in general and the problem of land disputes between villages in particular and to open debate.

1.3 The case study

In order to examine the problem empirically, the researcher has chosen to approach the issue by taking one case study, the land dispute case between Guaquat and Geddele villages. The

villages are located in the southern highland, and in the northern part of former Akele Guzay Province, Mereta Keih District. This dispute was settled in 1998 after half a century from its start through the initiatives and efforts of local community members and the support of district administrative officers.

This specific case was chosen for the following reasons: first it was long-lasting; second, throughout the history of the dispute between these two villages, there were incidents or clashes which took lives; third, though it was brought to courts many times and there were trials for reconciling the two village communities, all these were unsuccessful until 1998; and, finally, since it was settled I will be able to examine the whole story of the case from its origin to its settlement. All these aspects indicate that the land dispute case between Guaquat and Geddele villages was very serious and typical of land dispute cases in the highland area of the country.

1.4 Ethical considerations

In social research some of the primary ethical issues are that the research result must not have any element that can negatively affect those being studied at least not without their knowledge and agreement, and respondents need to agree on the basis of informed decision to participate in the research. This means that they must be fully aware of how the researcher is going to use the interview and document data in the research. One of the questions that came to my mind while I was conducting the interviews, however, is that, does it mean that getting the consent of the participants is a green light for the researcher to utilize any data/ information he/ she may get from the interviewees? In my opinion this should not always be the case. The researcher also has the responsibility to protect those whom he/ she is studying from any adverse effects that may come from the information they give, the implications of which they are not (or might not be) aware of. This mainly depends on the degree of sensitivity of the data/ information or the research topic in general. This issue is particularly important in dispute case studies like this research project.

Thus, in this particular land dispute case study the main ethical concern comes from the nature of the research and sensitivity of the topic. This land dispute case, as we will see in Chapter Seven, although it is settled, is perceived by the researcher as not yet a decisively closed case: while the process of settlement puts aside the question of the disputed land, the quarrel between the two communities remains. This is why I prefer to say it is settled, rather than resolved. Therefore, I suspect that at a certain time the case may possibly be re-opened, especially when there is land policy change. Thus, the researcher needs to be careful that, if this is the case, there may not be any statement in the dissertation which can potentially be used as evidence by either party in their arguments. Although almost all of my informants were vigilant on the kind of information they gave, throughout the interview-conversation in some cases there were points that they indirectly or unconsciously exposed which contradicts what they may wish to argue under different circumstances. Thus, the researcher is morally obliged to suppress some of those sensitive data/ information (which I would use, say if I were a judge who is investigating the case) elicited in the interviews which contribute to the refutation of either party's arguments, though they may still be important for interpretation and analysis. This is one of the reasons that make the research less analytic and more exploratory and descriptive with regard to the case study. Therefore, from an ethical point of view, to a great extent, at least at this moment, the nature of the case study requires a great deal of vigilance, neutrality and impartiality of the researcher.

1.5 Structure of the dissertation.

This paper will be divided into eight chapters. Chapter Two discusses the methods and methodology that are relevant to this study in a broader sense, and the specific data collection methods employed in this research project. The third chapter gives an ethnographic setting of the case study of the research project. As the case study is of two villages of the same district, it is important to see the context of the dispute at the district level, but particular attention will be given to the two village communities and their relationships. Their geographic location, kinship relations and economic life of the people will be briefly discussed. Chapter Four focuses on the development of different land tenure systems in kebesa in general as it gives specific attention to the area of the case study. In addition land reform acts by different

regimes in different times will be briefly discussed. The attitude of the people towards their land and their attachment to it, and the economic, cultural and social significance of land to human society will also be assessed. Thereafter, Chapter Five takes up the main issue of this study - land disputes. This chapter sets the theoretical framework of the research. It mainly draws from a material basis for the explanation of conflict. Then some literature on land conflict, mainly on the continent of Africa, will be briefly referred to. In the same chapter we then move to the Eritrean context. Some of the main causes and nature of land disputes in the highland of Eritrea will be explored.

Chapter Six presents the case study of this research. A detailed account on the land dispute between Gwaquat and Geddele will be given. In Chapter Seven the process of the settlement of the dispute will be assessed. Customary mechanisms of land dispute resolutions will also be discussed. In this chapter I will make a comparative assessment of the settlement by discussing the settlement of a land dispute between Tsenadegle and Teroa Bet Serah. Finally, in Chapter Eight a conclusion and some important recommendations will be given.

1.6 Limitations of the Study

One of the main limitations in undertaking this research is the lack of adequate literature on land disputes in Eritrea that could serve as a starting point or reference model in exploring the problem, and/ or support to or contrast to the findings. Mainly because of the political instability of the country throughout the decades, in most areas of study, including issues related to land, research in Eritrea is still in its infancy stage. This is one challenge, especially to novice researchers like the current author. Nevertheless, given this lack of attention to the issue of concern here, this study attempts to provide an exploratory account of land disputes between villages in the Eritrean plateau. Another problem related to the case study was that, because of the absence of written records, it was difficult to establish the accurate chronology of events in the dispute, except for major historical events. The interviewees most of the time would speak only in terms of periods of time with reference to different regimes throughout the history of the country. The only well-documented part of the dispute is the process of the

settlement of the dispute in 1998. The other challenge in writing this research is financial constraints. Since the beginning of this year, that is, 2004, this study has been without any financial support because the government fund for the study was completely stopped in December 2003. Such a burden is huge, especially for foreign students. The researcher, however, believes that the effect of the financial problem, to a greater extent, is limited to the delay of the completion of this work and the difficulties he passed through in writing this dissertation, but not to the final outcome of the work.

CHAPTER TWO

2. Research Methods and Methodology

2.1 Introduction

This chapter discusses the data collection methods used, the methodological grounds on which they are based, and justification for using them. Interviews and document studies are the primary sources of data in this study. Except in the general discussions on land tenure in the Eritrean plateau and conflict theory, in which I referred books and article, in the case study mainly primary data are used. The research makes use of only qualitative data, which makes the study a qualitative research project. A widely used qualitative field research method is ethnography. Since this study makes use of ethnographic research methods, ethnography is the methodological home area of the research project. I, therefore, first provide justification for using this research method with reference to the nature of the research problem and research design.

Choosing appropriate research methods and strategies must be based on informed understanding and knowledge of the methods and the methodological reasoning that underpins them – the philosophical dimension of the methods. Thereafter, we will look at some specific research strategies most relevant to this study. Then I will discuss the interview process of data gathering as used in this study. Not merely the data which are gathered through interviews but the interview itself as a process of data elicitation, including all the circumstantial conditions surrounding it, must also be a subject of analysis. This will be briefly highlighted. Before proceeding to these discussions, however, it is important to give a brief clarification of the concepts of *method* and *methodology* in social research.

2.2 Methodology versus method

Although the terms *method* and *methodology* are related concepts they must be distinguished. Methods have been referred to as the techniques or procedures of data gathering in research while methodology to the sciences or philosophy of research processes. The distinguished

sociologist C. Wright Mills made the distinction between method and methodology in defining them many years ago. As he put it, “Methods are the procedures used by men [sic] trying to understand or explain something. Methodology is a study of methods; it offers theories about what men are doing when they are at work at their studies. Since there are many methods, methodology tends necessarily to be rather general in character and, accordingly, does not usually – although of course it may – provide specific procedures for man at study” (1959: 57).

Methodology shapes the overall research process including the findings. Most recently Henning also defines the concepts similarly by emphasizing the issue of coherence. “The term ‘method’ denotes a way of doing something (one thing). Methodology refers to the coherent group of methods that complement one another and that have the ‘goodness of fit’ to deliver data and findings that will reflect the research question and suit the research purpose” (Henning, 2004: 36). Henning, thus, argues that methodology must be more than a collection of methods for it must include the methodological reasoning and values of the methods in a specific research. This is important because research findings should be judged not only in terms of their validity but also in terms of the methods and methodology used in the research, and also the validity of the methods themselves. Thus it is important to distinguish the distinction between the concepts and their use when discussing methods or methodologies and the underlying philosophies behind them.

2.3 Nature of the study and methodological justification

Basically, choosing appropriate research methods in social inquiry is mainly determined by the nature of the research problem and the aims of the study. Aims and objectives of a specific study map onto what is needed to be known about the problem or phenomenon under investigation and what kinds of information/data are required in order to achieve that knowledge. Therefore, in decision-making on which methods to utilize, the researcher must have adequate epistemological knowledge of the method and its values to the specific research project. Moreover, he/ she should be aware of the strengths and limitations of those particular methods. Accordingly, in this study an in-depth and detailed understanding of the

land dispute case, and general overview of the phenomenon as a problem in its specific context, is needed. This makes qualitative research methods more suitable for the study. As Merriam and Simpson have described, "the overall purposes of qualitative research are to achieve an understanding of how people make sense out of their lives (rather than the outcome or product), of meaning-making, and to describe how people interpret what they experience" (1995: 98).

The nature of this study is exploratory and descriptive as no study of this kind has been conducted in the Eritrean highland previously. The study also has interpretive and investigative features. It is based on a case study which focuses attention on one social phenomenon, a bounded system, that is, land dispute between two villages. Merriam and Simpson define a case study as "an intensive description and analysis of a phenomenon or social unit such as an individual, group, institution or community" (1995: 110). The chief purpose of this study was to give a holistic description and investigation of the dispute case, which makes use of detailed narratives of key informants.

As indicated above, primary data are sought from two main sources: interviews, unstructured and semi-structured, and documents. Interviewing, artefact and document studies, and observation are the basic methods of data collection in qualitative research. In qualitative research the data and/ information sought from documents and artifacts are expressed in words. Since ethnography is a typical qualitative field research method these are also the basic components of ethnographic methods. In order to gain more insight into the causes and nature of land disputes I also conducted a brief document study, specifically files of land disputes in courts and documentation centres.

In its original meaning ethnography is a study of a cultural group. But because of its ability to provide what anthropologist Geertz (1973: 6-7), referring to the philosopher Gilbert Ryle, called "thick description", its approach has been widely used even in more specific research topics. In order holistically to deal with and grasp all the relevant issues to contextualize and understand the problem I also used an ethnographic approach. Thus it is important to have a look at the ethnographic method as a tool of social research in the following discussion, with

an emphasis on its critics and scrutiny, rather than what is ethnography or how we do it.

2.4 Ethnography as a method of social inquiry

Ethnography is a research process in which the ethnographer closely observes, records, and engages in the daily life of a specific cultural or social group – an experience labelled as the fieldwork method – and then writes accounts or a study of the way of life of this group of people. Harry Wolcott describes an ethnography as the study of “the way of life of an identifiable group of people” (quoted in Henning, 2004: 42). Originally, the ethnographic field research method was developed in the discipline of anthropology as a way of studying and describing ‘other’ cultures and societies, but with inadequate conceptualization and consistency in usage. As Rosaldo, in his criticism of the old genre of ethnography put it, “The product of the Lone ethnographer’s labors, the ethnography, appeared to be a transparent medium. It portrayed a ‘culture’ sufficiently frozen to be an object of ‘scientific’ knowledges” (1993: 31).

This traditional model of ethnography continued until the 1980s without significant criticisms or questioning. This is one of the problems with social researches that, once certain methods or approaches are established, they last for long without further scrutiny other than the creation of opposing views that lead to polarized dichotomies as in the cases of deductive versus inductive, qualitative versus quantitative, and sometimes they are applied indiscriminately to different social problems or phenomena as they are assumed as standard or universally accepted professional criteria of researchers. But the thing is that a social phenomenon or a problem is never ‘created’ to fit into such approaches and methods of research frameworks.

In 1986 anthropologists James Clifford and George Marcus edited a book entitled *Writing Culture: the poetics and politics of ethnography*. This book offered a new radical criticism of the old approach of ethnography which showed that the old model was largely delusional in that it misrepresents cultural studies. Later critiques, inspired mainly by this book, each came with its own emphasis on issues of ethnography – previously neglected or poorly treated. For

example, John van Maanen (1988) is concerned with the narrative and rhetorical conventions surrounding ethnography; Emerson, Fretz and Shaw (1995) insist on the importance of the writing of fieldnotes, arguing that it was neglected by the previous critics; Marc Augé (1994) examines the problem of the exotic distance from the 'other' or the process of naturalization of the others and their culture in ethnographic writing. Now it can be said that ethnographic method not only is a tool for cultural or social investigation, but the method itself is a subject of continuous examination and scrutiny. This helps to improve the quality and validity of ethnographic accounts.

But there is also an inherent problem with the professional ethnographer. His/her academic backgrounds could not provide him/her with all the tools and procedures that are appropriate to the specific social setting, or situation in those particular circumstances being researched. Social phenomena are often far more complex and interwoven than the theories, hypotheses, assumptions and perceptions suggest. Therefore, the ethnographer, in the first place, must be an active learner of the different lives or social phenomena that he/she is studying. But as Agar put it, "...the way the [ethnographer] learns it still involves the paradox of professional distance and personal involvement..." (1996: 7). Augé (1994: 24) also notes the risk involved in confusing our empirical and intellectual objects. Ethnography is a highly personal and imaginative vehicle (Marcus and Fischer, 1986; Van Maanen, 1988). As Goffman insists, field research involves "subjecting yourself, your own body and your own personality, and your own social situation, to the set of contingencies that play upon a set of individuals, so that you can physically and ecologically penetrate their circle of responses to their social situation, or their work situation, or their ethnic situation" (quoted in Emerson et al, 1995: 2). Therefore ethnographic methods depend on the personal quality of the researcher.

Nevertheless, despite the above limitations and requirements and, of course, many others, ethnographic method is one of the most important tools of social analysis. It enables researchers rigorously to provide deep insights into the subjects of the research. This is revealed by the increasing and broad interest in ethnographic methods outside anthropology. Now ethnographic methods are used not merely to study cultures or traditional societies, but also to investigate, analyse and explain complex social phenomena, social groups,

organizations, etc, in the contemporary modern and postmodern world. And indeed many research projects which employed ethnographic approaches have come out with fascinating findings. The above critiques are rather meant to strengthen and increase the validity of the method.

Thus, a researcher makes use of an ethnographic approach in his/ her research problem, in order to make an in-depth and detailed analysis of a way of life of a certain social group or a phenomenon by establishing intimate social and physical proximity through participant observation and extensive interviewing. By using an ethnographic approach, the researcher is enabled to contextualize the research problem in its historical, political, economic and social settings, so that he/she can represent the social reality that reflects the complex empirical world of those studied. In other words, "...ethnography is not just about shared knowledge; rather, it's about the practices of everyday life, the way those practices are built out of shared knowledge, plus all the other things that are relevant to the moment" (Agar, 1996: 11). But usually it is not easy to comprehend and determine all the things relevant to ethnographic accounts. Furthermore, the rapidly changing world is also a big challenge that the ethnographer must consider. Thus, as many ethnographers would acknowledge, ethnography is also partial, although the comprehensiveness of the research varies depending on the research designs and strategies. Now let us see some specific research strategies related to ethnographic methods.

2.5 Research strategies

Some sources of debates surrounding ethnographic methods are related to deductive-inductive and qualitative-quantitative dichotomous approaches. An inductive research approach is a strategy which starts with the collection of data from which generalizations can be confirmed; while, in contrast, the deductive approach begins with some regularities that have been observed and then proceeds to gather and analyse data in order to provide an explanation for the regularity. A typical connotation of deductive method is hypothesis-testing. Some efforts are made towards bridging the gap between these dichotomies. Agar (1996: 35) argues that in both deductive and inductive cases the research system is closed with reference to the

theoretical system, by asserting that deduction is related to deriving hypotheses from theoretical propositions, while induction is about fitting found data to the propositions in a theoretical system. But, especially in the latter case, I would say that, the contribution of an inductive strategy may not necessarily be limited to the service of already existent propositions of theoretical systems. Rather, depending on the scope of the research, it may sometimes come out with a new propositions and new theoretical system(s). Ethnography is long recognized as a significant approach for the development of a grounded theory. Moreover, applying both strategies in the same research is also not precluded. Some writers, for example Wallace (quoted in Blaikie, 2000: 157), argues that the deductive and inductive approaches should be combined in an ongoing cyclic way.

Agar then introduced a new term, *abduction*, which he borrowed from Charles Peirce, and describes it as “a research logic that features the development of new theoretical propositions to account for material that the old propositions didn’t map onto” (1996: 35). In his rejection of the previous two approaches Agar seems to reach an extreme conclusion of “No abduction, no ethnography” (1996: 40). Norman Blaikie (2000) in his own way also adds one more term, *retroduction*, which he described as a research strategy that “starts with an observed regularity [as in the case of deductive strategy] but seeks a different type of explanation” (2000: 25) because the purpose is to give an explanation of “the real underlying structure or mechanism that is responsible for producing the observed regularities” (Blaikie, 2000: 25). Indeed, Blaikie offers a good deal of discussion on all of these four research strategies as he relates them to corresponding theories and types of research questions they attempt to answer.

While the deductive and inductive approaches are commonly discussed in texts and seminars, the retroductive and abductive approaches are relatively new in the debate, hence it is worth adding some points in the paragraphs below. But I will give attention only to the abductive strategy for two reasons. First of all the research approach in this study is located in the domain of this research strategy. It is to be noted that each one of these research strategies is not a single coherent method; they have varieties of versions. Second, I wish to add some highlights on some incorrect ontological and epistemological assumptions of this research approach, based on Blaikie’s discussion.

As Blaikie and Agar note, abductive research strategy has a different logic from the other three that we have seen above. The main feature that makes this approach distinct from the rest is that it does not start with any theory or observation of regularity of any kind, but from the phenomena or reality to be investigated. Robert K. Yin, referring to several writers, identifies two conditions that qualitative research seeks to satisfy when it uses ethnographic methods: first, “the use of close-up, detailed observation of the natural world by the investigator”; and, second, “the attempt to avoid prior commitment to any theoretical model” (2003: 14). We have already touched on the first point in the above discussion; our main concern here is with the second point. Blaikie consistently describes the idea of abduction as the “... process used to generate social scientific accounts from social actors’ accounts; for deriving technical concepts and theories from lay concepts and interpretations of social life” (Blaikie, 2000: 114). The abductive strategy is to produce understanding based on ‘thick’ descriptions that have been derived from everyday accounts. For this reason Blaikie, noting that abduction comes in many versions and, associating it with hermeneutics and social phenomenology, he locates it within various branches of interpretivism (Blaikie, 2000: 101). Hermeneutic tradition is characterized by a rich interpretivist social science.

Interpretivism is a powerful tool of investigation when we deal with social agents and try to uncover their ways of doing things, and beliefs and assumptions from their own point of view. “For interpretivism, the social world is the world interpreted and experienced by its members, from the ‘inside’. Hence, the task of the Interpretive social scientist is to discover and describe this ‘insider’ view, not to impose an ‘outsider’ view on it” (Blaikie, 2000: 115), because it is believed that this can only be discovered from the accounts which social actors provide. According to the logic of abductive research strategy, as Blaikie clearly put it, “The starting-point is the social world of the social actors being investigated: their construction of reality, their way of conceptualizing and giving meanings to their social world, their tacit knowledge” (Blaikie, 2000: 25). This standpoint entails the ontological and epistemological assumptions of the abductive approach. Ontologically social reality is viewed as the social construction of social agents that does not have existence independent of their social activities; and epistemologically, “social scientific knowledge as being derived from everyday

concepts and meanings, from socially constructed mutual knowledge” (Blaikie, 2000: 115-16). This makes abductive research strategy peculiar to the social sciences, unlike the other three strategies which are said to be applicable to both natural and social science by their proponents, according to Blaikie.

Now we can see that social reality is said to be essentially meaningful in the sense that it is what it is by virtue of the sense it has for those who live in it. Thus, interpretivists recommend us not to impose our own ‘outsider’ view on the social world we study, but to immerse ourselves in it so as to produce ‘meaningful knowledge’ of social life. While discovering the self-understanding and systems of meanings of social actors or societies is a great achievement of interpretivism, however, it fails to move forward social science inquiry beyond grasping the way of understanding of social agents and their meaningful actions and practices. Interpretivists acknowledge that social agents or actors may sometimes undertake their activities in an unreflective manner because of the fact that a large part of human social life activity is taken-for-granted, so that they may be unaware of some conditions of their lives. In order to overcome this problem interpretivists propose that social scientists design what Blaikie, referring to the work of Schütz, called “second order construct” driven by selecting “from the activities and meanings of everyday life those considered to be relevant to the purpose at hand, and to construct models of the social world – typical social actors with typical motives and typical courses of actions in typical situations” (Blaikie, 2000: 117). They mistakenly hope that full social scientific accounts can be achieved by re-describing such typifications of ideal actors and situations in society. Brian Fay correctly observes this: “Interpretivists desire to learn not what actual agents know but what a fully-knowledgeable agent would be able to provide if there were such a person” (1996: 127). In fact Fay puts forward a lucid argument against the misassumptions and limitations of interpretivism in his book *Contemporary philosophy of social science* (1996), specifically Chapter Six, ‘Must we comprehend others in their own terms?’, to which I refer in this discussion.

But can’t social actors sometimes systematically misunderstand and misinterpret their own reality? Interpretivists are so reluctant to acknowledge that, far more than those taken-for-granted dimension of the everyday routines, human life, quite often, is also full of ignorance,

illusion, confusion, misunderstanding, unwarranted beliefs and pursuits of unrealistic ends, which “may derive from fundamental inadequacies or incoherences in a culture’s schemes of meaning ... [and] in these cases even ideal agents’ self-understandings may mask social reality as much as reveal it” (Fay, 1996: 127). Once certain social practices, values and beliefs are established, quite often people simply inhabit the practices and beliefs, not the logical (or illogical) reasons that underwrite them, although such reasons may sometimes also cease to be reasonable reasons for the practices in changing social and cultural contexts. Yet people may also develop certain habits without providing reasons for them. In such circumstances social actors may just engage in their practices and beliefs without critically questioning what they are doing and why they are doing them. Thus, having such inadequacy of conceptual schemes, insufficient self-knowledge and misunderstanding, social reality may still remain hidden, even from the social actors themselves in a given society. Thus, as Fay argues, “Sometimes social scientific explanation requires identifying this confusion and its results; in these cases social scientists must go beyond the scheme of meaning operative in a given culture.” (1996: 127).

Therefore, in such cases, can’t social scientists employ their own conceptual schemes in order to dig out the misconceptualized and misinterpreted reality of the social agents by themselves? The answer from interpretivists for this question is negative. According to them, since social reality is said to have no existence apart from the knowledge of it that social actors have, researchers, to the maximum possible extent, should attempt to inhabit it; if unable, or unwilling to so, “a gap will be created between the social reality and any understanding of it” (Blaikie, 2000: 121). “Similarly”, Blaikie continues, “if in the process of redescribing the social actors’ accounts of their activities in social scientific language the researcher fails to ‘retain the integrity of the phenomenon’, for example by introducing concepts and ideas that are foreign to that social reality, a bigger gap will be created. In this case, a ‘distorted’ view of a social reality will be produced” (2000: 121). Thus, Blaikie concludes that distance of the researcher is inevitable even in the abductive research strategy, although he believes that it is different from the other research strategies. This view is the main source of criticisms against interpretivism.

To the contrary, a distorted view of reality may be produced when social scientists depend on the conceptual scheme of meaning and self-understanding of social actors in the case where social actors are largely ignorant about their own behaviour and situation by virtue of cultivating just the false self-understanding, hence misinterpreted social reality of the agents. Therefore, in this case social scientists must transcend the self-understanding of agents and must deconstruct their distorted view of social reality by employing their own conceptual schemes and analytic frameworks that are independent of those they study. As Fay succinctly argues, “The only way to understand irrational behaviour is to lay bare the ways peoples’ self-understandings mask the social reality which their behaviour creates, and to demonstrate that the cause of their behaviour occurs at a level beyond the capacity of the agents to appreciate, given the conceptual and emotional responses open to them” (1996: 132). The author further adds, “In doing this, social scientists must use concepts and conceptual distinctions which outstrip those operative in the social life which is being studied” (Fay, 1996: 132).

Fay makes it clear that this is by no means to ignore the self-understanding of social actors. Rather, he asserts that careful attention must first be given to this so as to demonstrate, and then critically analyze it. Therefore, in situations where social actors have fragmented conceptual schemes of meaning and systematic misunderstanding of their own social reality, because of repressive obstacles and mechanisms that exist in a given social, structural and ideological context, hence deficient knowledge of their life, social scientists need to transcend these schemes of meanings. And in doing so employing (by the social scientist) different concepts and analytic conceptual frameworks from those being studied is not a deviation from the reality (as Blaikie would have it), but an appropriate and necessary step towards uncovering the confused view of the social reality (as Fay would have it).

Social science has produced sophisticated theories and analytical tools of social inquiry such as critical theory, causality theory, competence theory, deconstructionist theory, etc., from which Brian Fay draws his arguments. However, unfortunately we don’t often find such attempts in social research textbooks, but in other books on social theories. What this point shows us, in general, is that authors of social research texts did not benefit from the insights of the study of human nature, culture, and most importantly, from contemporary social

theories and philosophies of social science as much as they should have done. Thus interpretivists, and specifically abductive researchers, should incorporate such findings in their theoretical frameworks when it is appropriate.

It is to be noted that, not only the abductive approach, but also each of the other approaches that we have seen above has its own critics. In fact, that interpretivist or abductive researchers are very sensitive to the role of context is still the strength of the approach. It is because of this that Blaikie (2000) recommends that researchers adopt a pragmatic attitude towards them. Fay notes, "What is wrong with any view which focuses exclusively on one sort of theory is that it necessarily leaves certain types of question and therefore certain types of answer unaccounted for" (1996: 133). Any research strategy, or methodology for that matter, may be better than others, not in the way it deals with the whole phenomenon but only on the way it answers specific questions within that phenomenon. Therefore, there is no need for emphasis in search of a single "best" approach.

Recently what is advocated by some writers, e.g. Churton (2000) and Williams (2003), is methodological pluralism. According to Churton (2000: 272) this approach involves the use of a variety of research methods, ideally both quantitative and qualitative. However, for Williams it is not simply a combination of multiple methods. "Methodological pluralism is not necessarily the view that we must use multi-method approaches, but it is a perspective which maintains that social science needs a particular methodological approach that can combine scientific reasoning with methods suitable to social investigation" (Williams, 2003: 18-9). It sounds good as far as it tends to enrich data collection and analysis techniques. Nevertheless, I would say that looking for appropriate techniques and approaches must be preceded by clearly defining the scope of the research intended to be carried out and the nature of the problem to be addressed. What kinds of questions are needed to be answered by the research? Then the researcher will be able to determine whether the problem can be addressed using only qualitative techniques, abductive approach, etc., or whether there will be a need for employing additional methods or a combination of approaches so as to arrive at good research results. Nevertheless, whatever approach we may utilize in studying a particular phenomenon, the phenomenon remains the same as a bounded system and,

therefore, our choice of method is mainly the function of what we want to know and how much we want to know out of it. Even in the well-established distinction between qualitative versus quantitative research there is no distinct boundaries between them as we would probably assume. Yin argues, "...regardless of whether one favours qualitative or quantitative research, there is a strong and essential common ground between the two" (2003: 15).

The above discussion was mainly inspired by the need for looking at the methodological debates and clarifications that are relevant to this study, rather than demands for the utilization of methodological sophistication in this particular research project. In the following section, which is the last part of this chapter, we come down to the basic research techniques of this study and discuss the interviews that I conducted as the main source of data, and then, in relation to this, we will also look at some features of interviews in qualitative research.

2.6 Interviews

In this study extensive unstructured interviews were conducted by considering purposive and convenience sampling. In purposive sampling a researcher uses his or her own judgment about which respondents to choose, and picks only those who best meet the purposes of the study. This research is a case study of a dispute between two village communities in which almost every villager may have considerable knowledge about the dispute. But it is likely that in many respects those individuals who were assigned by their respective villages as representatives in litigation and/ or reconciliation processes will have broader and more comprehensive knowledge of the dispute, so that it was worth including such people in the sample. Indeed my key informants were people who were members of representative committees (*shimagle*). Yin, stating that case studies are mainly about human affairs, argues: "These human affairs should be reported and interpreted through the eyes of specific interviewees, and well-informed respondents can provide important insights into a situation" (2003: 92).

Accordingly, the researcher had to ask the villagers for information about who of the people can best tell him about the problem being investigated. Then I arranged meetings with them at

their convenience. But when circumstances allowed I used to conduct interviews in the first contact with interviewees without prior arrangement. In convenience sampling, the investigator merely chooses the closest persons as respondents. Members from the neighbouring villages to the two communities in question were also included in the sample in order to get information with some degree of impartiality.

The same (unstructured) interviews were also used with members of the committee, which was established in the final process of settlement of the dispute since these respondents have deep knowledge about the problem. In this kind of interview informants were encouraged to openly give me a narrative of the whole problem of the land dispute since its beginning.

In a later phase of the fieldwork I used a semi-structured schedule with the above mentioned interviewees. This was done in order to have all the necessary information about specific issues or aspects of the dispute, which emerged from previous interviews.

Similarly semi-structured interviews were also conducted with former members of the EPLF's (Eritrean People's Liberation Front) Department of Public Administration who were trying to resolve the dispute during the time of struggle in the 1980s. In addition, I conducted similar intensive interviews with people who have worked in courts, who have some knowledge of land disputes between villages, people whose villages have experienced some kinds of land disputes, and staff from the Department of Land, Ministry of Land, Water and Environment. Almost all of the interviews were recorded on tape in Tigrigna language.

The research is based on my own inquiries. Although I essentially depended on primary data I have benefited from secondary sources: textbooks and published and unpublished sources, especially on land tenure systems in the highland plateau of Eritrea and on land disputes elsewhere, mainly in African. Such material was helpful in the discussion of land tenure systems in the site of this research study. But the literature sources on land disputes were mainly from studies of other African countries, since there is, yet, little literature about the issue under concern in Eritrea.

Most of the names of my informants are altered, since some of the questions concerning the case are sensitive.

2.6.1 Interview techniques and processes

Before going to the actual interview, especially in case studies, there are many important questions the researcher has to consider, like what kind of case is it? Is it the kind of issue on which the interviewees will discuss their thoughts and opinions without reservation? What kind of behaviour could be expected from the interviewees in the interview process? How would they perceive the researcher? And so on. All these have significant implications for the data elicitation process and data quality. The case study of this research is about a dispute on land, hence a controversy, and about a precious property, that is land. Thus, there was a good reason to expect that interviewees, especially from the two disputant villages, could be cautious about the information they give and the interview in general, and even sometimes feel suspicious of me. Thus, the main challenge was, though not difficult as it turned out, how to persuade my informants that my aim is not an investigation to determine the “right” claimants of the land in dispute so as to restore their possession.

Therefore, identifying appropriate approaches to interviewees and interview strategies was very important in this case study. In my first contact with interviewees I have had to introduce them to who I am, where I am from, what do I do, and then what I want to do with them. When necessary, I used to show them my supporting letter from my university at home (in Eritrea). This makes interviewees feel relaxed. Subsequently entry to my interviewees was not difficult.

In the first place I have had to tell my interviewees that this is purely academic research that I am doing based on my own interest. Furthermore, it was preferable to introduce the project to them in such a way that this was not simply a study of the specifics of the land dispute, but the case as part of a broader research interest including their land tenure system, their kinship relationships and their livelihood, as such subjects are also important components of the study. Accordingly, most of the time I used to start interviewing on these subjects, and then

move from land tenure to land disputes and to the specific case between the two villages. Also in looking into the case it was easier and more effective to first talk about the process of reconciliation and settlement of the dispute, because it is the positive stage of the story that makes people speak with greater ease. This interview technique is what Bergman calls “getting your foot into the door” (quoted in Henning 2004: 79), which means starting with the easier and less threatening questions and moving into the more difficult questions. Then I would immediately and easily take them back to the beginning of the dispute by posing questions like, for example, “But *how* did you come into the dispute”.

What, how and *why* questions have different implications for the data elicitation process, not only in the sense of the kinds of information which are asked for. *How* questions are likely to draw interviewees into a narrative mode, while *why* questions are reason-pointed and direct. Thus, although, for example, “why did you come into dispute?” is one of the main questions of my line of inquiry in this case study, it is preferable and possible to address it by asking a *how* question, for *why* questions are more likely to push interviewees towards being argument oriented. This is so not only in such a dispute case, as is observed by some researchers with regard to case studies in general. For example, Becker (quoted in Yin, 2003: 90), indicates that a *why* question creates defensiveness on the interviewee’s part. Yin, saying that the actual flow of questions in a case study interview is likely to be fluid, identifies two important jobs the researcher will have to do throughout the interview process: “(a) to follow your line of inquiry, as reflected by your case study protocol, and (b) to ask your actual (conversational) questions in an unbiased manner that also serves the needs of your line of inquiry” (2003: 89-90). This means, according to the author, that the researcher is required “to operate on two levels at the same time: satisfying the needs of [his/ her] line of inquiry while simultaneously putting forth ‘friendly’ and ‘non-threatening’ questions in [their] open-ended interviews” (Yin, 2003: 90).

A crucially important technique in this case study, related to this point, was that of making informants feel as if they were narrating me a closed story of the recent past (and to a great deal that is what it was in a practical sense), rather than giving me evidence about the case. This was what I have had to work for while I was introducing my informants to the research

project and persuading them that it is not a strict investigation into the case. Henning also correctly puts it as follows: "... the interviewer can reduce *theme* or *question threat* by accentuating that the speaker is not a 'target' for information, but someone who is retelling a story that exists in her life and in the lives of those with whom she communicates in everyday settings" (2004: 78). This is, thus, a very effective technique in qualitative open-ended interviews in general, not only in case studies.

But persuading interviewees does not always mean getting into the track; the opposite is also sometimes true. Interview talk is a very complex process which is greatly influenced by whole lots of factors such as how the informants perceive the interviewer, their expectation from the research result, their feeling about the phenomenon under concern, and so on. And what is more is that the effects of such factors often are not one-directional, especially in such a dispute case. For example, although, as I indicated above, it was not difficult for me to persuade my informants about the purpose of the research and once they accepted me they used to tell about the case as a story, in one extreme interview event one key informant could not believe and accept what I said. On the first interview day he remained openly suspicious perceiving me as if I were looking for the truth about the case in a judicial sense. He narrated the whole story with great interest and promised even to show me their file about the case. But the next day, probably after he talked about the issue with his colleagues, he became unwilling and thereafter would not offer me any further help; he would not even show me the file.

Nevertheless, what is more important to illustrate from this example, in discussing the interview as process of data collection, is that it is not only the content of the rendered speech of the interviewee that matter as a source of data, but also all the expressed opinions and behaviours, including the withdrawal and the misinterpretation of interviewee to the researcher. These additional factors still have a significant message out of which the researcher has to make meanings. They still tell us important information about the informants and their view on the case. For example, when the informant changed his mind and withdrew from further co-operation with the researcher, there probably was something that made him feel uncomfortable in talking about the case. And if so, the researcher had then

to ask what and how it was the case. When we refer to his misinterpretation of me as if I were searching for the truth, and his willingness to tell me all what I want in the beginning, among other things, this suggests that maybe they were willing to re-open and pursue their litigation of the dispute case if they were to be given a chance, although the dispute is now formally settled. Therefore, all these factors show us that the researcher should be looking not only at what people say about their feelings and thoughts, but should also crucially engage with the interview data and look for signs and meanings that tell him/ her about how the interviewees communicate these thoughts or why they don't want to communicate certain things or events if this is the case.

Another aspect in interview processes, especially with regard to this case study, was that interviewees, specifically from the two disputant villages remain mindful that while formulating each and every response they also account for their position in the dispute. And in doing so they used to give me only filtered information, sometimes half-truths, and even on certain issues fabricated information. What was good in such interview circumstance was that, to a great extent, what one party depicted about its actions and thoughts in the interview will be told by the opposite party, and vice versa. This makes verification of data very important, as it also complicates and extends interviews. With this in mind, when necessary and appropriate, I sometimes used to pose to one party what the other party (collectively) said about them for less sensitive issues when it is applicable. For certain points they used to admit that this was the case while in others they reject the claim.

All the above illustrates how interviewing is a complex process of social interaction that in itself demands deep insights from the researcher. As Henning puts it, "... the way in which the interviewees construct their speech, how they say what they say and how they sequence what they say are all important discursive qualities that can enlighten the researcher's quest for understanding and interpretation" (Henning, 2004: 54). Henning (2004) argues that interviews are contrived and discursive social interactions. This argument seems even more consistent with such dispute case studies.

CHAPTER THREE

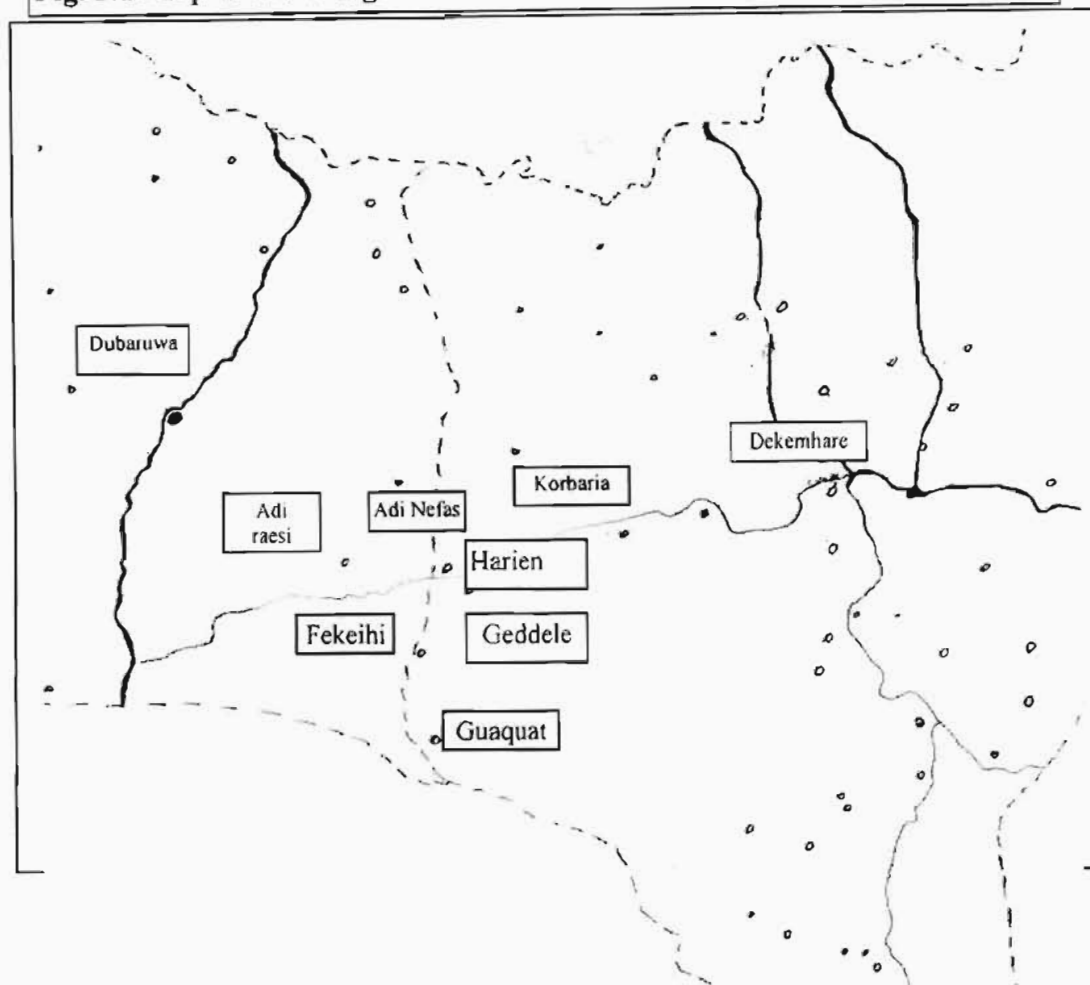
3. Ethnographic Setting

This chapter provides the contextual setting for the specific case study of a land dispute between the two villages. A brief ethnographic account of the villages of Geddele and Guaquat is presented below. The discussion refers to the context of the whole Mereta Kieh district. Kinship is given special attention, since all the villages have not only a common geographic location, but also a common known and acknowledged ancestor (with some exceptions which will be explained later). Moreover, the kinship relationships of the village communities had a considerable influence in complicating the land dispute between the villages of Guaquat and Geddele. Therefore, describing this relationship will help us in understanding the problem. But, first, the location of the villages should be explained.

3.1 Geographical location of the villages

The villages of Guaquat and Geddele are located in the northern part of the former Akele Guzai province, Mereta Keih district. Now in the new administrative division of the country, starting from 1995, the villages are located in *Zoba Dehub* (Southern Zone), *Neus Zoba* (sub-zone) Dekemhare, and local administrative villages of Harien. They are found 16 kms west of Dekemhare town along the southern side of Dekemhare-Mendefera road. Geddele is about 1.5 kms away from the road, whereas Guaquat lies about 9 kms away southward. The two villages, together with the villages of Fekeihi, Torat, Gergera, Adi Fignie and Harien, make up the district (*wereda*) of Mereta Keih. Other neighbouring villages include Korbarea, Adi Nefas, Adi Raesi, Maaya, etc. The new local administrative villages comprise five villages, four of which are from Mereta Keih. These are Harien (the center of administration) Guaquat, Geddele, Fekeihi, and the other one is Adi-Nefas. This grouping of shared-administration of the villages was made based on proximity. Local administrative villages is the lowest structure in the current administrative system, which comprises of usually about five villages where the administrators are assigned from their respective villages by the sub-zone administration.

Fig. 3.1 Map of the villages of Mereta Keih district



The area where the villages are located is part of the southern highland plateau of Eritrea. It is characterized by most of the physical features common to the highland. The villages are located in a rugged and hilly terrain at an altitude of about 2050 meters above sea level. They were founded on places of higher elevation within their respective village lands. When we go from Dekemhare towards Geddele we observe small cultivated plots which are separated by small rocky hills. But as we approach Geddele it becomes less and less stony. Generally, the land which is suitable for cultivation is smaller than the non-cultivable area, according to my informants. The Mereb River, that flows south east-ward from the town of Dbarwa, passes between the two villages. Both the villagers of Geddele and Guaquat believe that in some places this river makes a natural boundary between Geddele and Guaquat. Another river,

called Gaala, which originates from Adike, south of Asmara, makes a left-bank tributary of the Mereb River somewhere east of the villages.

As in other areas of the highlands, summer rainfall starts in June, but it is concentrated in July and August. Annual rainfall is in the range of 400 mm to 500 mm. The overall trend in rainfall is decreasing. The vegetation of the area is a direct reflection of its climate and relief. However, the natural status of the vegetation has been profoundly altered through human interventions. Thus any remaining natural vegetation is in the form of shrubs.

3.2 The people

The people of Guaquat and Geddele as well as the other villages of Mereta are members of the Tigrinya ethnic group, a Semitic language speaking community. This section, therefore, describes the composition of the people and their livelihood.

The people of the seven Mereta villages have common ties through affiliation of kinship, administration and other social networks. They also have a pattern of interaction in several other ways such as in sharing the same social services, settlement of disputes, and in having a common church for all the villages of the district, and these patterns will be explained in the next chapter. There is common ownership of land, an elementary school and a clinic in the central place near the village of Fekeihi that serve the villages.

3.3.1 The origin and kinship relationship of the people

The origin of the people of the two villages, or collectively of the seven Mereta, can be seen by referring to the whole ethnic group of the Tigrinya.

It is commonly believed among most of the Tigrinya speaking people of kebessa that they trace their descent to a common mythical ancestor called King Meroni (mythical in the sense that there is not yet any accurate trace of the descent). According to the myth he was originally from Dembea in Gonder (Ethiopia), before he settled down in Geshinashim, a

village in Hamasien province. All of my informants agree on this. Some scholars believe that he came through Barka (western province), but it is not yet concluded whether he came to Barka from the north, or, as the myth indicates from the west, i.e. Dembea.

King Meroni was the father of three sons - Chaluk, Maluk, and Faluk. Most of the people of Kebesa trace their origin to these three brothers. Faluk is the ancestor of most of the people in Hamasien, and Maluk's and Chaluk's descendants are to be found in Akele Guzai. But a lot of intermixing of people took place over time through migration. The immigrations of *enda* sections (extended families), having broken down the historical territorial limits, halted at the boundaries of districts, so that the same or related *endas* are today found, in different districts (Nadel 1946: 6). This created problems, not only in tracing the ancestors of people of certain districts, but also sometimes in land disputes.

The people of Mereta Keih say that they, together with the people of Mereta Sebene (another district in Akele Guzai), are the descendants of Chaluk. But Tronvoll describes the people of Mereta Sebene as the descendants of Maluk (1998: 49). Other texts, one of which is Martini's account translated into Tigrinya by Aba Yshak, says that Chaluk's descendants founded the two Meretas which comprise 27 villages (1997: 28). This idea concurs with the beliefs expressed by the people of the districts. People of these two districts have a strong feeling of kinship ties, which is reflected in many aspects including in the settlement of the dispute between Guaquat and Geddele. Because of the movement of people from place to place in Mereta Sebene, as indicated above, perhaps there may be some people whose kinship descent is related to Maluk's generations. Therefore, in analysing kinship relationship of a population in a given district, or even a single village, one must remember that in many cases there is no homogeneity in terms of origin, as it is true in the study area of this research paper.

As we have seen, the founding fathers of the districts of Mereta Keih and Mereta Sebene may trace common descent linking the people of the two districts together by means of kinship. Most of my respondents agree that Sihul is the ancestor of Mereta Keih, while Dihul is the ancestor of Mereta Sebene. However, I got different answers from the respondents about the exact link between these two men. Some people say they were brothers whose father was

known by the name Keidom, while others say that Dihul was the son of Liguamom, a brother of Keidom. Nevertheless, the most important kinship structure for this study is that of the seven villages in Mereta Keih. Therefore, our elaboration in the following paragraphs emphasizes this.

At this level of organization, that is the district, we find that we may place the villages in Mereta Keih in a corresponding pattern of kinship ties, which creates a distinct entity.

As Mentioned above, Sehul was the son of Keidom. He in turn had three sons - Wegrom, Teclom, and Gebrom. Wegrom is the founding father of Mereta Keih. He had five sons – Moshi and Araade from his first wife, and Awhaza, Gebsi and Sehul (grandson of Sehul the first), from a second wife. The latter three brothers are the founding fathers of the villages of Torat, Harien, and Gergera respectively. It should be mentioned, however, that in Torat there are only 28 *gebar* (shareholders of farm plots) who are true descendants of Awhaza, and the other majority of the villagers are related to other people called Loggo. The descendants of the eldest first brothers (Moshi and Araade) are to be found in the villages of Guaquat, Fekeihi, and Adi Fegnie (see Fig.2.2). According to Mr. Asgodom from Guaquat, one of my key informants, Moshi and Araade first established settlements at different places called Workilet and Walakh respectively. Then, later they agreed to settle together in one place, that was to be the village of Guaquat. However, some of Moshi's sons went to another place and founded the village of Adi Fignie. Similarly, some of the sons of Araade, too, went to another place and established the village of Fekeihi. The villagers of Guaquat, therefore, make up two major *endas* - Enda Tazaz and Enda Araade. Tazaz is the son of Moshi, from whom the *enda* took as its name. Hence, all the people of the villages of Guaquat, Harien, Fekeihi, Gergera Adi Fignie, and Torat 'Geza' (*Enda*) Mereta are the descendants of the common ancestor through a patrilineal descent system.

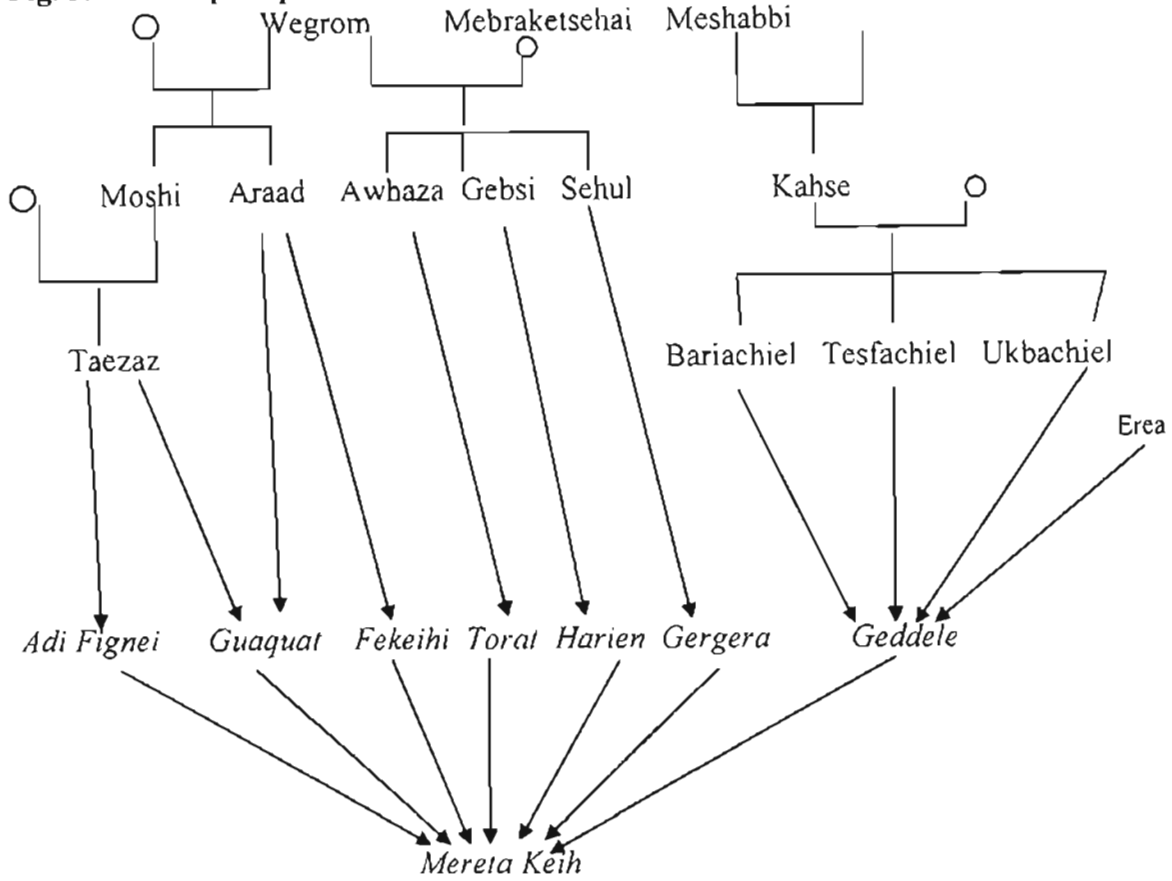
But one more village is left, that is Geddele, whose context of kinship identity is distinct. The kinship structure of the village of Geddele is more complex than the other villages. I indicated earlier that there are two *endas* in Geddele. These are Erea and Entirta. Entirta are brothers to

the descendants of Gebsi, Awhaza, and Sehul only through their mother's side. The name of their mother was Mebraketsehai, and their father, that is her first husband, was Meshabbi. Therefore, having a strong affiliation to agnatic lineage, the descendants of the three brothers say to Entirta *dekki seitebona* (the sons of our step-mother). On the other hand, Entirta say to them *dikki sebeai adena* (sons of our step-father). However, Erea, the second *enda* in Geddele, have no kinship relationship either to Entirta or to the whole Mereta. But it is not known which of these two *endas* first established a settlement in the village. Each of them claims to have settled first in the place. In this regard quite often people are reluctant to admit as being late-comers to a certain village even if they are, since traditionally it has significant implication to their social status in a given village settlement (see more in the next chapter).

Now the above discussion of descent structure within the district of Mereta Keih can be summed up as follows.

As we see in Figure 2.2 there are four different contexts, or patterns of kin connection among the village within the district. First, Guaquat, Fekeihi and Adi Fignie are brothers on both mother's and father's side. Second, Harien, Gergera and Torat geza Mereta are only half-brothers on the father's side to the above three villages. Third, the *enda* of Entirta in Geddele, in turn are only half-brothers on the mother's side to the villages of Haren, Gergera and Torat. Finally, we have the *enda* of Erea in Geddele who have no kinship ties at all to the villages of the seven Mereta. Nevertheless, Erea have been part of the district community for centuries. More important, they, together with Entirta, are a community of one village whose unity is based on common habitation and land. At the end, we conclude that the villages of Guaquat and Geddele have no direct kinship ties that bind them together. But it is not to say that it is this absence of kin ties that brought the two villages to the land dispute, although it has had a lot of implications in complicating the problem.

Fig. 3.2 Kinship map of Mereta kieh district



District and villages are shown in italics. The remaining are names of the ancestors of the villages.

In terms of blood relationship, it is within this context of kinship structure that the land dispute between the two villages should be examined. But not only that: the complex land holding system in the district is even more important to an understanding of the complexity of the dispute. Therefore, the next chapter provides the description of different land tenure systems in the area. I will now give some ideas on villages in the Kebessa area in general and the villages of Guaquat and Geddele in particular.

3.3.2 The villages as communities

In the highland area of Eritrea, the village community is the largest social unit, with its members having extensive daily face-to-face interaction involving a number of collective social and individual affairs. Above the village is the district, which comprises many villages, but its existence is largely as an administrative or political unit. And below the village is the

unit of *enda*, an organization based on close kinship ties. But members of the *enda* within a village rather act as individual members or representatives of the village community as a whole. However, the *enda* is important in certain cases such as in forming village committees for certain tasks. In general, the village as a corporate group or community overshadows the *endas* within it.

The villages of Geddele and Guaquat are corporate peasant communities of relatively small agricultural settlements. Powelson and Stock (1978: 4) defined peasant(s) as “the farmer who himself tills the soil, whether he owns it or not”. In the Eritrean context the peasant farmer collectively owns his/ her land with all eligible village members. As we will see in Chapter Four, while each household is entitled to a share of land through the name of male household head, female-headed households also receive their shares through the name of female heads. What the Eritrean village community makes integrated or corporate is mainly the commonly shared property of land, which is distributed among households on the basis of elaborate principles and laws, as the basic means of livelihood (see Chapter Four). In the same manner, each household in the villages of Guaquat and Geddele, as a basic economic unit, is entitled to a share of farm land from its respective village land and uses its own labour in cultivating its plot. Geddele, comprised of some 217 households and 1045 inhabitants, is the largest, while Guaquat, composed of 188 households and 859 inhabitants (Dekemhare Sub Zone office record 2002), is the second largest in the district. With the exception of a few Moslem people in Guaquat who settled there over the past four decades, all inhabitants of the two villages are strict adherents of the Coptic Church faith.

As indicated previously the people of each village have a common land area and a form of social interaction as defining characteristics of a community, and the fundamental aspect of creating unity and integration of the villagers as a community is the communal ownership of land. Moreover, we have seen that the villagers of Guaquat trace their descent to two wellknown brothers as founding ancestors. Although in Geddele there are two distinct *endas*, which have no common ancestor at the village level, this absence of a common ancestor does not disqualify them as a community having a bounded social system with clear-cut limits in relation to its neighbours.

The villagers' interaction is governed by their traditional socio-cultural values and customs. "Certainly, in villages something of a universal culture exists. That is groups of people who live together and farm land quite naturally take up much the same habits and customs and values. For one thing, they all put great value on property (land) and family (who work it)" (Richard Critch-field, cited in Tronvoll, 1998: 63). After appending the term 'folk' to the village, Hillary lists 19 components or 'traits' of the folk village which are integrated by three concepts: space, co-operation and the family (quoted in Bell and Newby, 1982:37). These concepts, too, define well the villages of Guaquat and Geddele.

The concept of co-operation even extends beyond the limits of the number of actual inhabitants of the villages. People who left their home villages to live in cities and towns of the country or even abroad for different reasons do not lose their strong attachment to their respective villages of origin. This is manifested in their willingness to co-operate with their villages especially in terms of money for different development projects, for building churches, paying collective compensation of money (see Chapter Six) as well as other village and individual affairs. For example, in the resolution of the land dispute between the two villages, the members of the committee who live in cities played a major role.

The villages, therefore, have a socio-structural identity and solidarity, which was established over time through communal ownership of land and kinship structure. This makes a village an effective social unit whose members are willing to uphold certain collective representations that concern the village. Therefore, in land disputes between villages the village community acts as a single entity with a single voice, and each individual is conscious of defending his/her village land.

3.3.3 The livelihood of the people

As typical rural communities the sole economic means of livelihood of the villages of Guaquat and Geddele is agriculture. Hence, when we talk about the livelihood of the people in economic terms the first things that should be considered are land resources and animal

wealth. Each village having its own land, traditionally a qualified male person in the villages is entitled to a share of farm plots of land. Usually this individual is the head of a household, called '*gebar*'. But female-headed households are also entitled to land shares (see Chapter Four for detail).

In such peasant communities the basic organizing unit of production and consumption is the household. Therefore, individual household activities are centred around traditional tasks related to the cultivation of land since each household has its own farm plots. The usufruct rights are distributed on an individual household basis, although the village land is held communally. However, cooperation arrangement among individual households to maximize production capacity is not uncommon. Hence, communal life in the villages helps for the effectiveness of the individual household and harmony of the whole village community. While house keeping is the responsibility of the females in the household, they also actively participate in different activities of cultivation in the fields. But ploughing using oxen is the exclusive task of males.

In the villages of Guaquat and Geddele, there are 241 and 272 *gebar* respectively. Each *gebar* in Guaquat owns 1.5 hectares for cultivation, while in Geddele it is 1.25 hectares per *gebar* (local administrative villages office records, Harien). The farmers produce subsistence crops. The yield of crops per hectare is small as they use traditional farm implements. In the area, as in almost the entire highland, agriculture is rain-fed. But erratic rainfall and repeated drought, especially in the last 14 years, have brought about deteriorating crop production. Deforestation and consequent soil erosion lowered the soil fertility. Elders of the two villages say that in the past they were producing more than enough crops like sorghum, barley, maize, African millet and chickpeas especially in good harvest seasons. Now, no one is able to produce and secure food for the whole year.

Next to land, live stock, especially oxen are of special interest to the peasant farmers. It should be mentioned that an ox is the principal source of energy for ploughing. However, the animals that can survive on marginal grazing land that we find in the villages are few. I have found the following records of live stocks of Guaquat and Geddele in the office of Sub-Zone

of Dekemhare from the year 2000. In Guaquat there are 245 cattle, 182 goats and sheep, and 204 pack animals. And in Geddele there are 310 cattle, 281 goats and sheep, and 130 pack animals. From these data we observe most of the figures are roughly speaking close to the number of *gebar* in each village. This is despite the fact that in the past, there were households which owned more than a hundred cattle. It should also be remembered that there are many households that have no access to any livestock. From this brief overview we see that the economic life of the villagers is in a declining trend with little alternative means of earning an income at the village level.

The intention of this chapter is to give the necessary ethnographic accounts of the villages of Guaquat and Geddele with close reference at the whole district of Mereta Keih. The context of the land dispute between these two villages is at the district level. The geographical and kinship connection of the seven Mereta is, therefore, of significant importance for all discussions in the following chapters.

CHAPTER FOUR

4. Historical Development of Land Tenure Systems in Kebessa Eritrea

4.1 Introduction

In order to understand the nature and causes of land disputes, it is crucially important to investigate land tenure systems, land use and management, and distribution systems among individuals and groups within society, and no less important the human-land relationship. After all it is all these factors that determine the causes and nature of the disputes. This chapter, therefore, also sets the scene for the specific case study of the dispute in the location in terms of land tenure systems. But although special attention will be given to the area of the case study, so as to uncover some exceptional patterns, it is important to see this within the overall land tenure practices in the highland of Eritrea with close emphasis in the time since the start of Italian colonialism towards the end of the 19th century to the present.

In the case of rural communities such as those of Eritrea, land is of prime importance due to the dependence of those communities on agriculture. In highland Eritrea, however, land must not be seen only in terms of economics, but also as one of the most basic factors for the social fabric of this peasant society. It is also the principal factor in the people's social, cultural and political development. In this specific community where *shehna/ diesa* tenure system is prevailing, all land is perceived as the common property of the village, giving all eligible individuals access to, or usufruct of, land. This significance of land, in addition to its extreme scarcity, and the involvement of different colonial powers over the years, made land tenure systems in kebessa extremely complex. All writers on land tenure in kebessa agree about its complexity. The land tenure systems in the area of this research paper even seem to be more complex than the general assumption, which made the handling of land cases significantly more problematic, as we will see later. As Tronvoll notes, "The challenges and difficulties in explaining the "land factor" in the lives of Eritrean peasants rest on the fact that the concept of land is a kind of entirety, thus making it laborious to approach – one factor depends on a set of others and needs to be explained in relation to these" (1998: 189-90).

Tronvoll is also well aware of the methodological problems raised through the need to translate terms and cultural concepts which are based on a different set of values than the researchers' own (outsider), into the English language, noting the specialized terminology which has to fit the specific institutional circumstances. This problem also applies to an outside reader.

To a certain extent, the different land ownership systems overlap one another, and this, too, further complicates the study of land tenure in kebessa in general and in the research site of this study in particular. Nevertheless, it is not the aim of this study to give an exhaustive analysis of land tenure, but to give a brief overview of the tenure system that help us adequately enough to understand the problem of land disputes.

But let us first pose the question 'what is land'; in order to shed some light on the quite often overlooked significance of land for human beings.

4.2 What is land?

Land, in its various usages, is not only the centre for the organizations of human society but also the home for the very existence of human beings, and all the material things attached to it, which in one way or another give vital support for life. As Green puts it, land refers to the soil, which "encompasses things growing on, structures attached to, rocks, minerals and other materials beneath and air above it" (quoted in Khanyile, 2002: 54). Thus land encompasses all the material things attached to the soil by natural means, such as the growing of crops, trees, plants, grasses, and all the water bodies including rivers, lakes and the sea, which are carried on it. Therefore, land is one of the most important elements of nature upon which humans depend for their living which, thus, also largely determines their lifestyle and culture, their level of organization, hence the relationships among themselves, or their progress in general. That human progress, to a large extent, is determined by land resources, is evidenced by the fact that those who live in fertile land with moderate climate or other supportive endowments would be more likely soon to practice settled cultivation. This in turn creates great

opportunity for further progress and the creation of larger civilizations. This is substantiated by the fact that many of the ancient civilizations occurred in such fertile lands, for example the ancient civilizations of the Nile and Tigris and Euphrates rivers with fertile alluvial soil.

Karl Polanyi, in his thorough study of the transformation to capitalism, specifically with the growth of agricultural capitalism and the commercialisation of land in Europe, succinctly articulates the significance of land to humans, the relationship of humans to land as part of nature, and how this relationship was transformed over the centuries. As he put it, “What we call land is an element of nature inextricably interwoven with man’s institutions. To isolate it and form a market for it was perhaps the weirdest of all the undertakings of our ancestors” (2001: 187). He continues, “Traditionally, land and labor are not separated; labor forms part of life, land remains part of nature, life and nature form an articulate whole. Land is thus tied up with the organizations of kinship, neighborhood, craft, and creed – with tribe and temple, village, guild, and church” (2001: 187). Thus, to reduce land to market commodity and to dismantle this connection between humans and land is probably to commit a big injustice, as Polanyi would have it. And, consequently, to detach people from their land is to systematically snatch their rights to control their labour, hence their lives and to throw them into diminished destiny.

After asserting the economic function as only one of many vital functions of land, Polanyi goes on to say that “[land] invests man’s life with stability; it is the site of his habitation; it is a condition of his physical safety; it is the landscape and the seasons” (Polanyi, 2001: 187). Thus, land is vital not only for economic growth of humankind but also for its social and spiritual growth. In this sense Polanyi seems to come to a similar conclusion to that of S. F. Nadel, though from different viewpoints, when Nadel (1946: 1) noted, “It has been said of the African that he does not possess his land but is possessed by it”.

To Nadel it was extraordinary, or at least exceptional, to observe the attachment of the Eritrean farmer to his land, but probably would not be so to his forefathers. Thus, it is not surprising to see a person who came to Africa from the metropolitan cities of the West, long-detached from the land of his forefathers, who never enjoyed the fruits of the soil by directly

mixing his/her labour with the land resource, wondering when he/she observes such a strong emotional and spiritual attachments of people to their land and extraordinarily jealously defending any piece of land regardless of its economic value.

Thus, the nature of land conflicts must also often be viewed from this close relationship and integrity of human societies with land, the very element of nature. Moreover, it is important for any act related to the issues of land, and specifically land reform, to start by recognizing this relationship, the vitality of land to human institutions, social structures, culture, and socio-economic relations that revolve around access to and ownership of land. And, depending on the level of intervention, they must also acknowledge that this may imply doing something to the social make up and hence to the identity of people, for identities are strongly tied up with land. Furthermore, land is a source of status and political power, as much as it is a source of wealth. For all these reasons access to land is politically and socially highly contested.

4.3 Indigenous land tenure systems

Although Eritrea is small in area, it contains a wide range of agro-ecological diversity resulting from its varied topography which ranges from a high plateau, over 2,000 metres above sea level, to midlands and lowlands along the coast and to the west. The nation is divided geographically into three areas: the central highland plateau, which stretches towards south, the western lowlands, and the eastern lowland along the Red Sea coast. This largely determines the differing modes of production of the inhabitants. In the western lowland mixed production, which includes pastoralism and agro-pastoralism, is practiced. On the plateau, settled agriculture with a limited extent of animal husbandry is common for nearly all of the population. In the coastal areas, where most of the land is less suitable for agriculture, the most common mode of production is pastoralism. These economic modes of the regions are, however, by no means exclusive.

These differing modes of economic life of the people, which resulted from the totality of environmental and social conditions including cultural traditions, population density, land

scarcity, settlement patterns, and colonial influences, led to the development of different land use and rights and tenure systems. For the majority of rural Eritrean communities land is traditionally held in common. Under this general principle, however, the intensity and exclusiveness of land holding varies between the regions.

In the highland area where there is very high population density, extremely scarce land resource, and where subsistence livelihood is based on settled agriculture, as we will see later, land is more strongly and exclusively held than in the lowland. Consequently there are complex yet explicit customary land laws written by community representatives as part of other laws that govern the society. One distinct feature of these laws is that they are rooted and developed in the community itself, but not formulated or imposed by other political authorities or administration. Another important feature of the customary laws is that, although the highland rural community is predominantly made up of people of the same language, culture and religion, and similar livelihood, there are many customary land laws even within each of the provinces of the highland, although they are very similar in content. In general customary laws are written on the frame of references of a district. This adequately accommodated local varieties and flexibilities. Even a village within the district can modify some articles in order to adapt to its own circumstances and conditions, mainly the availability of land. But in studying customary land tenure systems in Eritrea this creates problems for generalizations.

It is partly because of the above reason that different writers on land tenure in Eritrea classify customary land laws differently. Some authors classify three types of customary land tenure systems namely, *resti*, *gulti*, *diessa/ shehna* (e.g. Castellani, 2000), while others make different distinctions and identify four or more types as they omit some of the above and replace them by others. For example, Rock (2000) puts them as *diessa*, *tsilmi*, *kwah mahtse*, and *domaniale* (state land). Nadel, in his way, puts them into three main categories: 1) individual ownership (including ownership by the heads of individual families); 2) family ownership, more precisely, ownership by the kindred (*enda*); and 3) village ownership¹ (1946:

¹ Except in cases where governments declared state or government land, by the term ownership, in all other cases I will mean land as the absolute property which is permanently held by the owner whether it is a village or family.

6). Others, e.g., Kidane Mengisteab (1998), take the latter two in Nadel's categorization and *domaniale*, state land. It is true that each of these tenure systems have existed over time in the history of land in Eritrea. But their spread across the highland varies greatly. Furthermore, sometimes we find one type of land tenure as a subset of another. For example, *tsilmi* (above in Rock's categorization) is a specific subcategory of the family ownership of land or *resti*, characterized by its individual nature in which land was progressively subdivided among its inheritors. Some others are categorized as temporary land holding systems. For example, *kwah mahtse* land holding system, as Tesfai Abraham (1998) classifies it, was one of the temporary holding types, which was practiced in specific localities. It refers to the first clearing of virgin land for cultivation, which signals an occupation of the land. *Kwah mahtse* literally means the stroke of the axes. According to the law, if the land remained unused for two years, for example after the first user, it would mean it is 'no man's land' and be open to newcomers or claimants.

Therefore, emphasis will be given to the two most widespread customary land tenure systems in the highland plateau of Eritrea which are also common in the area of the case study of this research: the extended family ownership of land which is also known as *resti*, and the *diessa/shehna* (village ownership of land). But, although church land is not widespread in Eritrea, since it has special relevance to the case study, we will briefly look at it.

4.3.1 Family ownership of land

In the early history of Eritrea, especially when we examine the foundation of villages in *kebessa*, the family ownership of land was the most widespread and predominant form of land tenure. Land holding and ownership starts first by occupation and habitation thereon. And the first inhabitants of a place were most often individual families or groups of kin who would initially claim certain area of land by settlement. As Longrigg indicates, land shortage was not a problem in the Eritrean plateau until the mid 16th century. While land claim processes were in the making, according to Longrigg, "boundaries of the *enda* [family/lineage] lands were laid down, grazing lands marked off, and claim laid to the best well sites and forest strips. A static agricultural society was being built" (1945: 55). In the same period, i.e. 16th century,

there was a flow of migrants from the northern area of Ethiopia, now Tigray Province, into the Eritrean highlands, pushed by war with other people from the south (Tronvoll, 1998: 195). These people were accommodated for land entitlement through different ways as they mixed with the existing people of the highland. According to Tronvoll (1998: 195) some of the people were allotted free land by the Bahri Negasi (the “kebessa” king), while others may have taken shares in existing plots.

Three main factors might have worked for easily accepting the migrants by the existing inhabitants. Firstly, the scarcity of land in the highland was not felt until the 16th century. Secondly, these migrant people came there “escaping a countryside ravaged by Muslim forces during Gagn’s bloody occupation” (Tronvoll, 1998: 195), which could stimulate great sympathy among the Christian people of kebessa. These forces were also a common threat to the whole of Christendom of Abyssinian land. Ahmed Gagn was a forceful Muslim leader who controlled large areas of Abyssinia and destroyed many churches and monasteries in the sixteenth century. Thirdly, the migrant people from Tigray have the same language and culture and religion that greatly enhanced their integration with the people of kebessa.

But it is by no means to conceive that the processes were altogether peaceful, as these migrations had profound impact on the resource of land and the existence of a peasantry. Consequently for the first time land became an object of competition and jealousy. As Tronvoll put it, “It is believed that during this period the future group of initial landholders was formed, and with the new groups of emigrants, the land became scarce and land conflicts arose” (1998: 195). As we will see later in the case study of this research, *Enda Erea* (one of the *endas* in Geddele) who probably came from Tigray in that period, had serious land conflicts with the people of Mereta and Loggo Chiwa. Thus, according to Longrigg, all these developments led to the concentration of large village settlements no longer confined to single *enda* (1945: 55), and this reorganization of the peasantry into lineages (*endas*) and village units led to the development of new patterns of land use rights and distribution in which these units of *enda* and village allot agricultural land to families (*resti* and *shehna*).

Moreover, this complex process of distribution required specialized institutions that regulate and administer land allocation and distribution (see section 3.3.3, on *diessa* system). With the growth of village settlements in the highland of Eritrea, “the position of the *enda* as a unit of residence was being superceded by the village (*addi*), while the village was increasingly incorporated into the structure of the district” (Tronvoll, 1998: 196). The author further notes that the district was also organized as a kinship/descent unit based on the common ancestry of the *enda* founding fathers. This is clearly evidenced by the descent structure in the district of Mereta Keih, the area of the case study.

Therefore, from the beginning up to a certain degree of growth of the villages, perhaps until the first split of a village into many *endas*, the type of land tenure, which was most likely to have existed, was the family ownership of land. In this type of ownership, land was inherited from the founding fathers and it equally belongs to all descendants of these founding ancestors. Hence, land title was deeply rooted in the structure of the extended families. Its inhabitants considered the *resti* land as a fundamental “right” and a “sacred” possession (Nadel, 1946: 7).

However, according to Nadel and Ambaye Zekarias, the term *resti* covers a wide range of types, from land owned by an individual to land owned by the large kinship group. The concept of *resti* is abstract and general and may refer to the actual occupancy, use, ownership, or possession of land (Ambaye Zekarias, 1966: 5). Because of this, while most often it is used to explain family ownership, sometimes it is also put as a prefix for different types of holding, e.g. *resti-tselmi*, *resti-gulty*, *resti-diessa* or *resti-addi* (village). Despite this, Nadel identifies the following common features of *resti* throughout the kebessa region: “their relative absoluteness; their hereditary nature; and their derivation from the historical right of a first possession by some remote ancestor” (1946: 7).

While there were a number of types of *resti*, generally two most common forms are identified: collective *resti* and *tselmi*. In the collective *resti*, the land rights of ownership was vested with the extended family, while the individual nuclear family of the *enda* has a derived right of ownership. This means that any individual who sets up a family has his share of land for his

lifetime. But in the *tselmi*, a specific type of *resti* land, which sometimes is also called absolute *resti*, was successively partitioned between the sons of a founding father and subsequently inherited by their sons, and it continues in this manner generation after generation, which characterizes the individual nature of *tselmi*. As a general law male members of the family inherit land, but in some areas both sons and daughters inherited shares from their fathers' land. In the highland community a daughter was supposed to share from her family property through dowry. In the absence of dowry she could demand a share of *tselmi*. There is a riding Tigrigna proverb that sums up this: "To the sons inheritance, to the daughters, the dowry".

The *tselmi* system was widely practiced in Seraye province until the 1980s. It is only in this type of land holding system that an individual had the right to sell his land permanently, although it was not common practice. But even here the individual must first offer the sale to the members of the *enda*, or he must get their consent. Thereafter, the purchased land would no more be known as *resti*, instead would be called *merient worki*. *Worki* means gold, or it can also mean money, hence land purchased by gold. According to Jordan Gebre-Medhin (1989: 42), *meriet worki* was the single most important individual form of land ownership until the abolition of *resti* system in the 1980s.

4.3.1.1 Family ownership of land in Mereta Keih

Land holding systems in Mereta Keih, the area of the case study, correspond to the people's kinship structures and organizational levels, from the lowest, that is the *enda*, to the whole district at the highest level. The prevailing traditional ownerships of land in Mereta Keih were family ownership of land (*resti*), church land, and village ownership of land (*shehna*). However, now the most widely practiced system is the *shehna* land tenure system. As stated in the previous chapter, the villages of Mereta Keih were founded in their respective places which the founding father of the district allocated to his sons.

The ownership by the large kinship group, that is the *enda*, was widely practiced in the district of Mereta Keih simultaneously with the village ownership system. When we refer to the

villages of Guaquat and Geddele, each of the large *endas* in both of the villages had its own distinct land. In Guaquat, *enda* Tazaz and *enda* Araade used to have separate land of their own within the village in addition to having a common village land. As indicated earlier when some of the sons of Moshi and Araade founded a common settlement at Guaquat for the sake of cooperation, while they held large part of their land commonly, each *enda* also kept separate land of its own. But not only that. Since the descendants of Araade are the brothers of the village of Fekeihi, and the descendants of Moshi are the brothers of Adi Fignie, each *enda* kept other land in common with the respective brother villages. Thus, this was a third category of land sharing of the villagers of Guaquat. That is, in brief, first, there are *enda* lands within the village; second, there is collective village land; and third, each *enda* also shares land with other sister *enda* in other neighbouring villages.

In the case of Geddele, it was stated that there are two distinct *endas* (Erea and Entirta) who have no close kinship ties. In the same way as in Guaquat, as a village they have common land. However, Erea also have had their own land, which is unrelated to the common village land. On the other hand Entirta have shares of land with others, the whole Mereta.

The seven Mereta have a large area of land which is held in common, just in the same way as a single village does. This land belongs equally to all people whose descent, either through male or female line or both, is traced to the founding ancestors of the seven Mereta. Hence Entirta, whose descent on the mother's side is related to some of the seven Mereta, are included in the land distribution. But Erea have no shares in this land. However, geographically the separate land of *enda* Erea is at the south-western end of the land of the seven Mereta. The exclusion of Erea from the land of the seven Mereta (instead having their own separate land) corresponds to their kinship distance in relation to the whole Mereta. At this point the two *endas* of Geddele came to recall their separate identity based on lineage, despite the fact that they make Geddele a single village community with its common territory. Throughout their history, this created some serious land problems between the *endas* as we will see later. Otherwise the two *endas* are one village community who act and interact together for their village affairs as in the dispute between them and Guaquat.

The *enda* land tenure system in Mereta Keih was communal and collective in its nature. But it has no clear-cut classification. On the one hand, it has had a *resti* or family ownership character in the sense that it was exclusively owned by the *enda*; on the other hand, however, it applied almost the same principles as the *diessa* (village ownership) tenure system in the process of redistribution. Having only usufructuary right, each qualified individual member of the *enda* used to get his share of land by means of a periodical redistribution every seven years, by lot. The only difference was that in the *enda* or family ownership of land the title to the land rested with the *enda*. In fact, people themselves say that all types of their land ownership systems are *shehna/diessa*.

In the 1980s the EPLF carried out land reform in the villages of Mereta Keih. All tracts of land that had been held by the *endas* were distributed among all village members. But the land of the seven Mereta continued as common land of the villages.

4.3.2. Church land

Traditionally, the Coptic Church in the highland of Eritrea has strong socio-cultural roots and it is the most influential religious institution. Jordan Gebre-Medhin (1989) views the church as one of the most powerful landowning institutions in the country prior to the Italian colonization of Eritrea. To perform its institutional duties, in some places, the church has historically acquired an amount of land as an economic resource by different means. The main sources of acquisition of church land were grants made by charters from kings and rulers (Ambaye Zekarias, 1966: 19; Jordan Gebre-Medhin, 1989: 46; Tesfa Gebremedhin, 1996: 30). As in many other feudal societies, in the history of the Abyssinian kingdom, the church was strongly related to kings and rulers, since politics and religion were highly integrated. Donald Crummey (2000) shows how land was granted by rulers to churches at different periods of time, since the 13th century up to the 20th century, in Ethiopia and parts of Eritrea.

This form of grant can be categorized as a form of *gulti*. It is, however, important to note that it was mainly limited to a small number of big churches and monasteries, a grant which was

practiced in times when the influence of the Abyssinian emperors reached parts of Eritrea. Otherwise, in most villages the church did not own land apart from that on which the church was erected. However, as Jordan Gebre-Medhin (1989) notes, by the consent of the villagers certain plots of land could be reserved for the exclusive use of the church and its clergy. It was in this manner that in Mereta Keih the church called Saint Georgis has had its own land.

Saint Georgis is located between the villages of Guaquat and Geddele, closer to Geddele. Again, this church also belongs to the seven Mereta. In addition, every village has its own church and priests. But these churches have no land outside the compounds. Emphasis is, here, given to the church land of Georgis not only because it has had its own land, but also it is this land which is of special interest to this research paper since it has strong connection to the land dispute between Guaquat and Geddele.

According to the people of Mereta, the foundation of the church of Georgis goes back to the founding fathers of the district. Some people of the district even say that it also belongs to the people of Mereta Sebene because, according to them, it was the ancestor brothers of the two Mereta who founded the church of Georgis. But, because geographically they are far away from it, Mereta Sebene have far weaker attachment to the church. When the ancestors founded the church in their early settlement, they also allocated the land within its immediate surroundings to be for its use. Here, it should be noted that the land of Georgis had no clear-cut boundaries. Many of my informants defined it differently. (Further elaboration will be given to this later). Usually one *keshe-gebes* (sacristan) is assigned to serve in the church or to administer it. The land of the church was used for cultivation. The clergy used to make agreements with local tenant farmers to plough the church land. According to the agreement the farmers used to take two third (2/3) of the products, and the remaining one third (1/3) was given to the church for the maintenance of the clergy.

Besides the above land, by consent of the members of the villages, a certain number of *grat* (fields) were allocated from each village land for the use of the church and the maintenance of the clergy. In the same way, the villagers ploughed the land and they used to give one third of the produce to the church.

However, now there is no church land. During the 1980s the EPLF fighters in the area distributed the land of Saint Georgis to Geddele and the other church-related fields in each village to their respective villagers. So, the church has been left without resources for its maintenance. Therefore, the people have had to employ another mechanism of their own in order to support the church. Hence, each village assigned one *gebar* (share holder), who is known as *shume debri*, as a representative of his village for the church. The main job of the *shume debri* was to collect a certain amount of grain from each *gebar* and send this to the church.

The people of Mereta Keih, as a community, participate equally in religious celebrations carried out in the church of Georgis. The main ritual is the annual feast (*n'gdet*), celebrating the community spirit in honor of Saint Georgis, which takes place at the end of April.

Part of the collected grain is used in these celebrations. These celebrations strengthen the unity and solidarity of the community beyond the village. Indeed, the attitude of the people towards the presence of the church and its land was positive as they inherited it from their common founding ancestors. Around 30 years ago the people renewed the church building through joint labour and finance. Therefore, from the above we can say that, unlike in many other '*gulti*' lands of churches and monasteries which were taken from the land of the people and exclusively used by the churches or monasteries, the church of Georgis and its land have had a strong socio-cultural basis in a broad context.

4.3.3 The *diessa/ shehna* land tenure system and its origin

The system of land tenure in Mereta Keih is called *meriet shehna*, which means land in common. In this system of land tenure all land is perceived as the property of the village, and individuals gain access or usufruct, to land through residence in the village. This is the fundamental tenet of the *diessa* system (Nadel, 1946: 12; DLT 1969: 6; Zekarias, 1966: 13). Each male adult individual with habitation rights, which is called *tisha*, in the village who establishes a separate household is entitled to a share of land, called *gibri*. For the married

individual who stays in his village the most common procedure for one to have a share was that his father should notify the *shimagle* in charge of land distribution that he gave his son a quarter of the grain harvested in the previous year and some ploughing tools for establishing a separate household. He might not need to wait until he establishes *tisha*, for he needs time to accumulate resources needed to build a house in his *tisha* land. But for an individual who comes to the village from outside, after some time of absence, he must first establish *tisha* in the village and fulfil his duties as a member of the village community.

While the above rule is written in many of the customary land laws (e.g. customary law of Logo Chiwa) it should be noted, however, that each village might modify this rule (and others) to adapt to its own circumstances, mainly in relation to the availability of land resources. This is clearly observed in the research site of this study. For example, in the village of Fekeihi (in Mereta Keih), where land size is relatively adequate, priest Tewolde told me that customarily an individual might demand for *gibri* just a month after his marriage (interview). On the other hand in Addi Nefas, where they have, uncommonly, very small village land, the rule was that one had to wait for two years after marriage (interview with three men from the village). No individual can hold more than one *gibri*, as it is stated in the customary laws. That is one cannot belong to more than one *shehna* community. But an individual could have land in another village where land was *tselmi*. With the exception of single-member households, which receive half a share (*firki gibri*), the size of *gibri* is the same for all households, regardless of the number of family members.

The meaning of *gibri* is derivative, originally meaning tribute. There is a strong consensus among the highland community that tribute must be paid for land to kings, or government for that matter. One who does not pay tribute for land is not *restegna* (*resti* owner), and if he/she remains for 30 years without paying, the land must be transferred to a person who can fulfil the obligation for it. As it is stated in *hegi* (law) of Logo chiwa (Article 15) “man is free, land is tributary”. That is the land is a land of duty, and a man becomes liable to pay tribute only when he holds it. Thus the share of land derives its name from this meaning and is called *gibri*, while the adult individual villager who holds it is called *gebar*, also a derivative, which means a person who pays tribute because of having a share of land. It is also strong evidence

for claiming land. According to customary law, if a person brings evidence that his/her grand grandparents paid tribute for a certain area of land, even a century or more earlier, his/her claim, in certain cases, would be legitimate. This is one indication that shows how highly land was valued in the highland of Eritrea.

However, a *gibri* is not a fixed entity. Tronvoll clearly observes this, “A *gibri* is not a definite entity, as being one specific plot of land possessed by the household. The household only holds or possesses the right of usufruct in the village land, represented by the *gibri* – a representative share of land given temporarily for a specific period of time, usually for seven years” (1998: 231-2). After this term the land must be transferred back to the village for redistribution, and a new share of land will be allotted to the household. As Tronvoll notes, the right of usufruct is permanent but the land plot and its size changes (1998), with the increase of new villagers who claim shares.

4.3.3.1 The process of land distribution and rights in the *diessa* system

The *diessa* or *shehna* land is also called *meriet melessa* - *melessa* means “giving back”, referring to rotation. Redistribution, called *warieda*, takes place regularly at five to eight year intervals. In Mereta Keih redistribution takes place every seven years. And in Logo chiwa, according to their law, it takes place every eight years. This refers only to arable land; grazing and wood lands always remains in common. During this interval the *gebar* administers and uses his land on his own, but if he wants to grow a plantation that utilizes land for a longer term, according to the law of Loggo Chiwa, he should get a permit from the *shimagle* (committee of elders) who administer village land.

Village land is administered by six *shimagle* members constituted into two groups, each having three members. These two bodies perform specific tasks in the phases of redistribution. The first higher *shimagle* is entrusted with deciding which members of the village would be eligible for a share of land in the *warieda*. This *shimagle*, called *gelafo* or *tserabo*, after registering those who are entitled to land (for full share or half) submit them to the lower *shimagle*. Traditionally these representatives had to be elected by the *dagna* or

chikka addi (village judge) or by the village community as a whole. All *endas* (*maibetat*) in the village should be represented. This *shimagle* will stay in office for the time period until the next *warieda*. The members of the *shimagle* must be true descendants of male lineage in the village, known as *dekkebat*. Newcomers were barred from administering land. Residence pattern in the highland community is patrilocal, as descent trace is also patrilineal. The second *shimagle* then takes the responsibility of the actual redistribution of the land to eligible members of a given village. Redistribution is carried out by lot, under the supervision of this *shimagle*, called *acquaro*, who are elected in the same manner as in the case of *gelafo*. During the time of *warieda* all village land will be in the hand of this *shimagle*. The main task of *acquaro* is to estimate the number of *gibri* it is possible to get from the land under redistribution. Then, after assessing the soil quality and size of the possible share for each *gebar*, they divide all the available land under redistribution into fields, with each field assigned to a sub-group of *gebar* (share holders) of a certain specific number, say for example 20 *gebar*. The first lot will determine which group of people is assigned to which field. Thereafter each group will elect three men from its own members called *medabo/ regatso* or *metaro* (dividers) who will divide the field into equal-sized plots, equal to their number. In other words, the *medabo* will finally divide the actual size of *gibri* for each *gebar*, and a second and final lot will be drawn to decide which plot or *gibri* is assigned to whom. However, the *shimagle* of *acquaro* will instruct the *medabo*, since they are responsible for the overall redistribution. The division of tasks among these different institutionalised groups of *shimagles* greatly simplifies the complex process of *diessa* land division and periodical redistribution and makes it a matter of few days. According to the law of Logo chiwa, *warieda* should be carried out and finished from 16th up to 21st of August (Ge`eze calendar), equivalent to 24th to 29th August (European calendar).

The *shimagles* have the responsibility to classify the land according to its soil types and fertility, and they grade the soil into three: fertile, medium, and poor soil. Then in order to ensure the greatest fairness in dividing the land under redistribution, each *gebar* will receive pieces of plots from the fertile soil, as the main plot, and from the poor soil, called *wesekh*, which means additional piece. One point that shows how the literature on customary land tenure and land use systems in Eritrea is shallow is that some authors, including my

interviewees who work, or who have worked at a certain time in land authority, see this as the main reason for land fragmentation. For example, Alemseged Tesfai, the former head of the Land Commission, has a similar opinion. While appreciating the fairness of the division and distribution of land based on its soil type, and acknowledging the problem of giving a bounded plot for each *gebar* because of the differing soil fertility of the land, he sees this as a cause for further fragmentation of land. But the most important reason for land fragmentation in the *diessa* system is that village land is divided into major parts, usually from three up to six. Each of these bounded fields form the unit of *warieda* (land rotation), and *warieda* for each of these units of bounded fields is carried out at different times. Each qualified village member thus shares a plot from each unit of bounded fields and he uses it for the period until the next land rotation for that specific field.

In Mereta Keih each village's land usually consists of four to five bounded fields dispersed in the countryside surrounding the village, called "*meror*" which means land farther away from the immediate surrounding of the village (*gedena*). The reason for the division of village land into separate units of rotation is to be seen in the overall land use management systems. Village land use is systematic, cyclic, tied up with the people's subsistence life, which integrates cultivation and grazing, which also some times influenced by the availability of alternative land in different regions.

In between the distribution of land, *warieda*, obviously new demands for *gibri* (shares) are issued, as new households are established and some people return to the village after a period of absence. To temporarily provide these households with *gibri* till the next *warieda* comes, a special arrangement is organized, which is also observed by Nadel (1946) and Tronvoll (1998), among others. As Nadel puts it, "the store of the communal land from which these new demands are met is replenished periodically by the recovery of unused land, when a family becomes extinct its land falls back to the community" (1946: 13). As indicated earlier single-member households receive only half a share. Therefore, when one partner dies, half of the share should also be drawn back to the village store of land, and the widow or widower is only allowed to keep the other half (Tronvoll, 1998: 242). Thus, this store of land is known as "*hadega gebar*", which literally means land taken away from, or abandoned by the

household. With regard to *hadega gebar*, what Tronvoll and Nadel did not seem to note is that during the time of redistribution, the committee of *acquaro* may put some plots aside in reserve to which the *hadega gebar* is added, depending on the availability of land and land use management.

In villages, often three different categories of people exist which Tronvoll describes in this way: “the lineages of the ‘original inhabitants’ (*dekkibat* [plural] or *wodebat* [singular]), having the highest and most influential position; the lineages of the ‘son of daughter’ (*wedi gual*) represent a middle status; and the group of ‘newcomers and strangers’ (*ma`ekelai aliet*) have an inferior status’ (1998: 115-6). Traditionally, village political and administrative affairs were also held by the *dekkibat* lineages as in the case of land administration. As noted above the institutions of *gelafo* and *acquaro* were elected from *dekkibat* lineages. But it is important to note that this status differentiation comes mainly from the relation of people to land, and is limited to administrative offices. Since land right is held by virtue of the ancestors’ initial occupancy of the land, consequently villagers, Tronvoll states, “have developed a model which places a distinction between the original inhabitants (*dekkibat*) and strangers to the area (*ma`ekelai aliet*)” (1998: 250). But the separation into three different categories of lineages, as Tronvoll (1998: 118) notes, is mainly a classificatory system that does not affect the individual entitlement to land. “Only people with supreme bonds to land, that is, the *dekkibat*, held the rights to hold any of the various political offices in the village, and the people with classificatory inferior bonds to land, the *wodi gual* and *ma`ekelai aliet*, were barred from such positions” (Tronvoll, 1998: 251). This is a strong clue to what Cross and Marcus stated, with reference to South Africa, when they say land is a social and political resource as well as a capital and subsistence asset (quoted in Khanyile, 2002: 56). Therefore, in order to keep the land with vigilance and preserve it exclusively for those to whom it truly belongs, that is, the eligible villagers, land administration bodies must be drawn from those lineages with a superior bond to the land.

Tronvoll finds that in the case of *meddabo*, the small committees whose task is just to divide a field into shares for certain groups of persons, *dekki gual* and *ma`ekelai alet* can be elected from the group on equal footing. An interesting statement, which is evidential clue to the

above point was made by one of Tronvoll's interviewees in his field work. "It is not necessary for them to be *dekkibat*. It can be anyone among the [group]. They cannot do anything wrong since the *acquaro* is supervising them" (quote taken from Tronvoll, 1998: 240). Thus, *dekkibat* have had the privilege of juridical say concerning land issues not merely because they have stronger attachment to the land (being the original inhabitants) than the other categories but, rather, because of their "superior" quality to protect the land (for all the categories of people entitled to it) from new infiltration of strangers. But it should not be assumed, however, that the lineages of *dekki gual* and *ma`ekelai aliet* are altogether a potential threat to the land. The perceived threat on the side of *dekkibat*, is largely theoretical, rooted in their extreme vigilance concerning land issues. Otherwise, with the fast-growing scarcity of land in the last centuries, all villagers became more or less equally concerned with issues of land. Once people established themselves as part of a village community and got the right to have shares of land for centuries, or even decades, it indeed becomes difficult to observe distinguishable behaviours between *wodibat* and *ma`ekelai aliet*. It is to be noted that the status of *ma`ekelai aliet*, once established, does through for generations, nevertheless whether they are equally dedicated to the land as much as the *dekkibat* would do. Nadel also observes this: "Even in communities where *shehna* has existed as far back as memory goes a sharp distinction is still drawn between 'strangers' (though they may have immigrated several generations ago) and the families of original inhabitants" (1946: 12).

In the early times, perhaps centuries back, when there was less pressure on land, it was easy for newcomers immediately to acquire rights in land once they established residence in a village as they could be given plots by the village. With the growing scarcity of land, however, this pattern has had to be changed gradually and villages moved towards exclusiveness, as strangers started to be barred. Nadel observes this, and in his words, "It was easy, formerly, for immigrants to obtain land in *shehna* communities. But this traditional hospitality has long ceased to be true; to-day the tendency is rather to exclude the settlement of foreigners on the over-crowded lands of Eritrea" (1946: 12). According to tradition, in the *diessa* or *shehna* system, the *ma`ekelai aliet* (new settler) had equal rights in land provided he settled for 40 years uninterruptedly. This "forty years right", however, even seems to be subjected to the juridical say of *dekkibat*, according to the customary law of Adkeme Melegae

which says, “In the *diessa* system, the *Ma`ekelai aliet* is not entitled to obtain a share of land without the permission of the *restegna* [*resti* owner]” (1936: 12).

Finally in villages, as in the case of *endas*, agnatic descent became one of the basic qualifications for land rights and entitlement, and those strangers who already established settlement and acquired shares from village land continued to be excluded, as *ma`ekelai aliet*, from the committees of land administration, until the Eritrean People’s Liberation Front (EPLF) abolished this tradition in the 1970s and 1980s. Throughout the time, even the then undisputable right to land by descent, up to six generations, has also had to be modified. As Tronvoll explains, “Traditionally, a person holds latent rights in village land as long as a forefather up to six generations ago in the same agnatic line resided in the village. Due to land scarcity, however, the rule regarding rights based on descent six generations back has been modified by the villagers, and the present norm is limited to three generations” (1998: 233).

Land rights with regard to gender are explicitly stated in the customary laws of *kebessa*, and favour equality between men and women. Despite this truth, some commentators and/or evaluators of the new state land proclamation No. 58/1994) describe this new land reform as revolutionary for giving equal rights of entitlement to male and female, believing that customary laws discriminated against women. This is mainly because, in the *diessa* system, women’s rights to land, to many writers, seem to be invisible. Consequently customary laws have often been accused of neglecting women’s access to land, which resulted from misconception of the *shehna* system (Tronvoll, 1998). As we have seen entitlement to *gibri* is directed through the male line. But in practical sense it is so just because the household is represented by the male head; but not merely by virtue of his own right. Tronvoll correctly writes: “...land rights are not ‘given to’ or ‘held by’ the male adult individuals alone, but are channelled through the male individual with *tisha* [habitation] rights to the family household, for the household head to administer. Rights in land are vested in the family, and the rights ‘belong’ to all the members in the household” (1998: 238). The representation of the household for land right by male is the effect of the patrilineal and patrilocal nature of the society. In fact in a female headed household, the woman holds the position as *gebar* and she administers the rights of access to land herself. Women who have dependent children are

entitled to full *gibri*, and women who live alone receive half *gibri*. This right is secured also in her father's village if she wishes to return. The customary law of Adghena Tegheleba provides for this: "A married woman who abandons the village of her husband and who returns to the village of the father together with her children is entitled to a whole *gibri*, but if she has no child she is entitled to half a *gibri* (Article 250). Tronvoll is thus right when he concludes, "... to dismiss the *shehna* system as discriminating *per se* towards women, is incorrect" (1998: 239).

4.3.3.2 The origin of the *shehna/ diessa* land system

Different explanations have been given to the origin of *shehna/ diessa* system of land holding. Ambaye Zekarias enumerates three sources of the system: human natural inclination towards collective life, especially in challenging environment; the procreation and expansion of families in a given and limited area of land; the effort of the Italians to convert the *resti* system into *diessa* (1966:13). Similarly, the Department of Land Tenure report, after equating the natural evolution of *shehna* with the development of village community, enumerates two different reasons for the involvement of the Italian government: to curtail socially disruptive disputes that resulted from inefficiency of the *enda* ownership system; and as an act imposed on the people to cover the design of the Italians to get the better lands for themselves (1969: 6).

Some authors give weight to the involvement of the Italians to convert *resti* to *diessa* while others believe the Italians just gave impetus to the *diessa* system for their own interests. Jordan Gebre-medhin (1989: 43-4), based on data collected from interviews with local people, says that village ownership is of recent origin, and was introduced by the Italians. But according to my own interviews this conclusion is questionable. Some of my interviewees would immediately, similarly, say that the Italians converted *enda* lands to *diessa*, and that in some villages these *enda* land was being practised simultaneously with *diessa*. But, as the interviews went deeper and deeper when they answered questions as to how and why the Italians were involved, they showed that it was after bitter litigations in courts between those people who wanted to keep *enda* ownership of land and those who favoured *diessa*. For

example, in the village of Addi Ra'esi, after long dispute in courts between distinct *endas* of the village their land was converted into *diessa* (interview with village elders Tewoldemedhin, Brhane, and Abraha). In villages, quite often there were extra tracts of land exclusively held by certain groups of people, mainly families or *endas*, even amidst the *diessa* system. In Tigrigna language this extra tract of land is called *bettekha*, which means land cut off from the main village land for exclusive use of a certain group of people. There can be varied reasons for this practice. Some might be the remains or continuation (in some form) of the tradition of *enda* holding, while the predominant system is the *diessa*. In some villages the *endas* of the *dekkibat* lineages, by virtue of their position in relation to land and to other people in the village (see above) might keep some fields for their own exclusive use as a privilege. Other *bettekha* lands might be given to certain groups for some other reasons. The *diessa* system never excludes eligible village members. Thus, those in the possession of extra tract of land most often have had rights also in the *diessa* land.

In such circumstances, obviously those groups who were in a better position would wish to maintain the status quo, while those disadvantaged would attempt to abolish such differentiation and strive for more equitable distribution of land. Indeed, some of the interviews I conducted and the land dispute files I referred to show that there was incessant struggle against unequal treatment and injustices concerning land rights. For example, my father told me that in the village of Adecolom (Hamasien) there was an *enda* called Addi Meles, which possessed an extra tract of land. The majority of the villagers wanted the land to be added to the common village land. However, the *enda* strongly resisted this. Finally, after long litigation the government of Italy converted the land to *diessa* by force. In another close neighbouring village called Dekki Zeru, there were three *endas*: Enda Zeru, Enda Laguen, and Enda Gujar. The former two are *dekkibat* to the village while the latter *enda* is a lineage of *dekki gual* (sons of daughters) whose father's village is Weki, in other neighbouring district. According to the court file of the case to which I referred, the two *dekkibat endas* have had certain privileges concerning residence building areas. As I have shown above, *Enda Gujar*, as lineage of *dekki gual*, also have not had the right to be nominated in the *shimagle* for the assignment of building areas. Thus they were fighting for equal rights to the other two *endas*, including the rights to be nominated in the *shimagle*. Despite all the strong measures and

decisions taken by the Italians in favour of *Enda* Gujar, the case was not resolved not only by the Italians, but remained unresolved till the late 1970s when the EPLF fighters took control of the area and settled the case by abolishing the *enda* holding system and converting the land into village *diessa* system.

The evolutionary trend was towards the communality of village ownership of land. As indicated earlier, once large village settlement grew beyond the confines of a single *enda* due to immigration (see section 3.3.1), the *enda* tenure system would soon prove to be inefficient. Tesfay Abraham (1998: 16) puts the excessive immigration of people from Ethiopia as one of the reasons for the conversion of the *resti* land system into *diessa* system. In such social circumstances then it was likely that gradually the mechanisms of land use and distribution, and the necessary institutions for regulating the process would shift to the village so as to accommodate the new aggregation and the pressure on land. Furthermore, because of the uneven growth in family sizes, after a number of generations, it became apparent that the *enda* land holding system was un-equal. In the case of disputes, if we take disputes between *endas* within a given village, it was usually initiated by the *enda(s)* which were disadvantaged or with smaller proportions of land. Naturally such *endas* would fight for equal distribution and *diessa* while the privileged others would strongly resist this. Nadel, as senior civil affairs officer in the British Military Administration in Akele Guzay in the 1940s had first hand observation on disputes between adherents of the *shehna* system versus the *resti* system as he handled them. He writes: "Defenders and attackers presented their arguments with equal passion and conviction. Those in favour of *shehna* argued as follows: the return to *resti* would revive the old distinction between rich and poor; those in favour of a return to *resti* complained that, through *shehna*, the people of the country ... had all been reduced to the common level of landless paupers" (1946: 14). Thus it can be said that the *diessa* land tenure system is mainly the result of the social movement and struggle for the maximum possible equity in the precious resource of land. It was after the continuous litigations and appeals that the Italian Government used to interfere and enforce the *diessa* as a solution to the problems. Castellani also notes this: "At the request of local peasants, colonial rulers sometimes converted *resti* into *diesa* in order to redress the uneven distribution of land among *endas*" (2000: 5).

Of course it cannot be argued that such large village settlements would lead to immediate replacement of the *enda* ownership by village ownership. Indeed, as it was stated above *resti* (family ownership) persisted as a predominant type till the 1980s in the Seraye province. This example itself, however, raises a question why the Italians did not introduce *diessa* to Seraye if they originated it, which is not yet adequately answered. Thus, this shows that the effort of the Italians to reinforce the *diessa* system was not a comprehensive act. An important fact about this province where *resti* was most common is that, although it is only one of the three provinces in the highland, Mr. Tsegai Taamrat, evaluation officer in the Department of Land, Ministry of Land, Water and Environment, says that about 70 per cent of land dispute cases in the highland were only in Seraye, because of the unequal nature of the *resti* holding system and its inability to accommodate people who returned after a certain time of absence (interview). June Rock (2000: 225) shows that in some villages in this province the number of landless households reached as high as 25 per cent during the first three years after independence (1991).

Many writers suggest that the *diessa/ shehna* system is an old institution established by the customs, traditions, and social values of the indigenous people, even though, later on, the Italians expanded it to a greater extent (Tesfay, 1998: 15). Yohannese Habtesellasi (1992), who wrote about the democratic elements of “*heggi endabba*” (customary law), including land laws, referring to the work of Italian writers, says that the *diessa* system had at least equal position with *resti* before the coming of the Italians. Similarly, other writers, e.g. Nadel (1946: 14) and Ambaye Zekarias (1966), whose work on land tenure in the Eritrean plateau are some of the most important, say that the *diessa* system was already existing in pre-Italian Eritrea in the northern parts of Akele Guzay (where the area of the case study is located) and Hamassien provinces. As stated earlier, in Mereta Keih even though there were *enda* land holding systems, the practice was carried out on the same principles as the *diessa* system. According to the oral history of the villagers the *diessa* system was practiced at both *enda* and village levels for a long time, though they could not indicate when.

Therefore, I argue that in most parts of the highland, it was largely the internal social processes that led to the full-blown institution of *diessa/ shehna* land tenure system. With the fast growth of population and the establishment of large village settlement, and the consequent high pressure on land, it became apparent that a new system of land holding that responded to this problem was needed, and within an unspecified time the *shehna/ diessa* tenure system emerged as the most important development. One of the most important criticisms of *diessa* system is that it leads to high fragmentation of land and in such a system farmers are reluctant to invest in land improvements for greater yield because of land rotation. But it should be noted that the peasants are well aware of this, and when the *diessa* holding was adopted it was not meant to generate greater yield, but adopted under circumstances where it was difficult to merely think of and administer land giving priority for production. In such a condition of pressing scarcity of land, one important thing, among other factors, became a priority, namely to ensure that the scarce yet vital resource of land should be shared *equally* among households so as to avoid landlessness, and thereby to curtail endless competition and struggle for land. Landlessness is not a major problem in the *diessa* system as land is periodically redistributed which ensures the continuity of the system, and there is little dispute between individuals within a village. It is, most importantly, this equal distribution of village land, which is enabled by the *diessa* system, which created a strong sense of village community and belonging, characterized by unity and harmony, and cooperation in the highland of Eritrea. In the words of Nadel, “The practical significance of this communal ownership ‘by rotation’ is evident (and is born out by the explanation which the people themselves offer). It represents a system supremely adapted to a country where land is of very unequal value and where the pressure on land is great. Through this system every family is given an equal share, or the chance of such a share, of good and bad land alike.” (1946: 14).

The *shehna* tenure system in the way it is conceived, its strong principles of equal sharing of the highly valued resource of land, and its applications, tended to create a strong village community spirit which is rooted in the communal land inherited from the founding ancestors. The phrase “*Meret shehna*” or “*Meriet Yehwat*” (land of brothers) brings the people and land together to form one unit, the *shehna* community. It indicates the bond between people and land on the one hand, and the people among themselves, on the other hand. The word

'*Yehwat*' in Tigrinya language is a kinship term designed to one of the closest blood ties, brothers, and it is the most repeatedly used term in daily conversation. So, the people apply it, by themselves, for themselves, uniting them having common origin, hence equal belonging to the land of the forefathers. Tronvoll clearly observes this in his study of the village of Mai Weini. In his words,

the people of Mai-Weini alleged that the system of tenure in the village had always been *shehna*. The village land and the village inhabitants were perceived, by themselves, as an indivisible unit by virtue of their forefathers' initial occupancy of the land - a unit which is believed to continue indefinitely. Not only does such a conception create special bonds between the village inhabitants and their land, but also between the villagers themselves. Bonds which, on the one hand, define them as privileged and different from other non-village people, and, on the other, provide them with a system of community founded on egalitarian principles (one man, one *gibri*), thus imbuing a sense of common village identity (1998: 248).

In Mereta Keih the *shehna* system is communal not only in the context of a village as a group having property interest in a specific village territory from which every member draws his share, but also for the interest of a sound brotherhood that combines villages. The presence of communal land for larger *enda* beyond the confines of a village (e.g. in the case of Guaquat and Fekeihi, having communal land), and more importantly the communal land of the seven Mereta are good examples that brings together related *endas* from separate villages and the whole district, as they exclude non-kin members who still reside in the same villages, e.g. the case of *enda* Erea in Geddele. This substantiates the fact that land has been purposely used for keeping a bound brotherhood based on blood in a broader social foundation.

4.4 The attitude of the people towards their land

It is not only the *shehna* system that reflects the strong bond between the Eritreans and their land. Land is extraordinarily meaningful to the Eritrean society in general and to the Eritrean peasant in particular. In the widely quoted statement of Nadel, "It has been said of the African

that he does not possess his land but is possessed by it. The attitude of the Eritrean peasant towards his land cannot be more aptly described. Indeed his preoccupation with his landed possessions shows a depth and passion not often paralleled among African races” (1946:1). This fact is substantiated by the provision that any person of a given village in *kebessa* was entitled to reclaim the land of his forefather due to being a member of the village when he returned after many generations (Richard Pankhirst 1966: 185).

Obviously, the basic initial factor for the attachment of the people to land is an economic reason. But once people are attached to certain land and became dependent on it for their entire subsistence way-of-life, they develop social and cultural values and behaviours that are governed by the land, as it is also a source of their dignity and identity, hence a sense of being part of it which makes them passionate. Tronvoll also correctly observes this attachment, and in his words, “strong sentiments to land are often expressed and the villagers have problems perceiving themselves as individuals without a close connection to the land. Their identity builds on a relationship to land, and they have difficulties in comprehending a way of life without it” (1998: 232). “There was nothing to depend on for our life and our animals except our land”, said Mr. Tecleab of 70 from Geddele in an interview. All this intense attachment of the people to their land, therefore, makes them insist on their position in cases concerning land, whatever it may be.

The notion of communal ownership of land is not unique to Eritrea, as indigenous land tenure systems in Africa are generally characterized by communal holding that combine individual and collective property rights. But as I have shown above the *diessa/ shehna* system in the Eritrean plateau, with all its institutions and regulations, and its system of redistribution, seems to be distinct as it traditionally tends to ensure that no authority should have a prerogative above that community with regard to land. Beneath the concept of “communal ownership” of land, there are many differences in different countries of Africa and even in different regions within a country. Although broadly speaking, communal ownership of land refers to land which is collectively owned by a tribe, a village, or local community, and individuals have rights by virtue of being members of such collectivities, the mechanisms of

land administration and allocations are highly influenced by the political and social structure of a given community.

From the literature on traditional land tenure in many African countries, one common feature that differs from the practice in the Eritrean plateau is that land administration is/was vested in the hands of local traditional leaders. In South Africa, for example, in different areas land is allocated to families by tribal chiefs and their subordinates in the hierarchy (Levin and Weiner, 1997; Lahiff, 2000; Mculu, 1996; De Klerk, 1991; Khanyile, 2002; Oomen, 2000). Similar patterns of land allocation are described in countries like Lesotho (Thabane, 1997), Zimbabwe (Anderson, 1999), Uganda (Barrows and Roth, 1990) etc. However, with such a system of land allocation corruption and extra-economic coercion by the chiefs seem to be phenomenal (see for example, in South Africa, Khanyile, 2002; Levin and Mkhabela, 1997; Shongwe, 1999). As Levin and Mkhabela put it, “control over land-allocation constitutes the fundamental material basis of the power of chiefs” (1997: 157), which is also the “most crucial mechanism for the interplay of corruption and control” (Haines and Tapscott, quoted in Levin and Weiner, 1997: 157). The authors also show that the chiefs often allocate land to newcomers as they demand money or tribute from them in return. Consequently, all these acts created resentments among the community members, which negatively affect the legitimacy of the chiefs. In their research in the Central Lowveld, Levin and Mkhabela (1997: 163) find people contending for the establishment of a committee for land allocation by election from members of the community, which is to be chaired by a commoner. In cases where this demand is put into practice, the land distribution system of the Eritrean plateau, the *diessa* system, could be a good source of experience.

Although not as much as they have been accused of by scholars, African traditional land tenure systems sometimes neglect women’s access to land. Mainly female-headed households are often affected by this problem. As De Klerk notes, “women are generally barred from holding land in their own names” (1991: 73). Lahiff (2000: 45), quoting Solinjani’s work in the Transkei, shows that according to customary law the right to land usually applies only to male household heads, while in practice it may extend to women with some discrimination.

Khanyile (2002: 189) also notes that it is expensive for poor females to afford to thank the headman by gift giving and entertaining him in exchange for land allocation to them.

But the problem of gender discrimination in land rights is not limited to the customary laws. Some contemporary land reform policies also tend to underemphasize women's rights to land either at the level of implementation or even in issuing the policies. A 'piety in the sky?' has been used to describe the disjuncture between high-level commitment to gender equity and practicing it in the ground through the new land reform programme in South Africa. Walker (2003) finds inadequacy in the conceptualisation and management of the task and an absence of political accountability with regard to women's land rights as some of the main reasons for inefficient implementation of the policy in KwaZulu Natal. Similarly, in Tanzania, Manji (1998) shows how the Commission of Inquiry into Land Matters have neglected the gender dimension of the land tenure reform in the debate and failed to adequately address the question of women's unequal rights to land.

Throughout the history of the country, there were many interferences to the customary land tenure systems in Eritrea by foreign rulers and now by the state. The following section briefly addresses foreign intrusions and reform acts on the customary land laws and the new state land proclamation of 1994.

4.5 Intrusions and reform acts on customary land tenure systems

4.5.1 Land under foreign rule

Some authors use the term 'reform' to describe policy interferences to indigenous tenure systems by different regimes including foreign rulers. But all policy interferences in land may not necessarily be reforms. This comes from inadequate conception of land reforms and the circumstances under which they are implemented. Generally land reform is perceived as an act towards more equitable access to land. As King defines it, "from purely a technical point of view, any programme that leads to change, *in all probability for the better*, in a manner in which land is held or used, might be described as land reform" (quoted in Khanyile, 2002: 64, emphasis mine). The intended betterment, here, must refer to those who have, or who deserve

to have, the right of ownership or access to land use. Therefore, land policies which neglect these rights, but instead simply transferring ownership from one hand to another, as in the cases of expropriation and confiscation, are not reforms according to the above definition. The major aims of the Italian land policy in Eritrea, thus, were not reforms by their nature but intrusions as were shown in their ambitions and goals.

It was the Italians who for the first time intruded in large scale on the customary land tenure systems.² According to Castellani, immediately after six months of their occupation, the Italians passed their first action dealing with Eritrean colonial land tenure (2000: 3). As the author states, “The approach to the legislation was deeply influenced by the desire to provide poor Italian peasants with new fertile land, where they could settle permanently” (2000: 3). To this effect, the Italians issued various acts and decrees on expropriation of land from the western and eastern lowlands and midlands and small tracts of land from the highland, disregarding the existence of customary tenure systems. A widely described reason for this was that, during the coming of the Italians, in the years of 1888 to 1892, there was a great disaster of famine, epidemics, and cattle pests that ravaged Eritrea and northern parts of Ethiopia (Tronvoll, 1998: 198). Consequently, from many areas people were migrating to other places which gave the Italians a false impression as if the land were sparsely populated. There was an Italian commission of inquiry sent to Eritrea to study the economic viability of the region. The evaluation of this commission, according to Yemane Misghenna, was that: “land ownership was weak, and argued that the imposition of the proposed expropriation policy would meet no opposition. According to the Commission, the attachment between man and land was so weak that, if the indigenous people were to be ordered to leave their land, they would comfortably do so” (quoted in Tronvoll, 1998: 197). Vast amounts of land were, thus, designated *domaniale* (state land) by the Italian government, from which fertile lands were granted as concessions to Italian settlers. According to Tronvoll (1998: 197) the size, on paper, of the land confiscated between 1893 and 1907 amounted to some 482,064 hectares, which was said to be about 31 per cent of the total cultivable land in the highlands.

² Eritrea was officially declared as a colony by the Italian Royal government in January 1890, and then remained under the Italian colonial rule for the next 50 years until they were defeated and replaced by the British and its allies during World War II.

The state, however, could rarely restrict access to such lands which were not yet occupied by Italian settlers. Alemseged Tesfai also notes: “the right of access of the individual to his and sometimes her community land has not gone through any significant change... Whether under *tselmi*, *diessa* or tribal land within the umbrella of the *domaniale* in the lowlands, the right of access to the use, not ownership, of land by every member of a given community in all parts of the country, has been the basis of community control of land in all its forms” (1994: 3).

The newly introduced state ownership of land was the first of its kind in the Eritrean plateau, which could hardly be conceived of by the people, having strong principle of community control of land. Tronvoll quotes statement of Eritrean elders given to an Italian writer in the late nineteenth century towards the Italians’ restrictions on land rights: “The statement that the land belongs to the government is made in order to affirm that the earth belongs to the king in the same way as the heavens belong to God. We allude to this statement when we wish to enhance the power of the government, but we do not thereby intend to refer the ownership of the fields.... No one can take away our lands, the government awards rank, office, and *gult* [tribute], and take them away, but no one can deprive us of our lands....” (1998: 476).

Tronvoll also notes similar observations in his field work. The government pursued its policy despite the warnings from some Italians who had some knowledge of the traditional Eritrean land tenure systems and the attitude and relationship of the indigenous people towards their land, including from the then governor of Eritrea, Martini. This policy led to armed revolts by the local population, the first of which was the resistance led by Bahta Hagos. Mainly because of this the Italians were forced to make some changes to their policy, most notably, they abandoned their Italian settlement plan, and in fact large areas of confiscated lands were also returned to the original Eritrean owners. According to Tekeste Negash (quoted in Tronvoll, 1998: 200), 400,000 hectares of land which were confiscated in the first half of the 1890s were returned to their owners.

It can be said, therefore, that the *domaniale* area did not have far-reaching effect on the traditional claims of local communities or villages. However, land in such status could be privately acquired (even by newcomers) by clearing and using it with government approval.

The areas designed *domaniale* land remained without significant change by subsequent governments until it was replaced by the similar recent state land law of 1994.

The Italian occupation of Eritrea came to an end in 1941 with the invasion by British forces during World War II. The British then established military administration until the future of the country was decided by the United Nations in 1952. During this time, the British Military Administration (BMA), in contrast to the Italians, favoured individual property rights over communal group ownership (Joireman, 1996; Tronvoll, 1998; Wilson, 1999). Tronvoll and Tesfai Abraham (1998) even note that land continued to be confiscated and granted to Italians who stayed in Eritrea during the British period. But it is generally said that, although the British encouraged the development of individualized land holding, they did not implement large-scale land reform acts.

The next decade, 1952 to 1962, was the time of federation of Eritrea with Ethiopia, which was resolved by the United Nations. During this period of time no significant change was introduced to the customary land tenure system. According to Yohannese Habteselassie the government of Eritrea in 1953 issued a rule in an attempt to change and extend the time interval between two *wariedas* (redistribution of land) from 5, 7 or 8 years to 27 years (1992: 18). This was made so as to encourage peasants to improve their land. However, one important implication of this extended time between two *wariedas* was that newly stabled households and other eligible members would wait for too long to have shares. Probably, this was one of the reasons for the limited acceptance of the change among the population.

However, when the federation was dissolved in 1962 by the Ethiopian crown and Eritrea was annexed as one province of Ethiopia, land redistribution was discouraged and in some villages delayed for 30 years (Jordan Gebre-medhin, 1989: 181). One report of the Department of Land Tenure, Imperial Ethiopian Government, notes, "claiming share is the main cause of land disputes in Eritrea" (1969: 78). In the *diessa* system, thus, disputes concerning lack of periodic redistribution became common. In some villages *wariedas* were delayed in order to bar those newcomers from access to a share of village land. Otherwise, nothing was done to

change the different types of land tenure until the Ethiopian Imperial Government was overthrown by a group of military men, the so called Dergue regime, in 1974.

Since then although, the Dergue tried to introduce land reform in Eritrea, there was no significant implementation until the 1980s because of the escalation of the revolutionary war in which almost the whole country was liberated, except five towns and cities, in the second half of the 1970s. In the 1980s, because of the strategic retreat of the revolutionary movements, many areas fell back under the Dergue control, which, to a certain extent, enabled it to implement reform acts in some parts of the highland. However, even during this time there was no radical change to the predominant *diessa* system. What the Dergue did was that it brought some modifications to the *diessa* system by drawing two or more neighbouring villages into one *diessa* unit under a single established peasant association. The peasant association took over the traditional land administration from village *shimagle*.

Another feature of this reform was that, in contrast to the basic principle of the *diessa* system that land is equally allocated to households regardless of the number of the family members, land was allocated to households according to family size (interview with Tsegai Taamrat, Department of Land). Tsegai Taamrat views this as more egalitarian and equitable than the traditional *diessa* redistribution system, noting its consideration of the family size. However, if this redistribution system were to be continued for a certain time, some adverse effects could be predicted. First, those households with small size would run into becoming landless paupers as they could finally be left with small economically insignificant pieces of land, given the fact that the share of land has already become very small. Second, this type of redistribution could probably have an impact, in some cases, in the attitudes of people on family reproduction, given the vital value of land. Another important fact is that since the household is a bound and basic economic unit, this must serve as one of the important criteria for land allocation. In large families, lots of things are shared by household members, which significantly reduces per individual expenses.

Another more serious implication of the Dergue's reform with regard to integrating villages was the abolition of the long-established boundaries between villages which was strongly

resisted by many villages although there are some villages which were forced to adopt joint land holdings. Therefore, since all these changes largely disturbed the rules and smooth functioning of the *diessa* tenure system, it was inevitable that this would be confronted by popular adverse reactions.

During the time of the Dergue regime, simultaneously the two Eritrean revolutionary organizations, Eritrean People's Liberation Front (EPLF) and Eritrean Liberation Front (ELF), were also carrying out land reform programmes in liberated and semi-liberated areas in the 1970s and 1980s. Nevertheless, these reforms were also largely modifications of the *diessa* tenure system that in many respects consolidated it while also altering some rules and regulations that, in some cases, created discomfort to the communities. By abolishing extra tracts of land held by certain *endas*, villages, individuals, churches or other groups, in addition to their rights in the communal fields, any kind of privilege with regard to land was strongly opposed by the revolution, and all village residents, regardless when and/ or where they came from have been qualified to shares of land. Thus, the social distinctions between *dekkibat*, *dekki gual* or *ma`ekelai aliet* were abolished and all social groups have been given equal rights, even in land administration. This was directly against the strong belief and traditional values that land must be kept and administered by *wedebat* with vigilance.

4.5.2 The state land proclamation

After independence (1991) the State of Eritrea immediately established a Land Commission in 1992. This Commission then developed the Land Proclamation No. 58/ 1994, which was adopted by the National Assembly. The basic tenet of this land policy is that all land is owned by the state; therefore, all rights on land must be granted by the government. This new state land law, thus, replaced all types of traditional land tenure systems in the country.

It is pointed out in the preamble of the Land Proclamation why it was necessary to promulgate it. It reads, "All the traditional land tenure systems and the laws and customs which regulated them (the land systems) have become obsolete since they fail to meet the country's need for development and reconstruction projects" (Land Proclamation No. 58/1994, pp. 1). After

independence the main challenge facing the government was solving the issue of food security for the Eritrean population. In order to deal with this problem, emphasis has been given for improving agricultural productivity and developing commercial agriculture, dismissing the traditional systems of land tenure and their principles and values as obstacle that impede this development strategy. Thus, as the Land Proclamation puts it, the major objectives of the proclamation are: “to promote agricultural and industrial development, to assure initiation and motivation among beneficiaries and producers, to encourage private investment, to avoid disputes between villages and individuals, and to prove the way for the improvement of people’s living standard” (1994: 2). (Whether and how could it avoid disputes between villages, we will see it in the subsequent chapters). Furthermore it states that “these objectives can only be attained by replacing the existing progress impeding system of land tenure in Eritrea” (1994: 2). So it was claimed that this proclamation has been promulgated to promote the economic and social development of the country. Since the *diessal shehna* system is the predominant tenure in function, in the highland plateau, actually the new land proclamation of the state was meant to replace this system.

Generally, in many countries land reforms have been introduced for a mixture of political, economic and egalitarian motives. The land reform in Eritrea, however, is different from other countries where reforms are carried out in order to correct or balance skewed distribution of land resource in favour of small holders, as in the case of landlords, which is not common in Eritrea where traditional land tenure system is significantly egalitarian in its nature. Thus, the Eritrean land reform is driven by development needs of the country rather than the problem of inequality of access to land. This reform which was characterized as being rather ambitious (Kidane Mengisteab, 1998; Wilson, 1999), puts the ultimate ownership and allocation of land in the hands of the state, giving all citizens above the age of 18 rights to entitlement for a plot of land on a usufructuary basis for life.

Many articles and papers have been written with the intention to analyze and comment on the land proclamation since its issuance (Kidane Mengisteab, 1998; Tesfai Abraham, 1998, Tronvoll, 1998; Wilson, 1999; Joireman, 1996; Alexander Naty, 2002; Rock, 2000; Castellani, 2000; Markakis, 1995). Some of the basic problems of the reform identified by

these writers are: (1) it neglects the pastoralist way of life in the lowland areas; (2) it is heavily influenced by the old development paradigms; and (3) its consequences to the village community as an entity, as it disregards village boundary and its institutions of land administration, are extensive. While these articles give some important and timely analyses and comments, their common problem is, however, that their ability to propose or recommend alternatives to the reform is very limited. This problem mainly stems from the limited literature on land tenure and the total absence of any significant study of customary land use and management systems in Eritrea. Nevertheless, this is a major issue that needs to be dealt elsewhere. The third point in the above has, however, particular relevance for the purpose of this research.

According to the Proclamation, boundaries between villages will be abolished. This is one of the most radical changes in the new land law which creates anxiety for the Eritrean rural communities. By this law, two basic and most important ingredients for the village formation are utterly eliminated: a distinct village territory of land and membership of a village community by descent. Alemseged Tesfai, former head of the Land Commission, in an interview, after indicating that abolishing village boundaries was a long-debated issue, says the village will continue in some form, but not as a giver of rights. However, how the Eritrean village will continue without the basic defining features is full of uncertainty. According to Mengis, head of the Department of Land, Southern Zone, and Tsegai, evaluation officer in the central office of the Department, any individual, regardless of his/her village origin or his/her initial belonging to a certain land, can be allocated land in any place (interviews). This means, for example if we assign letters A and B to two villages, an individual from village A can be given a plot of land from the territory of village B and vice versa. As Mengis says, it is expected that after a certain time this will weaken people's attachment to land. Furthermore, he states that the land reform has moderate acceptance among the population, although he admits that there are some concerns and new problems may occur in its step-by-step implementation. But signs on the ground indicate the opposite. A dispute case that clearly illustrates how difficult it is to abolish village boundaries is the land dispute case between the villages of Adi Bari and Qakibda. This dispute arose during the Dergue reform when they were forced to join their lands. Adi Bari refused this, and after 18 years of the Dergue reform

and nine years of the new state land law the case was settled by restoring the old boundaries between the villages in 2003.

By now it is ten years after the land Proclamation legislation was adopted but yet it is to be implemented, except pilot test sites. Tsegai told me that recently land distribution was carried out and he asserted that there will also be others redistributions in the future in a similar manner to the *diessa* system, except some new regulations. Alemseged Tesfai preferred to see the land reform as an experiment (interview). What all the interviewees agree is that it will take too long time to be implemented.

The basic problem with this state land reform programme is that land is largely reduced to economic terms, despite all its social values and people's attachment to their land. Such a reform that takes ownership of land from the village communities and allocates it to the state and consequently dismantles village institutions of land administration, is likely to create skepticism and more discomfort. Whether we like it or not, what the Eritrean elders stated to the Italian writer concerning their opinion to the government's involvement on their land applies also to the national government and not only to the Italian or any other foreign government for that matter, although government legitimacy may have some small effect. As Tronvoll correctly observes it, "... it is quite incomprehensible for the villagers of today that they should not be allowed to control and govern their own village land, and possible state 'ownership' is only understood as an abstract form that would never affect the reality on the ground" (1998: 476). To abolish the *diessa* system and all its institutions is not only to dismantle all the democratic principles of the *diessa*, believed to be the basis for future democratic Eritrea (Yohannes Habteselasie, 1992; Kidane Mengisteab, 1998; Tronvoll, 1998), but also to give a strong kick to the base of the village communal identity - the most important social organization structure of the Eritrean peasantry. As Kanyinga put it, "changes in the structure of land ownership amount, essentially, to the re-orientation of an entire social formation. Therefore, any changes to land tenure systems, and particularly in the structure of ownership, must be seen in the context of a wholesale restructuring of the social formation and not just its agrarian system" (2000: 7).

Definitely, at least into the near future, the village *diessa* tenure system will persist, though with some changes in regulation, by its adaptive force, if not by the resistance of the people. Tronvoll, noting the present stage of development in Eritrea, characterized by small-holder agriculture which will remain dominant for some time still, views the *diessa* system as the most dynamic one. What land tenure scholars are now advocating is a “state-facilitated” evolution of indigenous land tenure systems” (Bruce, 1993:51) that enhance co-operation rather than confrontation.

This chapter and the previous one are designed to show the reader what is behind the land dispute between Guaquat and Geddele in terms of population composition and their kinship relationships, their land tenure system, and their attachment to their land. Therefore many of the discussed points and concepts will be recalled in the following chapters that take up the main issue, land dispute. Hence, let us come to the issue keeping them in mind.

CHAPTER FIVE

5. Land Disputes

On the densely populated plateau, which is in large measure rocky and barren, arable land is comparatively scarce, the search for land, this vital resource, is intensified to a veritable struggle for existence... Land rights thus became rights which needed to be jealously defended and backed by physical force. They were objects of incessant struggle rather than the fruit of peaceful growth.

- S.F. Nadel (1946:1)

This chapter focuses on the main theme of this paper - land disputes, as it also attempts to frame the problem within the concept of conflict. To acquire a broader understanding of this problem, it is necessary to have a general overview about the problem of land disputes in the highland area of Eritrea and in other countries before we can proceed to the case study in the next chapter. I will, therefore, try to identify some of the main and shared causes, features and nature of land disputes between villages in peasant agricultural conditions.

The problem of land conflict between local communities on a micro-level scale, takes place within larger societal, ethnic, or other organizational structures. In rural contexts a village community is one of the most common social collectivities with a distinct identity, largely determined by common habitation or settlement. A land dispute between such communities is, therefore, a specific issue that needs to be situated within broader conceptual frameworks formulated for the explanation of human conflict in general. Social conflicts, whether at the micro- or macro-level, quite often share similar material and nonmaterial causal factors. Thus, the following section looks at some theoretical explanations of social conflict and places the problem of land conflict within relevant conceptual frameworks.

5.1 Theoretical framework

5.1.1 Conflict

Conflict is one of the major and very common phenomena of human societies. Its pervasiveness appears in many aspects of human life. Most writers see it as an inescapable and inevitable phenomenon that results from the highly complex, competitive and sometimes, contentious nature of human societies, (e.g. Tillett, 1999; Aurel and De Waal, 2000; Isenhardt, 2000; Weeks, 1994). It is all about complex human relations at all levels of organizational structures, between individuals, groups, communities, organizations and nations. Based on the organizational level and relationships of the parties involved and the causal factors, the intensity of conflict varies from minor disputes that can be easily lived with to violent and destructive fights that result in irreparable consequences.

Scholars have been seeking to understand and explain this striking phenomenon for centuries. As it is true with other areas of social sciences, early methods of analyses, generalizations, and interpretations were limited and sometimes crude. Some scholars tried to find the causal factors of conflict in the individual heredity, the so-called “instinct” theory of conflict. Others, without moving away from the individual, tended to articulate causal forces as “tension” that resulted from certain aspects of the social experience, so as to add some nonhereditary elements (Himes, 1980: 29).

It was Karl Marx who first offered a more analytical, theoretical framework for the study of social conflict. Marx utilized a systematic and dialectical model in his construction of a theory of social conflict. He takes as a starting point the sharply divided and antagonistic social classes inherent in the capitalist social structure – the bourgeoisie, who own the means of production (land, tools, materials), and the proletariat, who own only their labour (Himes, 1980: 30). In Marx’s theory, therefore, the basic source of conflict is the possession and control of material resources, which are limited. For this reason it is said that Marx’s work significantly advanced the study of the sociology of social conflict. Many other theories of

conflict, such as Ralf Dahrendorf's (1959) structural approach; John Dollard's (1939) frustration-aggression theory, complements the emphasis of Marxist theory on the material basis by their tendency to be inclusive in considering the structural conditions and relations that are not adequately addressed by the material approach.

Conflict refers to the struggle in which competing parties, attempting to achieve certain goal(s), strive to eliminate opponents by making them ineffective. Usually attainment of the intended goal is sought at the expense of the other party. Although there are numerous definitions of conflict, most of them put scarce resources as one of the most important cause of conflict. As Jandt asserts, "The existence of scarce values, or at least the assumption that certain values are in scarce supply, is a working part of the conflict structure" (1973: 62). Lewis Coser's definition of conflict is probably the most widely quoted. He defines conflict as "...a struggle over values and claims to scarce status, power, and resources in which the aims of the opponents are to neutralize, injure or eliminate their rivals" (1956: 8). In sociological explanations of conflict, the three elements in the above definition – status, power, scarce resources – are quite often singled out as the main causes, even sometimes the only, sources of social conflict.

Coser (1956: 48-55) also differentiates between "realistic" and "nonrealistic" conflicts. According to him, struggles against collective opponents for the acquisition of scarce values are realistic because the contending parties see it as a means of achieving a specific goal, namely, gaining the scarce value. Thus the case study of this research is realistic, as both parties sought for the scarce resource, land. On the contrary, nonrealistic conflict is said to be tension-releasing, self-rewarding aggressive action. Thus it is manifested by the expressed behaviour of the conflict actor rather than the achievement of the goals external to him/her. The basic difference between these two types is, therefore, in their origin and in the ultimate motivation behind the action. More often the functions of nonrealistic conflict are socially undesirable or harmful. For this reason Himes concentrates on realistic conflict as social conflict supporting the sociological perspective that emphasizes collective action.

Accordingly, Himes defines social conflict as "... purposeful struggles between collective actors who use social power to defeat or remove opponents and to gain status, power,

resources, and other scarce values.” (1980: 14). Himes views conflict as a deliberate behaviour as sometimes it involves planning on how the intended values may be attained and resistance subdued. Both Coser (1956) and Himes (1980) believe that conflict involves the use of power to neutralize or remove obstructing opponents or resistance. While Himes emphasizes the collective actions for the attainment of desired values or resources believed to be in scarce supply, he retains the basic sources of conflict in Coser’s definition.

The definitions of conflict in the above seem to be relatively straightforward yet inadequate as they tend to limit the sources of conflicts to specific elements, namely scarce resources, status and power. Recent analyses of conflict, however, attempt to offer more inclusive definitions of conflict. Tillett, for example, offers a brief but broader definition: “... conflict exists when two or more parties perceive that their values or needs are incompatible” (1999: 16). In Tillett’s definition values are not limited to those in a state of scarcity, but broad ranges of beliefs and interests, e.g. religious, political, moral beliefs, etc. By “needs” he means to include those that are related to psychological and emotional well-being, besides physical needs. Thus this approach adds a new dimension to the explanation of conflict. However, John Burton (1997), one of the world’s most distinguished contemporary conflict theorists advocated the radical departure to “needs theory” of conflict, that tends to reduce the importance of material bases of conflicts.

Burton (1997: 17) argues that material acquisition, such as resources and territories, is rarely the primary source of serious conflict. Accordingly, he emphasizes the nonmaterial needs of humans such as identity, recognition and security. However, human societies’ competition and conflicts for scarce material resources, specifically land, cannot be minimized. It is empirically evidenced that land, especially when it is in a state of scarcity, remains a basic cause for competition and conflict. Prosterman and Riedinger assert, “... a very high proportion of the most violent twentieth century civil conflicts should have occurred in situations where a substantial percentage of the population were blocked, by human agents, from having a secure and remunerative relation with the land they tilled” (1987: 9). Peters in his way notes that land, “... in many [...] places of the world, has proved to be the main arena of competition and conflict as commercialization proceeds and as social differentiation and class formation result” (2002: 157). Moreover, those nonmaterial human needs, such as

identity and recognition, are sometimes the basis or prerequisite, hence the means, for material ends. The possession of these material resources in turn determines many social distinctions, positions and statuses. Therefore, this study will show how the scarcity of resources, specifically land for the case study, came to be the cause of the conflict.

All the above analyses contribute to the understanding of conflict in their own ways as each tries to offer an explanation of the issue based on its own emphasis. Thus, they should be viewed as complementing each other, rather than contradictory. The issue is not merely establishing whether material or nonmaterial sources of conflict are more important but how we can provide a holistic and systematic explanation of conflict that considers all the possible causes, though this is not the scope of this research. As we have seen in the above, Burton's theory of conflict, specifically the "human needs" approach de-emphasizes the material causes of conflicts. On the other hand, it is also noted that other conflict approaches, from a sociological perspective, emphasize collective action and put material bases of conflict at the centre of their analyses. For the purpose of this study, such approaches, that consider the scarcity of material resources as the basic source of conflict, are more significant and explanatory. By nature land as the basic material resource is, directly or mediated, the centre for other physical resources that human societies compete for and struggle to control. But land conflict should not be treated simply for its economic importance; as discussed above, the social and cultural values of land should also be considered given the context of a specific dispute. Land as a source of identity and people's emotional attachment to it has significant implications for the nature of the disputes. Thus, bearing this fact in mind, in the following section we come to the main theme of this research, the problem of land conflict.

5.2 Land conflicts

People and communities across the world have been competing for various natural resources such as land, water, forests, etc. We have already highlighted, in the previous chapter, the vitality of land in human society. Struggling for the control of land means enhancing one's life in multiple ways, or at the extreme, it will mean a struggle for existence. That is why conflict over land between nations, communities, between communities and governments,

between individuals and communities, etc., has been the reality.

One of the unique features of land is that it is a fixed entity which is given by nature, that can never be expanded, while human need for it expands dramatically from time to time with the growth of population and increase of new institutions that result in new demands for land, e.g. space and mining. Another feature of land resource is that, especially in the pre-capitalist societies, it is traditionally commonly held or shared property by people or communities. Moreover, quite often land is possessed by occupation and habitation thereon, not always by rules of allocation, which results in unbalanced possession. But, most important, amidst all these, there are complex and unequal social relations, identities and positions among a wide range of actors in relation to the resource of land. All these, in many respects, complicate and enhance competition and conflicts over land as they strongly determine access to, use of, ownership and control of land.

The body of the literature on land disputes is largely found in journal articles, reports and dissertations, rather than in textbooks. In textbooks we find more on the general issues of land reform and land tenure systems. It is characterized by the presentations of isolated case studies of disputes. Yet, there is no significant attempt that I could find while engaged in this research project, toward a satisfactory broader and integrated thematic explanation of the issue, as in other area of conflict. The writers of such articles and papers, some of which are referred to below, most of the time do not even mention problems of land disputes elsewhere. But the main problem is that it is not only that land, and other natural resources for that matter, as sources of conflict did not receive adequate scholastic attention but it is rarely conceived that these resources are the underlying factors behind many conflicts seemingly caused by other issues like ethnicity, religion etc. Suliman (quoted in Khanyile, 2002: 31) observes this:

the conventional assumption that violent conflict in Africa emanates from ethnic, religious, or cultural differences are limited and misleading. . . . scarcity, resulting from denying or limiting access to natural resources and from growing environmental degradation, stands out as probably the most important factor behind conflict among peoples of the country [South Africa]. Although ethnic [and] religious dichotomies are

strong in people's mind, and the longer a conflict persists, the more these factors come into play.

Jabulani Sithole (1997) also challenges the use of simple labels like 'faction fights', 'native unrest' and 'tribal disturbances' to explain the complexities of violent conflicts between local communities in South Africa in his case study of the area of Umlazi, Pinetown district, during the 1920s and 1930s. After exploring the contextual causal factors for the conflict, he finds that a series of disputes, resulted from scarcity of land, and long-sustained chieftaincy succession made the conflict more violent. The author also sees this against the background of complex social and political processes that aggravated the circumstances, among which social dislocation and disintegration, resulting from urbanization, and the crisis of social and political power of the traditional authorities as a result of their loss of control over land and other resources because of the state intervention.

A preliminary look at the literature immediately shows the diversity and complexity of land disputes. The parties involved in disputes, varies from the largest state institutions to individuals engaged in a certain kind of land dispute. The level, intensity and dimensions of land conflict also vary significantly. But the most serious dispute is when it is between two communities, as it takes a collective nature, involving the communities as a whole. Moreover, collective disputes significantly differ not only across or between countries or societies, but also within different localities of the same country. In analysing the problem, this leads us seriously to consider a broad spectrum of socio-economic, political and historical contexts where land disputes take place. Because of this, different authors deal with the problem from different points of view and perspectives. In rural contexts political control, economic life, identity and social bonds revolve around land.

Most of the literature on land dispute puts the *scarcity* of land as a resource as the main underlying cause of land disputes. Nevertheless, researchers use different analytic approaches to the problem. Given the context of their respective studies, some of them examine the political nature of land disputes; some emphasize the economic value of the land; some

analyse it from a gender perspective; others try to see it from the point of view of people's historical attachment to their land and its sacredness, and so on.

The literature on land disputes in southern Africa gives significant attention to the political nature of the disputes, arguing that land disputes are motivated by political interests and struggle. For example, Jens A. Anderson (1999), Donald S. Moore (1998) (in Zimbabwe); Sithole (1997), Maano F. Ramutsindela and David Simon (1999), De Wet, (1987) and J. P. Shongwe (1999) (South Africa); and Molatsi Thabane (1997) (Lesotho), consider the political aspects of land disputes. This seems to be mainly because of the historical situation, including the impact of colonialism, and the fact that in these countries traditional local institutions and authorities are, to a certain extent, still functioning alongside the central state authorities. Historically, the marginalization of local communities from the mainstream of life by the state, on the one hand, and state interference, on the other hand, shaped the contextual landscape of land disputes. This complicates the problem by multiplying the actors in land use and conflict management and by enhancing the ideology of territoriality and competition among rival groups. It is to be remembered that, as stated in the previous chapter, land control and allocation, in communal or tribal areas, is vested in the hands of traditional leaders although it is generally known as communal land.

The headman or chief's political power largely emanates from his control over an area of land from which he allocates arable and pasture land to his followers. While the allocation of land gives access to the people, this helps him as the basis for gaining support from them in contests for the headmanship, in which he uses the social power in contesting with other rival leaders. This is illustrated, among others studies, in De Wet's (1987) case study of the Ciskei village of Chatha, from 1880 to 1950. The author shows how two territorially based rival factions within the village came to contest for the headmanship. As the author put it, "... various headmen have tended to favour people from their own and neighbouring village-sections in the allocation of land. It was therefore in people's interests to have the headman living in their locality, where he could best serve their interests, and people accordingly tended to support a candidate for headmanship from their own, or a neighbouring village-section." (1987: 60). The people's claim for arable land was channelled through their sub-

headmen, a process which brought different sections of the village community into competition for access to arable land, which became available for reallocation (De Wet, 1987).

Similarly, Jens Anderson (1999), in his case study of land dispute of Save Communal Land, in the Murambinda area in Zimbabwe, presents a dispute, which he believes was initiated by village leaders. Although he acknowledges that the scarcity of land is a serious problem, he emphasizes the political aspects of the dispute, arguing that land disputes are caused by highly politicised territorial struggle, rather than the economic value of land. Considering the financial costs of litigation, the limited productive value of the land because of low rainfall and poor soils, the moderation of the commoners in the dispute (he argues the commoners were less interested in the dispute), the author concludes, "land conflicts [in the district] do not centre upon the productive value of the land" (1999: 577). This conclusion, however, seems to be questionable in many respects. First of all the author seem to overlook the significance of the social value of land for indigenous rural communities. In such communities it is hard to believe that the struggle for land can simply be weighed against its productive value and the costs of litigation. In the Eritrean case, as we will see below, these issues are of no concern. Anderson draws his analysis from a single disputed case hearing process, which can hardly enable him to grasp the values attached to land by communities other than its economic function. Secondly, in most cases it is not appropriate to see separately the economic and political aspects of land disputes. Anderson himself notes that village leaders receive money in return for allocating land for their followers (1999: 555), but, significantly, he minimizes its economic importance for them. As previously indicated, many of the above mentioned researchers from South Africa and Lesotho, for example, show that people were complaining that traditional leaders used to allocate community land to strangers for the return of money, and the large amount of tribute they used to ask for, even from community members.

There is a general tendency among researchers to single out and establish one major causal factor in their explanations of problems or phenomena, although in many socio-economic and political circumstances multiple factors can be equally important for a single research problem because of the fact that social phenomena are quite often intricately linked to each other. This seems to be true in Anderson's case. Barrows and Roth assert that in Zimbabwe,

by the first half of the twentieth century in communal areas, land scarcity had already been phenomenal because of many factors. As they stated, “With the alienation of land to white settlers, rapid population growth, and the introduction of oxen drawn ploughs, land had become the more limiting factor in communal areas by the 1940s” (1990: 284).

The second point in the above leads us to other kinds of land disputes which result from contradictory perceptions of land ownership and rights among the commoners and traditional leaders inherent in some customary land tenure systems, as is illustrated in Thabane’s (1997) study of land disputes in Lesotho. According to the author, while the commoners perceive land as a common property, chiefs tend to act as if the land belongs to them virtually because of their position to control and allocate land to community members. As Thabane illustrates in an example, “...a chief applied his administrative title to exclude some of his subjects from access to leboela [land]. This act seemed to emanate from the chief’s perception that the land was his to dispose of as he wished. On the other hand his subjects’ subsequent complaint was informed by their perception that the land belonged to the nation, that is, them” (1997: 6).

Thabane blames the traditional land tenure arrangement for its vagueness as, according to him, it has never made clear who owns the land in Lesotho. He shows how the changing history and growing scarcity of land led to disputes not only between chiefs and commoners, and between chiefs themselves of course, but also between commoners (1997: 9). The author also notes that chiefs were getting a number of economic benefits from their subjects as personal gain (1997: 12). In a similar study in Uganda, Barrows and Roth (1990: 279) state that control over land was closely associated with the highly centralized hierarchical political structures of the Baganda society, and note that village headmen attract peasants to their community by offering them access to cultivable land not only to gain support but also as the peasant would in return be obligated to give free labour to the headmen.

One of the characteristics of land disputes is that sometimes, especially when the two parties involved are from unrelated people, it can lead to another violent dimension of vengeance. Jonathan Clegg (1981), after asserting the scarcity of land as one of the underlying factors and articulating the political and territorial nature of land disputes, investigates the development

of the ideology of vengeance out of the conflicts in the Msinga and Mpofana rural locations of Zulu through the period from 1882 to 1944. The author shows that for the younger generations it was the feud, as established reality in itself, rather than the disputed land, that they inherited. As he put it, “After five or six decades no one recalls the exact reasons for the feud except that neither side will be satisfied until the ‘score is evened out’. It is in this situation that the feud can be seen to take on a ‘life of its own’” (1981: 192). This indicates that some land disputes between communities, if they are not forestalled soon, can lead to continuous confrontation and feud. The author also indicates that little attention and/or insufficient intervention by the state authorities aggravated the problem. Sithole (1997), Anderson (1999), and many other researchers have made similar observations. Similarly, articles about the centuries-long history of the dispute between Hopi and Navajo people in the United States of America,³ and in many other places also reveal this.

On the other hand, state or government interventions in local land use systems for different reasons, such as in the case of land management and use planning that involve creating reserves and the distinction between pasture and arable land, and rural development projects sometimes aggravate land conflict as such kinds of plans put limitations on land use by communities and multiply land use claimants and role players. Shongwe (1999) captures this kind of land use conflict in a study in Matsamo tribal area, Mpumalanga Province, South Africa, trying to see it in the notion of change, which is taking place in the area. As the author puts it, “... land use conflict is driven by factors such as historical, political, social, legal, development, economic, agricultural and administrative considerations. All these are embedded in the concept of change” (1999: 71). The author establishes the competitive nature of land use systems as different uses constantly compete and challenge each other for spatial location and distribution. Khanyile (2002), in a similar context in the study of land conflict with regard to land reform in Thembalihle, finds different role players like the Thembalihle Trust Committee, government officials, traditional authorities and tribal groupings contributing towards the intensification of the conflict rather than solving it (2002: 202).

³ <http://www.hopi.nsn.us/Pages/Tutsqua/H6land.htm>. (17/03/2003).

The effects of socio-political and economic changes, especially in agrarian societies and land relations are often far-reaching, and significantly complicate conflicts over land. Myers' (1994) case study in Mozambique illuminates this. The author shows how struggles for land were complex and historically rooted, and aggravated by local responses to the varied effects of war and government policy. He illuminates the multiple competitive layers of land claimants generated by the effects of war, and colonial and post-independence policies and argues that the government was not handling land issues with efficiency and willingness, which exacerbated the confusing situation.

Most of the cases of land conflict that we have referred to above share some common features, most important of which is the scarcity of land as the underlying cause of the conflicts. Another feature that characterizes most of them is that, as we have seen, traditional political authorities play key roles in the conflict process because of political and economic motives, having administrative control over land, which is inherent in such tenural arrangements. While the first point, i.e. the scarcity of land, is also a defining factor in land conflict in the Eritrean highland, it is distinctly different with regard to the latter issue. In the highland of Eritrea, as I have shown in Chapter Four, traditionally no political authority has any prerogative say with issues of land above the village community. Territorial unit is well established at the village level and the whole village community assumes a collective responsibility and vigilance over issues pertaining to land, including land disputes. Those periodically established land administration and distribution bodies work under explicitly elaborated rules in the customary laws, and if they make a single mistake in administering the village land according to the rules and regulations, some of the customary law provides that they should be fined and leave their office for not administering the village appropriately. When dispute between villages over land occurs a separate body is established to deal with the matter and this body works in consensus with the whole village community, as will be illustrated in the case study. The following section takes us to the context of this study – land disputes in the Eritrean plateau. Now first let us briefly look at the problem from an historical point of view.

5.3 Land disputes in historical perspective

I found the interviews I conducted and the land dispute files to which I referred, largely substantiating each other. However, exhaustively to establish the complex and diverse cause, nature and trends of land disputes in the highlands of Eritrea within the relatively limited time for data collection and the necessary resources is a challenge. Each dispute may have its own unique features, which makes the study of land disputes laborious. Nevertheless, for the scope of this study, some major origins, causes, and nature of land disputes can be identified. Such substances of land disputes will be elaborated upon, with examples referring to their historical contexts.

To paraphrase Ambaye Zekarias, the genesis of land property began long ago, first by occupation of a certain territory and habitation thereon; secondly, through acquisition by legal and illegal means and conquest (1966:3). In the early stage of human settlement, after the founding fathers settled upon a certain area, they might later abandon the area for a better habitat. But if they found the habitat supportive and suitable they might make it a permanent place of habitation. Such settlements would then become villages with their own occupied territory. Given the fact that population density was very low initially, in most cases it was unlikely for the people to face claimants from a neighbouring community. A distinct area of village land, traditionally occupied by each village community, was isolated from its neighbours by buffer zones of unclaimed land.

This was true until a few decades ago in some villages of Seraye and Akele Guzay provinces. The village land was usually divided into two parts: arable fields where they grew staple crops, and pasture land. This division of the village land was directly relevant to the mode of territorial expansion. If land grew scarce in the settlement area, the community could expand into the village bush area or pasture land, and then move on ahead, staking out a claim to new village territory. As they felt their way ahead, the village community next door might counterclaim, similarly taking its own action in expanding its territory, each determined not to let its line of future expansion be cut off.

Once a common-field site was successfully occupied by a certain community, it would become an acknowledged part of the neighbourhood territory, and could then be used again and again by the same community, thus, making a claim by taking possession, and defending it by force. Only then would possession be fully acknowledged by the competitors. This is most likely to be the characteristic principle at the early stage of acquiring land property. Otherwise, there was no legal basis for saying which land belonged to which village or community before the initial occupation. So, this condition, among others, led to disproportionate possession of land by villages, which might be a potential source of disputes. However, also acknowledging one's own territory in certain cases could not prevent people from claiming against and conquering one another. Indeed, in some places the history of people was characterized by struggle for dominance and territorial conquest, hence quarrel and conflict.

Such incidences of competition and conquest could be influenced by the kinship ties of the neighbouring village communities. If there are brother villages, i.e. villages that have a common ancestor, this relationship to some degree minimizes the competition between them. Rather, they might take a collective position in conquering territories of unrelated neighbouring people, or for the purpose of defence. For example, the people of the Seven Mereta have, I was told, a history of common defence and conquest related to their common land. (Further elaboration will be given in the next chapter).

But it does not mean that there were always disputes between neighbouring villages. In some places clear-cut boundaries between village territories developed peacefully. Natural boundaries, such as rivers and mountains, were helpful in such cases, especially when these natural boundaries are relatively at equal distance from the neighbouring villages. However, where such natural phenomena are very close to either of the villages there is less likelihood of its acceptance by the village. This could lead to conflict. Generally boundary definition was prompted by disputes over land that no one village had hitherto claimed by the act of taking it into use.

As we have seen in the previous chapter, during the Italian colonial period (1890 to 1941) the government intervened in the traditional land holding systems of the Eritrean society through declared policies of government land (*domaniale*), confiscation of land and giving it to colonial settlers and to some native followers of the government. These acts worsened the scarcity of land, and created some ambiguity around the ownership of land. This was the first intrusion in Eritrean customary land tenure system, which created a multiplication of claimants to land and land use. First, the colonial government, by merely issuing legislation, at least in principle, declared state land. But, except in certain areas where native owners were forcefully removed, the feeling of ownership of the original inhabitants remained intact. However, a third group of claimants were created in *domaniale* areas, because by implication the declared government policy brought all people into equal positions for claiming land in that newcomers could also apply for the use of land under *domaniale*. This created a way for people who previously had no title to use, to a certain area then declared *domaniale*, to come to the land for the purpose of cultivation and grazing. But much of the *domaniale* land was still practically in the hands of the original owners, and they would try to prevent newcomers or impose tax payment for grazing upon them, although, according to the Italian decree, no grazing tax was payable by anyone pasturing on *domaniale* land. This situation is indicated in the dispute files of such kinds to which I referred. Files of land disputes between the villages of Liban and Habela, between Makarka and some people from Tsada Christian, and other files, indicate such cases. Many land dispute cases arose from such circumstances.

During the British Military Administration⁴ (BMA), 1941 to 1952, when the Italian colonial power was replaced by the BMA, there was a very high frequency of land dispute cases in the highland area of Eritrea. Two main reasons can be identified for this from the files of the period to which I referred. Firstly, many land dispute cases, which were closed during the Italian period, were reopened because of the assumption of the disadvantaged parties that their cases could be reconsidered by the new government. Secondly, there were appeals from people whose land was confiscated by the Italians and some Eritreans for the restoration of their land possession. On the other hand, since the status of the *domaniale* land remained

⁴ The Italian occupation of Eritrea was replaced by the British Military Administration in 1941 when the Italians were defeated by the British forces in the Second World War.

unchanged throughout the successive periods of foreign rule, disputes which arose from the provision of *domaniale* land continued to occur. But the BMA's declared policy seemed to be a policy of non-interference with native laws and customs, except on grounds of repugnancy. It was not only unwilling to accept such appeals, but also new cases of land disputes were sometimes ordered to be dropped or to be resolved on the basis of customary laws. For example, in the file of the above mentioned dispute case, between Makarka and Tsada Christian, Makarka villagers made people from Tsada Christian pay tax for grazing in a certain area for many years. Once the other party refused to pay the tax and, consequently, when the case was brought to the office of administrative secretary he was not willing to consider the case although it was against the Italian decree and the BMA was meant to keep the status quo of the Italian administrative rules. It appears in statements made by the civil affairs officers and administrative secretary that they were cautious to interfere in established customary practices. For example, in the above case, the secretary recommended:

I am of the opinion, under the present circumstances, that to interfere with a custom which has been in operation for such a long time (would) be extremely unwise and that to re-introduce laws which have not been adhered to for so long a period as the one under discussion will create serious trouble among the natives concerned. I therefore consider in conclusion that the matter be dropped (file of grazing dispute between Tsada Christian and Makarka, Asmara).

Hence, serious land problems and conflicts were developed in some areas because of lack of appropriate attention to the settlement of such disputes. Thus, many land disputes remained unresolved for the whole British period, and indeed in some cases to the present.

During the periods of federation of Eritrea with Ethiopia (1952-1962) and the Ethiopian imperial crown, that is, during the time of Haile Sellasie, there was no major land reform act which could affect the trends of land disputes, but those unresolved dispute cases which were inherited from the previous period continued to be resurrected, even after independence. There were also some new disputes. Some disputes also occurred in some villages because of the delay of periodic land redistribution as redistribution was not encouraged, but such kinds of disputes were to be seen within a village circle land

administration. It was during the Dergue regime (1974 to 1991) that a new dimension of land disputes occurred when it attempted to modify the village *diessa* tenure system by merging two or more villages into one *diessa* unit under a common peasants association. While it was generally true that this reform was resisted by the villages, it was likely that in some cases some of the villages with smaller territory of land and proportionately larger population would accept the introduction of this change. But those with larger areas of land strongly opposed it as such a change was to their disadvantage because it would result in reduction of the average size of a share each household receives. Examples of disputes resulted from this reform were the cases of Adi Bezhannes and Maedo villages (in which each village was required to be merged with its neighbouring villages) (Rock, 2000: 228), and the previously mentioned case of Adi Bari and Qakibda villages. In this situation what some villages did was that, in order to avoid such a quarrel between them and any other inconvenience, and to preserve the stable and smooth functioning of each village's practice, while they boldly told the administration that they did merge their land, they internally agreed not to implement it and kept their boundaries and normal practices of individual village land administration.

After independence many land dispute cases continued to be resurrected. It was shown earlier that with radical political change, specifically with regime change, many latent land disputes are re-opened because of the new expectations of people for the reconsideration of their cases. For example, a letter written by police administration of the sub-zone of Dekemhare to the investigation committee of the incident of land clash between two villages called Sesah and Wekerti regarding the case, dated 10 October, 1992, indicates that land disputes between villages after independence were increasing. Eight cases in the sub-zone were mentioned, one of which is the case study of this research, and it recommended strong measures to be taken against the parties who were involved in violent clashes, in order to contain the problem. Some research reports elsewhere in the country also indicate similar trends. Rock (2000: 228), for example, quoting Cliffe and Shivji's report on land issues and investigations of land disputes by local administration of Seraye province, indicates that in the three year period 1991-1994 at least 60 inter-village disputes have been recorded in the province, many of which took violent form. Several of these disputes resulted from the reform by the Dergue in the 1980s, which involved altering and redefinition of village boundaries. This issue, i.e., the

alteration or redefinition of village boundaries, raises a particularly serious concern due to the fact that one of the reasons for the elimination of boundaries between villages in the new land proclamation is that it is expected to avoid disputes between villages. This point was also reiterated by my interview with the Department of Land. Many land tenure scholars and researchers suggest that most often land reforms do not resolve competition over land. Rather, as Bruce puts it, they “just redesign the playing fields on which they are carried out” (1993: 51).

It is not only, however, the issue of boundaries that raises concerns with regard to land disputes in relation to the state land proclamation. A new dimension of disputes is emerging now because of the provision of the land reform for new rights of entitlement to land over existing rights rooted in custom. Since the new land policy gives the state power to control and allocate land for use to individuals or investors, in accordance with its development and investment policies and priorities, some investors have been given areas of land, which have long been occupied by communities. However, in many cases this development is creating serious tension between newcomers or strangers and the original owners. An example of this is the case of Dbarwa in the Southern Zone, which is one of the fast growing towns. While the people appreciate the growth of their town they also have serious resentment of the allocation of certain fields to outsiders, saying that priority should be given to natives of the town. Thus, when one investor, called Abraham Michael, was given land for poultry at a place called Mai Telba the people objected and presented their petition again and again to the administration of the town, in order to stop the construction. While they were waiting for a response, on the 23rd of January 2002, in a meeting they were told that there was no response and the work would continue. Then the people went directly from the meeting to the site and destroyed the construction, which was in process. According to the file of the case the damage was estimated to cost Nakfa (local currency) 64,626.36, and 33 people were accused of violating government land proclamation and damaging properties. People often resort to such action when they get frustrated because they did not receive satisfactory responses.

What this and other similar cases show us is the strong tension between the rights of the state to control land, backed by legislation, and the deeply rooted customary land rights of

communities and the difficulties when feelings relating to these rights from the land owning communities are ignored. Castellani also observes this: “The fight against traditional social groups controlling land, at least in the highlands, is severe” (Castellani, 2000).⁵ This is what Platteau (1996: 46) stated: “the separation of land ownership from land use and the assignment or transfer of land to strangers are bound to arouse deep-seated feelings of injustice and alienation among the people deprived of their customary rights of access”.

Many writers who assessed the new land reform in Eritrea emphasize the potential conflict between concession land receivers (usually outsiders) and indigenous users, giving particular attention to the tension between pastoralists and agricultural investors in the lowland areas of the country (Rock, 2000; Alexander Naty, 2000; Joireman, 1996; Tronvoll, 1998; Castellani, 2000; Kidane Mengisteab, 1998). The western lowland has the highest potential for agricultural development as well as significant pasture land. It was predominantly inhabited by nomadic pastoralists and agro-pastoralist. Although there were already some farm establishments, it is recently, that is after independence, that many concession lands have been granted to new settlers and investors. This development is creating a sharp shrinkage in pasture land and environmental degradation. In this context the new land law has been sharply criticized for undermining a pastoral mode of life and promoting the rights of settled agriculturalists over pastoralists, which can result in serious conflicts. Joireman (1996), for example, regards this lack of protection of the nomadic pastoral areas as a “minefield”. Markakis also comments that: “Little thought seems to have been given to the obvious impact of such development on the pastoralist mode of production, and to the reaction of the people in what are politically sensitive regions” (1996: 127).

In this context at least three stakeholders are engaged in conflicts concerning land issues: the state, the people who have original ownership rights by custom, and the newcomers who receive new rights of land use, all with their own standpoint of justification of right to land. Although those who receive grants of land from the state for any purpose have legal support, in most cases these lands are not unclaimed lands. Of course, the land proclamation indicates

⁵ www.wisco.edu/1tc/wp37.html).

compensation can be given for lands taken from certain people, but its implementation, under what circumstances it can be applied, and its procedures are not yet clear.

5.4 Causes and nature of land disputes

Land disputes in the highland of Eritrea can be categorized into many types based on different principles. One can view them on the basis of ownership system of land, while others can see them on the basis of trespass and boundary, etc. The most serious land disputes, however, were rooted in the matters of ownership, access and boundaries. This, in turn, can be seen in the number of people involved in the dispute; it can be individual or collective ownership disputes. However, the most socially disruptive disputes were the collective ownership disputes, since they involved large numbers of people, from *enda* to the whole district people. This is the kind of dispute most relevant to this paper. So, some clarifications on the disputes relating to the collective ownership of land are necessary.

Traditionally, in Tigrinya society effective kinship relationship, within which marriage between two individual kin members is prohibited, is traced to six or seven generations of common descent. According to Nadel, during the British period, disputes between *endas* whose common descent lies beyond this boundary-line of effective kinship, were regarded as collective disputes, whereas disputes between *endas* or *enda*-sections of less remote relationship were dealt with as disputes between individuals (1946:100). But with regard to this distinction, not only the boundary-line of effective kinship, but also the number of people of the *endas* should be considered, for the case that some *endas* of less remote relationship can still have a large number of families, so that disputes between such *endas* could still have a collective nature.

Disputes could also be between individuals on one side, and *enda(s)*, or a village on the other side, still with collective nature. Therefore, most land disputes must involve whole groups, the *enda* or village, as the primary sources of land rights, except in places where absolute *resti* ownership were common practice.

Although it is difficult to list all causes of land disputes, it is possible to identify some major causes. On the basis of land dispute files and the interviews I conducted the following most frequent causes of land disputes can be identified:

- grazing payment;
- ploughing on an unacknowledged possession of land among neighbouring people;
- unclear boundaries between villages;
- position of the land in relation to the claimant villages;
- trespassing;
- claiming of land title on the basis of descent;
- possession of '*betekha*' (extra tract of land) by certain *enda*(s) within a village;
- claiming the "40 years right" of possession to the land on the basis of use and habitation thereon.

A single case of land dispute can evolve from more than one of the above causes. Let me elaborate on some of the most important of the above causes of land disputes.

Many land dispute cases were caused by, or involved the use of grazing. Certain villages or communities used to possess large areas of grazing land. In such cases then the owners allowed other people to graze stock on their land for agreed payment. But, after a certain period of time, the grazers might tend to stop being subjected to such payment, while the owners of land would insist on keeping the status quo. Such tendencies arose, most of the time, from the fact that the longer the people used, or inhabited the land, the stronger they could feel that the land belonged to them.

The most costly dispute in the country, which resulted from such arrangement was the land dispute case between the people of Tsenadegle and Teroa Bet Serah found in Akeleguzai province. The people of Tsenadegle, comprising seven villages, have a large common territory of land called Walitta along the eastern escarpment. And the Teroa Bet Serah have a small area of land on the eastern side of Walitta. According to the file of this case, the dispute was started in 1912 when the Teroa Bet Serah betrayed the agreement and the submission, which they used to give to Tsenadegle in the past for the enjoyment of grazing within Walitta. Serious incidences of fighting and secret killing between the two peoples repeatedly occurred,

especially from the 1940s until 1994 (last incident). Some of these incidents were characterized by large-scale confrontation. For example, in the 16th to 24th of August 1946 conflict, the British Senior Civil Affairs Officer of Akele Guzay at that time recorded in his diary of events that the concentration of Tsenadegle was estimated to be about 700-800 men, most of whom were armed with spears and swords.

People have been using the act of ploughing for certain fields where they had not ascertained possession before as a mechanism of proving their possession of the land, as it is also true that with the growing scarcity of arable land they tend to look for more cultivable land. Sometimes the land might have been used for the purpose of grazing jointly by two neighbouring villages, as there is a considerable degree of tolerance in such use. But ploughing and cultivating land implies exclusive use by one party and automatically terminates any enjoyment of the land by the other party. Thus, the latter also must react by attempting to plough adjacent fields or issue a suit against the action claiming possession of the land. An example of this kind is the land dispute between the villages of Sesah and Wequerti, which was started before the coming of the Italians. The dispute escalated to fighting when, in 1920, the villagers of Wequerti started to plough an area called Mahile which they claimed, but was in the hands of Sesah, according to the file record of the dispute. This dispute had been decided and settled, even under traditional mechanism many times, but the people used to reopen it after some years of peace and continued in this way until after the liberation. With regard to this case it is of particular importance to elaborate further on the 1992 clash between these two villages because it has important lesson to teach us in dealing with land disputes.

After liberation, during the years of 1991 and 1992, according to the file records, there were frequent attempts to confine animals from around the disputed area by both sides. As such acts aggravated friction between the two villages the case received attention from the then Department of Public Administration of the EPLF in the sub-zone. As a result on the 24th of August 1992 members from the same department from the districts of Seharti and Engana'a, where the villages of Weqerti and Sesah are respectively found, and administrative assistant of the sub-zone of Dekemhare, went to the disputed area with representatives of both villages in order to bring temporary solution to the problem by demarcating and prohibiting both

villages from using certain area of the land which they perceived to be controversial. Then the representatives of Sesah village refused to accept the temporary decision and expressed their demand for further appeal. Confining of animals on both sides continued during the next few days and on the 30th of August 1992, a violent clash between the two villages took place around the disputed area, in which one man from the village of Weqerti was killed while a further nine men from both sides were wounded. According to the file record, 57 people from both sides were accused of participating in the *ambagaro* (brawl) using sticks, axes and some hand grenades. As can be observed from the file of the dispute, throughout its long history, the 1992 clash was the most serious one.

Of particular attention here is, then, why did this incident happen only six days after the decision supposedly made in order to ease the tension between the two parties? What the researcher wants to illustrate is the repercussion of inefficient intervention in such long-standing land disputes. It was evident from the events that the act added tension to the dispute rather than settling it. In the following days, while each village was holding some animals of the opposite party, it is indicated in the file that the people of Sesah held a village meeting just before the *ambagaro*, i.e., on the 29th of August 1992. More important, once it was realized that one of the parties did not accept the decision, it had to be acknowledged that it could not be a solution for the dispute. Rather, the decision-makers had to be cautious about the matter. Quite often when land disputes are decided by authority or even courts those who perceive themselves to be losers set about taking further steps by themselves so as to halt the enactment of the decision. Furthermore, one of the administrative staff who attended the decision process in the disputed area told me, in an interview, that there was concern about the decision from some members. What this case tells us is that such an imposed solution in land disputes might have adverse effects, rather than solving the issue.

Another dispute of similar origin is the case between the villages of Burquito and Adi Quita, which was started during the Italian colonial period. Adi Quita villagers say that they were sole users of the land in dispute, while the villagers of Burquito argue that both villagers were using it for cultivation. During the time of Haile Sellassie, i.e., in the 1960s, the dispute reached Addis Ababa court. According to Mr. Semere from Adi Quita, litigants of the two

villages stayed in Addis Ababa for three to four years insisting on their argument (interview). Nothing was paid for the litigants' subsistence, but the villagers at home would have to help the families of the litigants in cultivation and other affairs. In this sense he/she might not be exaggerating so much if someone says that sometimes it is not only the land that becomes part of the life of the people, but also the struggle for it. It seems as if the struggle for land by itself was also an end rather than a means. For the whole period of the dispute, according to Mr. Semere, the villagers of Adi-Quita were using the land only for grazing, while the Burquito villagers had no access to it, but they were struggling to enjoy it: a struggle inherited from forefathers, at least for two generations.

The people were extremely vigilant in their argument. As far as possible they were always ready to eliminate anything they thought might lead to the refutation of their argument regardless of any disadvantage it might have. One thing of special interest in the case of Adi Quita and Burquito is that they left idle the field near the land under dispute, despite the fact that their land is small. This was done because if they were to plough the fields up to the border of the disputed area without trespassing, it might imply that in a sense they were accepting the boundary-line as their territorial limit. So, in this mechanism they shielded their position from the assumed danger. Hence, it means that some kind of land-use sacrifice was also made for land itself.

Many land dispute cases between villages originated from unclear boundaries. Unless there was controversy on lands in-between the villages, it was unlikely for the parties to come together to demarcate their boundary-line. So, each village might have its own assumed boundary different from that of the neighbour village. These imagined boundaries usually crossed one another and, hence, some kind of overlapped territories existed, since there was a tendency for each village to make its limits somewhat further outward. Such, situations were possible especially when there was tolerance among the neighbouring village communities in using land for the purpose of grazing. But problems arose when a village started to plough the land, because, as indicated above, cultivating land is a means of claiming ownership, and indeed quite often people ploughed fields just for the sake of marking a possession hitherto

unclaimed, with no concern about agricultural yield. As we will see, to some extent this is true in the case of Guaquat and Geddele.

Land disputes that arose from the position of the land were not uncommon in the highland of Eritrea. Villages used to claim certain areas of land on the basis of closeness of the lands to them. Some villages have very large territories that stretch far away, very close to the habitation of a village community next door, which could make them complain. The villagers with such large territory might not use effectively the part of their land furthest away, but let the other villagers cultivate the land with a consensus, providing a certain amount of the product be given to the owners of the land. As time passes, complaints might be raised refusing to acknowledge possession, saying “this land is ours, because it is closer to us”. Then disputes might arise. Of relevance to this is the “40 years claim”. According to customary law people can claim for land title or shares if they settled in a village or used the land for 40 years uninterruptedly. In this case disputes arise not only when the 40 years claim is enacted, but also when the original inhabitants or owners attempt to remove or terminate any agreement with the strangers so as to curtail this right, being aware that the settlement or use of the land by the strangers is approaching 40 years, which enable them to claim for land rights. An example of such a case is the dispute of Chenan Kobu’a village, in which some late settlers claimed land shares (Chenan Kobu’a land dispute file).

Generally, once land disputes between villages break out, it is extremely difficult to resolve them, because land must be tenaciously defended under any circumstance. Each party persists in its strong defensive attitude towards its claim. In the highlands of Eritrea every villager has the guiding principle in his/ her mind that “even an inch shall never be surrendered” (Ambaye Zekarias, 1966:7). Nevertheless, no matter how reasonable their claim is, once they launch themselves into the dispute no party is willing to make any compromise concerning land. Moreover, when one party feels dissatisfied by the decision, it is unwilling to settle because for land issues the highest possible legal structure must be reached through appeals, and disputants used to put enormous pressure on authorities, sometimes even by adding threats that they might take steps themselves if no further re-consideration were given for their case. For example, in the file of the case of Chenan Kobu’a, when the British Military

Administrator recommended to the Senior Political Officer that they should not re-open native land questions already disposed of by Italians if they could avoid doing so and the threat made by the plaintiffs could be ignored, the Senior Political Officer responded in a letter dated 29/06/1942 as follows: “I feel that even if delegation of powers was granted to me, it would not put a stop to the flood of appeals, because of the tendency of the Eritreans to appeal even where there is strictly no appeal, however. I may be wrong in that view” (file, Adi Ugri).

Many land dispute files indicate that in certain cases when courts or authorities ruled that the defendants should share their land with the plaintiffs they used to lodge appeals that seem hard to justify and they did everything possible in their power, by prevarication, procrastination and quibble, to avoid having to share the land with the plaintiffs. Nadel also observes this: “land disputes are bound up with the deepest of interests in material gain; they are animated by desires so pressing that they may silence the dictates of morality, and easily divide public opinion” (1946:107).

Disputants insist on their position adamantly, no matter how much adverse effect it might have upon them, even if there is no way for them to take other steps to reverse the situation. The dispute case between Adi Bari and Qakibda is illustrative of this. When in the 1980s, the Dergue was attempting to implement its land reform, the two villages were told to join their land into one *diessa* unit, the people of Adi Bari accepted this, while Qakibda villagers strongly opposed it. Consequently the two villages came into dispute. But the land reform administration proceeded with the process by enforcing the implementation, since the village of Adi Bari also supported the reform. Joint land redistribution was carried out without the participation of Qakibda. But allegedly every household of the two villages was to receive *gibri* by lot. In this case the people of Qakibda seemed to be helpless as they could not do anything to stop the process. But they still did have a strong, yet seemingly passive, strategic tool, the fruits of which was to be seen after 18 years of suffering. As a sign of their refusal to the policy, they decided not to acknowledge, hence not work or cultivate the fields allegedly assigned to each household of the village. Then one question that might be asked is how was this peasant community, whose life depends solely on cultivating small shares of plots of land, making a living during the 18 year period of time. I asked this to Ms Letebrahan, a

woman from Qakibda, and she told me that the people have had to engage in different wage earning activities in the neighbour villages, like house building and other labour, and cultivating fields in the villages for crop sharing. At the same time the government has had to support the households with annual food rations. This continued until after independence. Though after freedom administrative officers and other bodies tried to persuade the village community to accept the reform, and by 1994 the new state land legislation prompted the abolition of boundaries between villages, nothing could change their mind. As it was stated earlier, the dispute was finally resolved in 2003 by restoring the original boundaries between the villages. For the Qakibda village community this restoration of their village land must be full of grace, not in terms of economic value of the land but more important the social value of this specific land to this specific community and its communal identity which stretches back for centuries and continues to an indefinite time. Land is not simply the property of the present generation; it is inherited from the forefathers and must pass to the next generations, but only when it is preserved in the present. This is the moral principle of village communities in the highland of Eritrea.

Although court and administrative inefficiency was one factor which caused land disputes to remain unresolved, usually, for long, it should also be emphasized that land issues are so complicated and are some of the most challenging cases for courts. The nature of land tenure systems, the strong attachment of the people to their land, and the absence of dispute records and evidence makes establishing facts extremely difficult and time consuming. In brief, these are the main factors that Alemseged Tesfay and Tsegai Taamrat noted in interviews, as well as also apparent in dispute files. This is one of the reasons for courts, quite often, to order for land dispute cases to be settled on the basis of customary laws and tradition in their localities. Furthermore, as disputes take time often they become more and more tense and friction leads to clashes between villages. Once bloodshed occurs disputes become very serious and more complicated. What many of my interviewees stressed is that land issues are after all a survival issue. As Tronvoll put it, "Access to and control of land means access to and control of wealth and life, in addition to the command of an immense cultural capital" (1998: 473).

It was also true that during foreign rule some land conflicts between communities were purposely aggravated. For example, during the British period the previously mentioned armed clash of 1946 between Tora Moslems and Tsenadegle Christians,⁶ in which 11 people from Tora and two from Tsenadegle died and 40 from Tora were wounded, was brought about by the activities of Colonel Negga, the then representative of the Ethiopian Crown in Eritrea and his local agent (Jordan Gebre-medhin, 1989: 91-2). The historical situation of the country throughout the years helped some people who were involved in land conflict to keep some modern weapons and use them in clashes. It is also to be noted, however, that in certain cases, even where death occurred, as time went on, tolerance and living with ease while the disputes are not formally settled, develops among the disputant villages. An example of this is the dispute between the villages of Torat and Adi Raesi where one man was killed in *ambagaro*.

Another fact about land disputes between villages in kebesa Eritrea is that, in some areas the frequency was very high. A single village might have been involved in multiple disputes with surrounding villages. For example, in Mereta Keih the village of Guaquat had land disputes with three neighbouring villages other than Geddele, one of which is Gergera. Gergera in turn had disputes with three other villages. Therefore, it can be said that most of the people of Mereta must have been experiencing some kind of land disputes, although the intensity might have varied.

To sum up, in this chapter the problem of land disputes have been explored. My intention was to place the problem of land conflict within the theoretical explanation of the concept of social conflict, to briefly see land conflict elsewhere, mainly in Africa, and to give the reader an overview of the problem of land disputes in kebesa in general. The problem has been discussed briefly from an historical point of view. I have also tried to discover the main causes and the nature of land disputes. Generally, this chapter shows us what land disputes look like in a broader context. The following chapter takes us to the case study of this research paper.

⁶ During the British Period (1941 to 1951) the political future of Eritrea became, both locally and internationally, a hot issue, and in that time there was considerable interference into the Eritrean politics by Ethiopia so as to influence the outcome. Thus the Ethiopian representative in Eritrea was attempting to agitate hostility among the Eritrean people based on religion and ethnicity and other political affiliations.

CHAPTER SIX

6. The Land Dispute Between Guaquat and Geddele Villages

6.1 Introduction

“N’resti yiwageala ansti” (women too fight (defend) land). Tigrinya proverb

A man must not give up under any circumstances in defending two things
- his land and his wife.

-Geddele elder (2003)

This chapter examines the land dispute between the villages of Guaquat and Geddele - the case study of this research. As indicated earlier this dispute lasted for more than 55 years. Some people even say that it was started 80 years ago. One elderly villager of Guaquat showed me a file on the conflict between the two villages, suggesting that this conflict might have begun in the period of Italian rule in Eritrea. Sometimes disputes might have started long before they are brought to courts, in cases where they can be lived with, with ease based on a certain degree of tolerance between the parties (especially where the scarcity of land is not felt strongly).

The complex kinship relationship patterns and the corresponding land holding systems, which were explained in Chapters Three and Four, complicate land disputes in the district of Mereta Keih in the extreme. While blood relationships and land holding patterns are strongly related, this, however, does not adequately explain the unique local circumstantial context of Mereta Keih. In this district historically land worked both as a unifying and differentiating factor, even within a community of the same village at the same time. Most of the land holding systems in Mereta Keih, which we have seen in Chapter Four, have generated lots of controversies. Directly or indirectly this added complication to the dispute between Guaquat and Geddele.

Thus, in order to have a nuanced understanding of the case, it is important to discuss this as a general background of the dispute. Therefore, in this chapter, firstly, we will discuss the common land of the villages of Mereta and then the church land. It will be shown that the common land of Mereta Keih is a source of controversies between Geddele, especially the *enda* of Erea, and the other villages of the district, on the one hand, and between Mereta and other neighbouring people, on the other hand. Similarly, the land of Georgis church is also a source of disagreement between Geddele and the other villages of Mereta, as it also has links with the specific dispute between Guagwat and Geddele. Then we will come to the cause of the dispute. Finally, after looking at the 1975 brawl between the two villages, we will end this chapter by discussing the consequences of the dispute.

6.2 General background

6.2.1 The controversies of the land of the seven Mereta

It is to be recalled, from Chapter Four, that the seven villages of the district of Mereta have common land, and with regard to this land the two distinct *endas* (kin groups) of Geddele village are divided based on their blood relationship to the people of the Mereta as a whole. In other words, the *enda* of Entirta, related with Mereta, have shares in the land, which also is utilised by the villages of Mereta, while *enda* Erea, having a distinct origin, possessed separate land instead. But it should also be remembered that, at the same time, these two *endas* constitute a single village community with its own territory of land. It is uncommon for two or more villages to have shared lands in addition to their separate village land in the highland of Eritrea. An important question is, then, why and how these villages came to have this land in common?

It has a long story of controversies from within and with adjacent people outside of the district. Historically, this land is contested land, which was initially acquired by conquering other people called Loggo Chiwa. I was told some contradictory histories about the acquisition of this land. While all of my informants agree that the land was acquired by conquest a long time probably hundreds of years ago, *enda* Erea and the people of Mereta have different views on how it was acquired. My respondents from *enda* Erea have a strong

belief that it was they who acquired the land by pushing out the people of Loggo Chiwa. “Although the seven Mereta had a small area called Meret Merego, the larger part of the land was ours. But during the Italian colonial period, a widely known man from Fekeihi who was an Italian soldier made larger part of our land to be taken by the seven Mereta and we were left with only about one sixth (1/6) of the land called Dubta” (Tekie from *Enda Erea*). On the other hand, interviewees from the seven Mereta say that it was the villages of Mereta together (including Erea) who acquired the land. But according to some of my informants from the seven Mereta, when they decided to share the land jointly as one unit of bounded fields to enhance their unity and brotherhood, Erea requested to have separate tract from the land and they were given their land at one end. There are also other, different, comments on this, but the above are the most frequent answers.

But knowing the land was acquired by conquest answers only one question, and probably this could lead to unwarranted conclusion that the conquest was the result of competition for land resource between these adjacent communities. Thus the researcher was interested to go further to understand under what circumstances this event of conquest took place. On the one hand, scarcity of land was unlikely to be an issue at the time, and, on the other hand, these two neighbouring people, i.e., Mereta Keih and Loggo Chiwa were, and are, living in peace and cooperation with each other, except for some resentment among some villages of Loggo Chiwa. This is evidenced by the fact that some villages are or were established jointly by people from both Loggo Chiwa and Mereta, for example Torat, and the people of Adi Nfas were originally in Harien before they left for the place where they are now. At least at this time the common land of Mereta is a shared history rather than disputed land. My interviewees, both from Mereta and Loggo Chiwa, told me the same and clear legendary story about the land, which goes as follows.

While the people of Loggo Chiwa and Mereta Keih were inhabiting adjacent areas with considerable interaction, in certain aspects their relationships and interactions were not horizontal or mutual, but with some hierarchical social and status differences. Historically the people of Loggo Chiwa/c’äwa⁷ were believed to have somehow elevated social status from

⁷ The term *chiwa* is used to refer to different meanings in different colloquial contexts. Donald Crummey (2000:

other surrounding people. Based on this social differentiation they used to demand certain privileges or services like milking cows and fetching water in certain ceremonies, from the neighbouring people of Mereta Keih. In these circumstances many of the household utensils like pottery would not be returned after use. Then, according to the story, at a certain time when some women of Mereta got tired of this practice they decided to do something with the intention of provoking their husbands concerning the issue. One day they came together, talked about the problem and each wife agreed to provide her husband his lunch in a broken piece of pottery dish when he comes from the field. When it happened it was expected that the husbands would ask their wives why this could be. The answer was something like “By now all of our pottery has been taken by *men*,⁸ Chiwettot” (plural term for Chiwa). After this the men went to the gathering place and when they met each other they told each other what his wife did at home. Agreeing that their wives were right they decided to confront the people of Loggo Chiwa by calling together all the people of Mereta. As a result they pushed the people of Loggo Chiwa away from a certain area of land adjacent to Mereta and, thereafter, permanently controlled the land, which is now the common land of the seven villages of Mereta Keih.

Thus, the above narrative shows that the underlying cause for the conquest and acquisition of the land was not land scarcity per se, but the social differentiation between these two groups of people dating to an earlier time. At the present time, although the people of Loggo Chiwa do not have formal disputes concerning the land, some villages, especially those close to the land who have little land for cultivation, feel that action should be taken by the government in order to avoid imbalances in land possession.

One striking phenomenon in relation to the land of the seven Mereta is that Adi Nfas, whose inhabitants are from the people of Loggo Chiwa, is located inside the land but with a very

126), in his historical study of land and society in Ethiopia, after indicating its complex and diffuse usage, translates it to mean ‘gentry’ when it refers to a collectivity, while in singular usage it is meant ‘gentleman’. According to Crummey, before the seventeenth century the term was used to refer to military regiments, but through the descendants of soldiers it came to be used in common language to refer to people with some privilege. At the present time in the Eritrean context the term no longer signifies collective social differentiation, but is rather used to explain good individual personal characters.

⁸ In this context the term ‘men’ is used with stress to encode something of strength, so that in that particular story to convey the message something like “powerful men unlike you” took the household goods.

small area that does not extend beyond the immediate surroundings of their houses. Thus, the villagers of Adi Nfas make their living mainly by cultivating the land of the seven Mereta for crop sharing in that they get three fourth (3/4) of the yield and the rest goes to the land owner. The arrangement is made between individuals. And the main reason why the owners of the land (*gebar* from Mereta) make agreements with Adi Nfas is that the land is very far away from most of the villages, so that they prefer to make such a deal.

Then the question is why did this village (Adi Nfas) retain its place despite the above story and the fact that they are brothers of the people who were pushed away from the area. I had to go to the village of Adi Nfas and asked this question in an interview with three men. They told me that initially their forefathers were residing in Harien, one of the villages of Mereta which is close to them. But about 300 years ago, when they built a church in the village, they disagreed about its name because those descendants of Mereta demanded for the church to be called by their father's name. Then they left to a place called shekha Wedi Hambar, which was their separate land, and established their own settlement there, which is now Adi Nfas. Thus, probably it is this connection that caused Mereta to leave Adi Nfas as an island inside the controlled area.

As stated in Chapter Three, the village of Torat was jointly established by people of both Mereta and Loggo Chiwa descendants. Thus, similar to the case of Geddele, only those whose descent is from Mereta are included in the common land of the seven Mereta, while the Loggo Chiwa people are excluded, although they constitute a unified village community with its own territory. Mr. Tesfay, a descendant of Loggo Chiwa, in an interview expressed the village's complaints saying that as one village community they should share land equally with their brothers of Mereta descent, even from their plots in the land of the seven Mereta. It is also to be noted that they have been excluded from land, which was originally their forefathers' land according to the above story. This is one of the factors that make land holding very complex in the district of Mereta Keih.

One relevant question, with regard to the above, is why sometimes villages are formed by two, or more, unrelated peoples or *endas*? The most likely idea my interviewees have

suggested was for safety and security reasons. Hundreds of years ago, during the time of the development of village settlements, the highland of Eritrea was covered with forests full of wild beasts, which were one of the major threats for people. And, on the other hand, sometimes there might have been threats between human groups themselves as they could attempt to push one another around. In these circumstances, where population was sparse, once certain families established settlements close to each other at certain times they used to come together and create bonds of brotherhood in order to protect themselves better.

During the 1980s the EPLF's public administration staff in the area of Mereta Keih, when they were trying to settle land controversies, were attempting to eliminate the common land of the seven Mereta as a means of adjustment by allocating it to the villages close to the land with large portion of it intended to be given to disadvantaged villages, including Adi Nfas (interview with Ghirmay, former EPLF member). This would imply altering some boundaries of villages and transferring land from one holder to the other. But it was difficult given the complex land holding systems in the area and the implication of such actions. Thus, they could not implement the plan. They eliminated *betekha* and *enda* lands in many villages, including in Geddele as we will see shortly. However, with regard to the seven Mereta villages, mainly since it is owned and shared by many people beyond the village circle and is administered as *diessa* land, this uniqueness rendered greater challenge to any change.

We have seen that the *enda* of Erea in Geddele have disagreements with Mereta regarding the common land, which divided the two *endas*. But, historically it was not only this that divided them. According to their oral history, hundreds of years ago dispute on land which they could not identify, was started between the *endas* of Entirtra and Erea. In this dispute one man from Erea was killed. Then his son escaped to the neighbouring village of Korbaria and asked the villagers for help, and as a reward he would give them 40 cattle. On the other hand, *enda* Entirta, being brothers of Mereta through the female side, asked for their support. A battle then took place between Korbaria and Erea on one side, and the seven Mereta, including Entirta, on the other side. Mr. Gebrehannes (76 years old) from Harien, based on oral history, told me that the battle was conducted at a hill called Medfae Walta, and 60 men on the eastern side and 60 men on the western side of the hill were killed. The name of the place also evokes

fighting, because the word *walta* in Tigrinya language is the name of the traditional protective weapon used in times of fighting (which means shield).

If the above is true, it might be one of the main reasons for the separation of Erea from Entirta as well as from Mereta as a whole concerning the land of the seven Mereta, which still presents unresolved problems. According to Mr. Ghirmay, former EPLF member, when, in the 1980s they tried to carry out land reform⁹ in Geddele, one of the first things they did was that in a meeting with the village they announced that they sanctioned the separate land of Erea (Dubta) not to be used by anyone and asked for opinions from the people concerning this. Then one man from Erea stated that they could divide and share the land with Entirta. When the fighters asked for any opposition to this from other members of Erea and realized that there was no other opinion, they sought Entirta's opinion on this. Then, similarly, one man from Entirta gave his opinion stating that they could also share their plots, which are found in the land of the seven Mereta with Erea. Thus this event was to bring their long-standing division to an end. Once the two *endas* agreed to share their lands jointly the fighters stated, at the same moment, that they lifted their proposal for sanction. In fact, according to Ghirmay, the result of the meeting was expected to be achieved only after at least one year of sanction (ban) of the land. But the people's decision and agreement came much faster than expected. The problem here is that Erea could not be allowed to share from the common land of the seven Mereta as a whole because they have no right of their own to have shares from the land, and Entirta can only share those specific plots assigned to them by lots. That is, Erea's right is indirect and applies only to the plots of *gebar* of Entirta in the common land. Therefore, what they do is that when Entirta receive their *gibri* (shares) from the land (by collectively redistributing for the whole Mereta), immediately again they have exclusively to redistribute, specifically those shares which are assigned to them, among the whole *gebar* of the village of Geddele.

In brief, it is when Entirta receive their plots that they then again share them with Erea. This is an important solution to the problem between the two *endas* of Geddele, though still a

⁹ This reform act is to be seen as part of the activities carried out to eliminate extra land holding systems besides the village *diessa* land, so as to strengthen the collective village *diessa* system which was strongly advocated by the EPLF during the time of struggle.

complicated process. However, another problem will emerge from this arrangement with regard to the other villages of Mereta – the issue of grazing.

In the highland of Eritrea, because of the scarcity of land in most villages, limited separate areas are assigned for grazing. Thus, grazing is mainly based on post-harvest and by leaving some fields fallow for a year or more in a cyclic basis. Hence, given this fact, the *enda* of Erea would demand not only cultivation but also access for grazing of their animals on the land of the seven Mereta. The principle is that the maximum possible equality of access to land must be achieved. Again the problem is that, since Erea are not recognized as *gebar* in the land by the other villages, they will not be allowed to graze on the land. But it is to be noted that Entirta would support Erea to have access for grazing too, though they have no basis to challenge the whole Mereta. The difficulty is that, in the case of grazing, because the fields (plots which belong to Geddele) are scattered pieces inside the common land, it is impossible exclusively to graze on them. According to Mr. Tecleab and Mr. Zeray, from Geddele, in the first three years after independence, i.e 1991 to 1993, friction was growing as Erea continued claiming grazing access, and then, one day (they could not remember the date), a serious tension was created when Erea sent their animals to the land of the seven Mereta and Mereta attempted to prevent them. Geddele on one side, and the other villages of Mereta on other, gathered around the area for confrontation. But when people from the surrounding villages and later police came to the place the situation was controlled. The case was then brought to court in Adi Keih town, the then capital of the Akele Guzay Province. In 1994 the court decided that Erea should not graze on the land of seven Mereta because they had no right to it (interview with Brhane from Geddele). At this stage Entirta stood together with Erea.

Although at present the issue seems dormant, since Erea are not satisfied with the decision the issue is not solved yet. As a result, in the case of grazing, they demand to enjoy exclusive use of their original separate land (Dubta). But at this stage the two *endas* have become more and more integrated and the people of Entirta are on the side of Erea in claiming grazing access on the land, as indicated above. Moreover, they act as one entity with the same interest in the dispute between them and Guaquat and the issue of Georgis Church land which is also a source of controversy as we will see below.

Thus all these factors contributed to minimize their differences and they are enjoying the land jointly. Another option which, Erea believe, could be a lasting solution to the issue is that they want the land, instead of collectively shared, to be divided among the seven villages in order for each village to be allowed to use its own land separately, and the *enda* of Entirta to be given a portion of the land adjacent to Dubta so that it will be convenient for both *endas* (Erea and Entirta) to jointly use their land for both cultivation and grazing purposes. However, not only cannot this be done without the consensus of the whole Mereta, but they also do not want to divide the land among the villages because they want to preserve their brotherhood through this property. It is also important to note that holding the land collectively gave the villages power for preserving it, as sharedness by such broader collectivity (as opposed to cases where certain lands were held by few people at the expense of the majority) under the principle of *diessa* by itself is also a force that backs the claim of the seven villages Mereta.

6.2.2 The land of Saint Georgis Church

While the land of the seven Mereta is one factor that precipitates tension between Geddele and the other villages (including Guaquat), of particular relevance to the dispute between the two villages of Guaquat and Geddele, is, however, the land of Saint Georgis, although still it concerns to the whole district since it is also a common church for all the villages (see section 4.3.2, Chapter 4).

My respondents, except from the villagers of Geddele, say that, when their founding father, i.e, Wegrom, was allocating land to his sons, he gave the land near the church, but not the exclusive church land, to the ancestors of the villagers of Geddele, providing that one third of the land be for the service of the church. That is, one third of the product was to be given to the church. But, most of my interviewees from Geddele do not acknowledge this statement. However, they recognize that, in addition to the land around the church, Georgis had fields in each village of the district including Geddele. But some of my interviewees from Geddele acknowledge that the church fields in their village were more extensive than in each of the

other villages. It is to be remembered that today the church has no land as, during the 1980s, the EPLF fighters gave the church land to Geddele as an act of land reform.

Giving the church land to the village of Geddele has significant implication for the disagreement between Geddele and the other villages of Mereta and, more importantly, to the dispute between Guaquat and Geddele in particular. In the first place, when we see it logically, it is transferring a property which was owned by a broader collectivity, that hence had broader “social legitimacy” (to use Bromley and Cerena’s phrase, quoted in Platteau, 1996: 46), to a much more smaller sub-set. It is not returning a property (land) that was initially taken from the village, as in the case of some other church lands granted by charter. Nor merely taking land from the church and giving it to the village, but taking a portion of land that, by the custom and tradition of the whole population of the district recognized as common property (as part of the church), inherited from their founding fathers, and hence that had significant social value. Thus, from the point of view of the people of the district, this is an injustice. And that is why some people have appealed to administration until recently (2003) to reverse the act. Second, and more important, is, however, that the land is also part of the disputed area as it is located in-between the villages of Guaquat and Geddele. My interviewees from Mereta showed their resentment saying that Geddele villagers had been encroaching on the church land even before the time when it was given to them. As it is stated in Chapter Four the church has little power of its own: only one sacristan serves the church at a time who may change after certain period of time. It is the people of the district as a whole that preserves the church. And they still believe that the church needs the land and should retain it. Furthermore, it does not seem to have had clearly defined boundaries. These, among other reasons, created ambiguity and added complication to the land dispute. Thus, for these reasons we will continue referring to the church land in the following section.

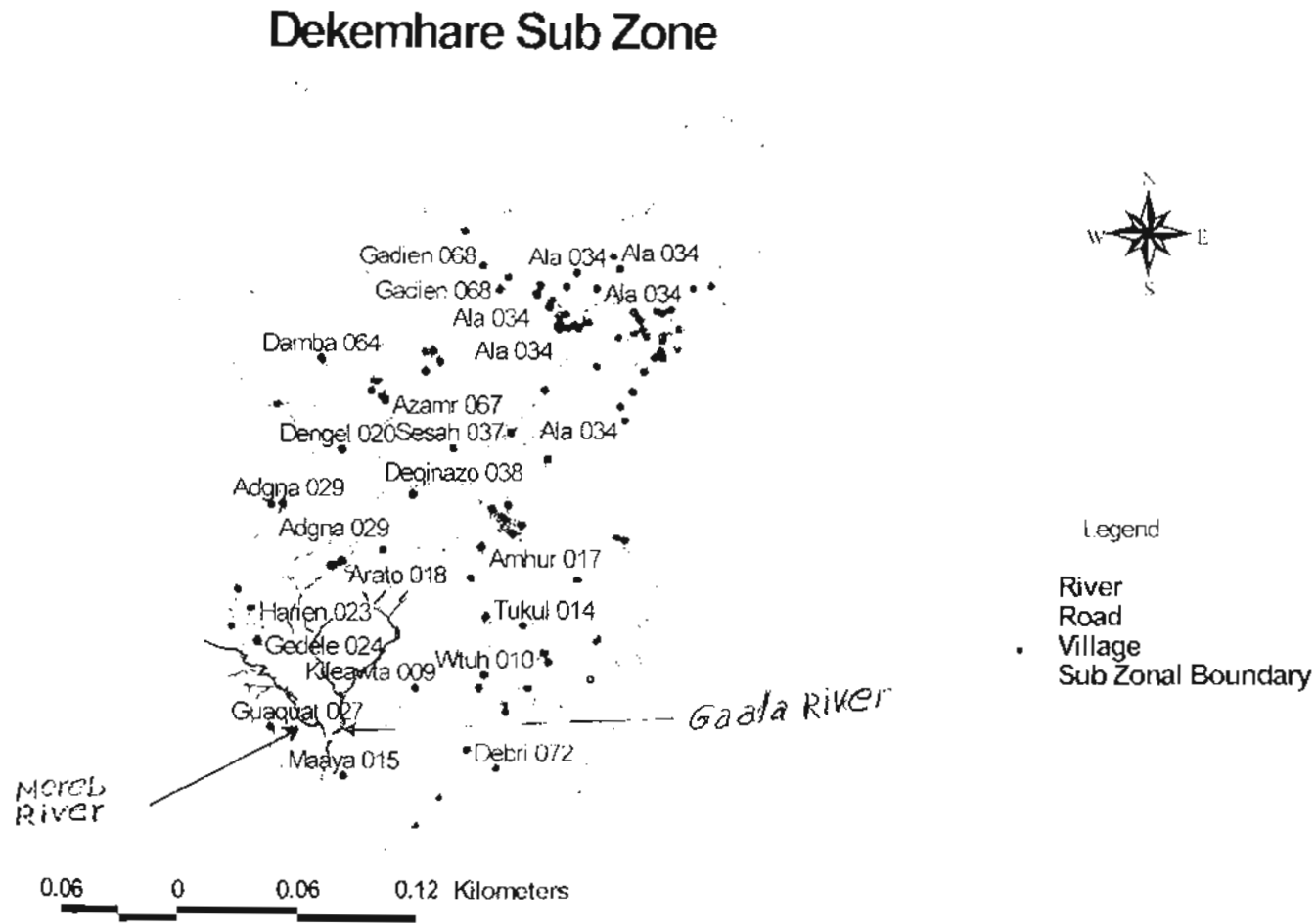
6.3 Cause of the dispute

From the title of the dissertation and from previous discussions it is now clear that the cause of the dispute between the two villages was land, though not yet stated in what way. Now let us put the question this way: which land was it and why did it cause the dispute? Although

this is the focus in the discussion below, at certain points we will still continue referring to the church land because of its link to the disputed land.

The land of the church (Georgis Church) is on the southern side of Geddele approximately two kilometers away from the village. Beyond that, there is a river called Mereb that, coming from the direction of Dbarwa town, passes between the villages of Guaquat and Geddele on south eastern direction (see map on page 116). Guaquat is, therefore, on the southern side of the river. Another river called Gaala, starting from the southern vicinity of Asmara, the capital, flows southward and passes between the villages of Korbaria and Harien, and finally joins Mereb River east of Guaquat. When the Mereb River reaches the land of the two villages, according to priest Andom (interview), in the upper area it forms a natural boundary between the two territories of the villages. After a certain distance, in the middle of the boundary the river reaches the church land and in turn forms a boundary between Guaquat and the church land. Finally, in the lower area, Guaquat's territory lies on both sides of the Mereb River and stretches up to the Gaala River. Thus, according to this description, the two villages are separated first by Mereb River and then by the church land. Some of my interviewees say that the church land also extends up to Gaala River. The disputed land, therefore, lies on the northern side of the Mereb River which stretches downward along the river to the confluence of the two rivers, as we can see from the map. Apart from rivers, border lines are marked by rocks or *cherhi* (territorial marks). The size of the land is estimated to be roughly one kilometre in width and four kilometres in length. The surface of the land is largely hilly. Hence the cultivable fields are small. But they say that it is a magnificent source of grazing, timber and fuel wood. People from both villages say that the land is the most significant of their grazing areas.

Inside the disputed area there are specific names of plots of land mentioned in files relating to the dispute and also by my interviewees. It happened around the year 1945 that the villagers



of Geddele, through their representatives, made a claim to a plot of land called Girat Gurdi within the disputed area saying that the land belonged to the church. As priest Andom Tesfazion from Guaquat puts it:

it was started when Geddele villagers sued us alleging that the land belonged to the church of Georgis, and we replied that, since they do not have any privilege with regard to the church land and even it belongs to the whole Mereta all of them must be represented in the case and take the land by offering their oaths if it really belongs to the church. Then when witnesses came from each village and were asked to give their testimonies and to offer oaths whether the land belongs to Georgis. Except the representatives of Geddele, who gave their oaths saying that the land belongs to the church, all witnesses refused to give oaths saying that the land belongs to Guaquat. Then Mr. Beacocke, a British administrator at that time, after hearing the witnesses he gave a decision in favour of Guaquat on December 14, 1947.

On the other hand, Mr. Tecleab from Geddele said, “The dispute was started when Guaquat villagers tried to plough the land. We were assuming their presence in the area as only for the purpose of grazing. But when they began to cultivate the land we instituted a suit against them to defend our land” (interview). Geddele villagers also recall Beacocke’s involvement but they do not acknowledge his decision in favour of Guaquat, although they say that he decided for the case to be resolved on local customary basis. Here, we observe contradiction between the two explanations. According to priest Andom, the villagers of Geddele were arguing that Guaquat villagers tried to use the church land illegally. But Geddele villagers are telling us that they were directly claiming that the land belonged to them. Mr. Tecleab says that their claim was based on traditional belief that their village land extended up to the Mereb River, even in the lower area. However, Guaquat villagers say that, although on the upper area Mereb is the natural boundary between the two villages, on the lower area their land extended beyond the river and in this position it was the land of Georgis that separated them from Geddele. Furthermore, Guaquat villagers add that it was after the occupation of the church land that Geddele villagers came onto their land. Nevertheless, there are also people from

both villages who admit the absence of clear-cut border lines between the two villages and the church land.

Such ambiguities of border lines between villages are common in the highland of Eritrea in general, which stems from the fact that in most cases there was no formal procedure of demarcation. Boundaries develop mainly from habitation and use of land on the basis of informal consensus between adjacent villages, yet quite often with no clear-cut border line. Interviewees from the villages of district of Mereta have no clear idea on how their village boundaries were demarcated, except their oral tradition saying that the founding fathers of the villages, being brothers, were allocated their respective places by their father. In such circumstances, where there is no formal registration of land title, it is difficult to bring evidence of possession of land except its enjoyment or use by the claimants. But in cases where two or more villages historically used to enjoy certain areas in-between them jointly and enter into dispute at a certain point in time, it becomes difficult to bring concrete evidence. All these factors, at least partly, seem to have implications for the dispute between the two villages. From the above explanations by the disputants we can deduce that each party did not bring agreed-upon and concrete proof for the possession of the land. The villagers of Geddele say that both villages were using the land together for grazing purpose and wood, while Guaquat villagers argue they were enjoying sole use. Some of my interviewees from the other villages of Mereta also say that both villages were using the land, but they believe that the disputed land was part of the church land. For example, Mr. Haile from Harien said, "It was part of the church land, but since it was close to the two villages they have been enjoying it, and finally they came to fight each other for the land". Some people even put the whole disputed area as church land. Still others believe the lower part of the land to be Guaquat's land.

In recent files on the dispute, placed in the administrative office of Southern Zone in Mendefera town, I found a summary of an interview conducted by the administrators of the Sub-Zone of Dekemhare with the *shimagle* of reconciliation, 1996 to 1998. In this interview, there is a slight difference from the above views of my interviewees. Although they acknowledge that it is not known for sure, based on oral history, members of the *shimagle*

drew some distinctions on the possession of the land. They divided the disputed land into three parts, in terms of its position, as lower, middle and upper, and according to them, it is said that the lower part belongs to Guaquat, the middle part to the church, and finally the upper part to Geddele. When they were asked whether the two villages were disputing the whole area or parts of it they responded, "It is to the lower part which is said to be Guaquat's land that they are disputing; the land towards Geddele [upper part] and the middle part which is said to be the church land are now under the control of Geddele village" (interview document between *shimagle* and administrators of Dekemhare Sub-Zone).

All the above views show that there is no clear and shared perception among the people of Mereta, concerning the disputed land. Evidence from the ground shows that people from both of the villages, Guaquat and Geddele, were enjoying the land. According to my interviewees, there were two men stationed at cattle posts in the disputed land who were known by the names Berakhi and Kifleyesus, from Guaquat and Geddele respectively. These two men are believed to be the initiators of the friction between the two villages. Some people specify the location of the cattle posts of these two men. Mr. Kibrom from Guaquat, and others (in interviews), say that Berakhi camped in the above mentioned place, Girat Gurdi, which is found in the lower part of the disputed area which they believe to be Guaquat's land, while Kifleyesus was in Girat Hamushte in the area which was said to be Georgis church land.

In case of grazing it seems that there was tolerance on both sides, which might partly be explained by the common factors of the district community, among which their kinship relationship was most important. Hence, the question of possession seemed to be dormant. But in the case of cultivation, such tolerance was almost non-existent, despite the relationship the people may have. Firstly, cultivation, as indicated earlier, implies exclusive use; and, secondly, ploughing has sometimes been used for asserting possession. Such an act also initiates awareness of claims for possession. Therefore, in a case when one village began to plough, the other one either has had to try cultivating other fields nearby or to prevent any other cultivators, claiming that the land belonged to it. This is where the dispute between the two villages was started, according to Geddele villagers' statements.

When we refer to the names of the plots of land where the two men were camping they indicate something of cultivation; '*girat*' means cultivated field, while '*gurdi*' means the kind of hay which remains in the process of winnowing. Hence, possibly the land might have been cultivated. But, still it could also be possible that different people might have been cultivating the land at different points in time. Earlier, when there was no severe scarcity of land, people used to cultivate certain land and abandon it after some years for other virgin land. Later on, when other people tried to cultivate the land, claims by the original cultivators might not happen. But as time went on, such a situation might be a potential for conflict, because each party could claim the land based on their enjoyment of the land in the past.

Later on, that is in the 1960s, as the case continued unsettled for years, the villagers of Geddele instituted a suit once more for plots of land called Cherhi Woroto, Zban Tahses, Biet Nebri, Adebro and Girat Hamushte in the same disputed area. When the case was brought to the court of Adi Keih, witnesses were called from the villages of Mereta. According to my interviewees from Guaquat, they testified in favour of their village. But the villagers from Geddele refused to accept the result, saying people from the villages of Mereta always side with Guaquat because of their stronger kinship relationship. Then the court head, a well known native figure, assigned another witness who was said to be impartial known by the name Ismail from a village called Godeiti outside of Mereta. But Guaquat villagers would not accept the assignment of this man by the court head. They complain saying that, because Geddele is the home village of his grandmother the court head was always acting in favour of Geddele. In fact they accused him of complicating the issue and not rendering a decision when witnesses testify in favour of Guaquat.

As the dispute could not be resolved at the provincial court in Adi Keih it was brought to Asmara high court. Yet, also in this court it could not be decided. And, finally, in the 1960s the litigation went up to the Chilot Court of Emperor Haile Selassie in Addis Ababa. But, again the case remained to be a challenge even to this highest court, as it could not render any decision on the matter. Rather, according to my informants, the court ordered for the litigants to resolve their dispute on the basis of the traditional customs of the local area. But the problem is that the case had long been beyond the capacity of local mechanisms of dispute

settlement. In these circumstances, where there was no significant decision towards resolving the dispute, where the disputants became more and more persistent in their claim for the land, it was likely that their differences continued to grow, leading to the 1975 violent incident between the two villages.

6.4 The incident of August 1975

For the first 30 years since it was brought to court, that is, from 1945 to 1975, the dispute between Guaquat and Geddele was non-violent, and solution was sought from justice through litigation. But, about 47 years ago, I was told, a priest from Guaquat who was serving the church of Georgis was found hanged close to the church. He was there with his family, but after the event his family left the church and returned to their village. The villagers of Guaquat suspect that it might be the villagers of Geddele who killed him, because of his resentment at their encroachment on the church land. Geddele villagers, however, say that they would not have killed him because he had done nothing to them. It was difficult to establish the facts because there was no witness to or evidence about the event. Nevertheless, it increased concern about the dispute between the two villages. But for years to follow still there was no case of violence, until 1975.

However, as the situation continued without any solution, people of each village used to impound each other's animals from the disputed land, and such acts worsened the tension between them. As these actions continued, on August 19, 1975 a serious *ambagaro*, which was occasioned by an armed clash took place. This event resulted in the loss of the lives of four men – three from Geddele and one from Guaquat. In the case of land disputes between villages in the highland of Eritrea, impounding animals, called '*zere'a*', of the opposite party from the disputed area is probably the most common act that leads to violence. This is what Sithole (1997: 26) called a "trigger event" for violence. In his analysis of the circumstances under which violence occurs, he identified three pre-requisites for violence to happen: the existence of material crisis; the 'trigger' event; and human agency (Sithole, 1997: 26). All of my interviewees agree that it was *zere'a* that led to the clash. According to some of my interviewees, first shepherds from Guaquat impounded Geddele's oxen from the land. Then,

because of this, the shepherds of the two villages started fighting; and, finally, when this news reached home, people of both villages (including militiamen), rushed there and then the clash took place. Others, including some interviewees from Geddele, say that when Guaquat villagers confined the animals Geddele villagers also went to the disputed area to take the same action in response. Knowing that Guaquat villagers were waiting in the area to prevent them from taking their animals Mr. Berhane from Guaquat told me that the fight was finally stopped by an EPLF fighter, as well as when people from other neighbouring villages like Korbaria also rushed there to intervene and stop the violence.

It was the involvement of militiamen that worsened the incident. But Mr. Ghebreab from Geddele said that the militias involved were only from Guaquat, because, although both villages had militias, those of Geddele village were in Mai Edaga (a village around Dekemhare) for a meeting on that day. If armed people from both villages were to attend the event, the consequence of the incident would probably have been greater. The villagers of Geddele say that most of them were followers of the ELF (Eritrean Liberation Front), and, hence, ELF recruited the militias of the village. Most of the militias of Guaquat, on the other land, were recruited by the EPLF.

The researcher wanted to know more about the militias for many reasons. First of all, it was very uncommon for militias recruited by the revolutionary fronts to use their weapons in any civil quarrel. Their duty and moral responsibility was to safeguard the security of the broad masses and protect them from the enemy, the Ethiopian army. That was the norm. Secondly, it was too early for militia to be recruited by the fronts at that time because the revolutionary fronts started to control large areas in the highland of Eritrea during the year 1975, and massive recruitment of militias took place only from 1977. However, from my interviewees, including ex-fighters, I came to understand that these men were initially civilian men called '*nechlebash*', armed by the Ethiopian regime, said to protect their areas from 'bandits' (to mean the Eritrean freedom fighters according to the Ethiopian regime). But with the advance of the Eritrean revolutionary movements and their control of the area and consequent political changes, these *nechelebash* were converted to militiamen and became members of the Fronts. With regard to their involvement in the *ambagaro*, Mr. Ghirmai, former EPLF fighter, says

that it was because they were newly recruited to the Fronts and had not yet received political agitation (education) and conscientisation. (interview). He further notes that it might not have been suspected that tension in the villages could lead to such a clash because there was no serious tension before the incident. It is also to be noted that although these men had the guns even before the *ambagaro* they never used them for fighting until that day – though, for that matter, there was no confrontation between the villages until then.

During the year 1975 the Eritrean revolutionary movements, for the first time, controlled most parts of the Eritrean rural highland, and as a result they replaced, to large extent, the administrative apparatus of the Ethiopian regime. Thus, one possible factor that brought about the clash could be seen in this context. As we have seen in the previous chapter, in such a situation of political change, more specifically regime change, people in such disputes used to bring their cases to the attention of the new authority for solutions, either through legal procedure or by increasing tension between them. Thus, this could one reason that led to the incident. It was this *ambagaro* that radically altered the previous relationship and contact between the two village communities and escalated their enmity.

After the incident the ELF fighters controlled the disputed land, providing that any one, at individual or village level, who entered the land under dispute, would be fined 500 Birr and 5000 Birr (Ethiopian currency) respectively. They assigned four armed watchmen from Korbaria to the land and both villages were ordered to pay wages for these watchmen. However, after some time the villagers of Geddele refused to pay for the watchmen saying that they could not afford the cost. Then some village representatives were imprisoned for this reason, but the fighters reduced the number of the watchmen to two. Such an act could work for a short period of time after the clash until a possible lasting solution could be reached, but if it continued for a longer period of time, it would be detrimental to the people in two ways: the deprivation of the people from the use of the land; and the burden of paying for the watchmen. Because of these reasons the sanction was not of long duration. Then people of both villages again started grazing in the land despite the serious tension between them.

As the situation continued this way, although there was no serious *ambagaro* thereafter, in the 1980s secret killing of individuals happened around the disputed area. Houses of herders who were keeping Guaquat's cattle around the disputed area were also burnt. Some villagers of Guaquat used to give their cattle to individual herders from other people (Saho ethnic group) to graze on the land settling there since it is far from home, that is Guaquat. These individuals used to herd some cattle of Guaquat people based on contract.

Then, for the reason of the burning of the houses, the EPLF fighters imprisoned many Geddele villagers. But they said they did not burn the houses. After that the Saho people were told by the fighters to leave the place and they entered to the village of Guaquat. Now these people are fully integrated members of the village community, and have shares from the village land. When I went to the village of Korbaria I met a man, one of those who were guarding the disputed land, and asked him about the settlements of the Saho herders with reference to the disputed land to which they were watching. He told me that they were outside of the area they were told to watch, which was believed to be Guaquat's land.

During these years, i.e. the 1980s, because of the strategic retreat of the revolutionary front from the area, which already took place in 1978, the area was almost wholly under the control of the Ethiopian army, and the EPLF fighters were operating in the villages only during night time. Hence, there were many difficulties in the efforts to handle and/ or resolve the problem. Therefore, the situation between the villages continued without any improvement until after liberation, in fact to 1998.

6.5 The consequence of the dispute

Throughout its course, the land dispute between Guaquat and Geddele villages was of great loss to both communities. Although it was non-violent for the first half of its course, since the 1975 *ambagaro* the relationship between the two communities deteriorated and the people remained under continuous tension and threat of disturbance until the final settlement of the dispute. The consequence of the dispute can be seen in terms of three aspects - the loss of lives, property, and the severance of their relationships.

The 1975 incident was the only violent event in which the confrontation was at a village level on both sides, which, as stated above, took the lives of four people. But, although this was the only *ambagaro* occasioned by collective confrontation, throughout the time of the dispute, especially in the 1980s, two other people from Guaquat and one from Geddele were found killed at different times around the disputed area. However, since there were no witnesses, none of the villages took responsibility for the murders. Nevertheless, according to the villagers, since bodies of the dead indicated intentional killing, none of the villages could log blame on anyone other than its opponents. In addition, the villagers of Guaquat say that they had nine injured people, including those in the *ambagaro*.

Concerning property loss it is not easy to give an accurate amount, because in such a case each party may tend to maximize estimates of its losses. The villagers of Guaquat say that 15 houses around the disputed land were destroyed with fire. In addition, according to them, eight quintal of grain and four barrels were expropriated by villagers of Geddele. But the villagers of Geddele did not accept this although they admit that one hut was burnt for unknown cause. However, there is not much blame for property damage from the side of Geddele villagers.

The consequences of the dispute, however, cannot be measured only in terms of human life and material loss. People of both villages suffered a lot especially since the *ambagaro*. Although this incident was not believed to be intentionally carried out, but occasioned by the acts of the young herders, it had a decisive role in cutting off of all the previous relations between them for about 23 years. From that day up to the liberation of the country no one from Geddele could visit Guaquat or vice versa. Even after freedom, except in cases of deaths of close relatives, and then done secretly and rarely, there was no visit to one another. Close consanguinal and affinal relatives were separated for years. Hence, co-operation based on kinship relationships which are significant especially in such rural communities, were absent. Generally, the people of both villages were under an unstable situation and fear, which in turn led to restricted movement.

The subject matter of this chapter has been the land dispute case of Guaquat and Geddele villages. We have seen the origin and escalation of the dispute. It was indicated that the land under dispute is significant for the purpose of grazing, but we should not overemphasize this as the reason for the long-lasting arguments of the disputants and the complexity of the dispute. As repeatedly stated, the issue of land and access to it permeates all aspects of village life, independent of how fertile or dependable it may be. The complexity of the dispute, the weakness of the legal and traditional institutions, insufficient handling of matters by the revolutionary Fronts to give lasting decision to the dispute, and the willingness of the villagers to continue in their arguments, were some major factors which made the dispute remain unresolved for long. But, finally, the local people (*endaba*), with the help of the government, settled this dispute. The following chapter deals with the process of settlement of the dispute.

CHAPTER SEVEN

7. Settlement of The Dispute

7.1 Traditional land conflict management

Traditionally in the highlands of Eritrea, whenever disputes between villages, as well as between individuals, families, or groups occur, a process of restoring peace, called *erki*, plays an important role. Chapters devoted to issues related to land in the customary laws provide procedures on how to manage various sorts of disputes. Many land cases can be discussed openly in village gatherings called *baito* and often consensus can be reached in the course of the debate. In issues where agreement could not be reached, however, elaborate procedures had to be followed. First they are brought to the *dagna* (village judge) and then, if not finalized, to the *meslene* (district chief), government appointed, or other higher authorities. This is more effective, however, in internal village cases.

Besides the land redistribution committees, another *shimagle* of three men is annually elected, at the beginning of summer season, whose task it is to ensure orderly village land use arrangements and maintenance. Depending on the availability of land for grazing, cultivation and wood land, they make various arrangements and rules, such as which part of the land to be open for grazing and at what time; which part to be reserved as pasture for the exclusive use of oxen, called *heza'eti abu'ur* or *salsien*; fallowing and re-opening this fallow land for ploughing; protecting crops against animals, etc. Traditionally, this *shimagle*, which is established only from *dekibat*, takes care of the overall activities in order to prevent misuse, and damage that could result in internal conflicts. But to watch crops, grass and trees in the whole village territory is a demanding task that can hardly be fulfilled by the *shimagle*. Therefore, three guards or watchmen are assigned to prevent *hezae'ti* from being breached, cutting trees, and crops from being eaten by animals. Tronvoll (1998: 244-46), in his brief comment on land conflict management, puts the *shimagle* and the watchmen as one entity, assuming that the task of watching was also the responsibility of the *shimagle*. But I think this needs to be corrected, because, although there may be slight varieties in different villages or localities, in my observation the *shimagle* assumes the overall administrative role and the

watchmen are under its administration. Village *shimagles* are not paid for any task, but the position of watchmen, called *zere'ai*, is an occupation in which the men collect a certain amount of grain from each *gebar* in compensation for their service. It is an open occupation for anyone, even outsiders. In fact, this position is most often taken by people relatively in poor economic condition, lacking some of the necessary resources for cultivating grains of adequate yield to support their households.

All the explicit land tenure arrangements and rules of control keep internal land disputes to the minimum. However, minor disputes over border lines between plots and claims for a share from village land may occur. In the case of claiming for a share, the individual brings his case to the *dagna* and he/she confers with the *shimagle* of *gelaffo/ tserabo*. And in the case of disputes between individuals over border lines, the *shimagle* of *aquaro* and/ or *meddabo* have the responsibility to serve as witnesses because it is they who have the knowledge of the actual plots and their exact border lines and their opinion is, in most cases decisive. In cases which cannot not be solved at this stage, other witnesses may be called to testify for both of the disputant parties and according to the customary practice they must be from people unrelated to either side.

Disputes between individuals, however, may also occur between individual actors from different villages along the borders. Such cases will take us towards the collective disputes between the neighbouring villages, but some less serious cases can still be handled at the level of individuals. However, a more elaborate dispute resolution procedure is pursued, in order to restore peace or *erki* between the two villages. A *shimagle erki* (committee) of three elders, who are versed in customs and traditions, and believed to be impartial and peace loving, will be elected from the two villages to settle the dispute. The procedure for nominating two of the members of the *shimagle* is that one of the disputant villages will choose one man from the opposite village and vice versa. For example, as will be illustrated in this case study, the villagers of Geddele will choose one member from the village of Guaquat while in the same manner, the villagers of Guaquat will choose the other from the village of Geddele. With regard to the third member of the *shimagle* I have observations that differ from what Tronvoll indicated. He (1998: 246) states that the two members will then, together, pick out the third

member from either of the two villages. In my case study, however, the procedure was that the third member of the committee should be from outside of the two villages, to whom the parties will agree, in order to ensure impartiality, and that was the customary rule. Nevertheless, it is not appropriate to reject altogether what Tronvoll says, because where the case is simple and does not draw the attention of all members of the village communities concerned; especially where and/or when the scarcity of land was not serious, disputants might have employed that approach and it could still work even when two members of the committee are from one village while the other village will be represented by only one person. The *shimagle* then will find out the truth by questioning the actors in the dispute, land committees and other elders of the villages concerned before reaching its decision, and in case consensus could not be reached the opinion of the third person will be respected (Tronvoll, 1998: 246).

However, when the dispute is of something more than the border line called *deret*, often it is likely that not only the individual actors but also other members of their respective villages will be concerned about the matter and their material interest, that is the land, might be invoked. In such a case the logically unbalanced representation in the *shimagle erki* will be questioned and in most cases it is likely that the procedure will prove to be dysfunctional. But not only that, as disputant villagers take the issue more seriously, resolving the dispute becomes more challenging even for reasonably established *shimagle* of reconciliation. Nadel (1946) praises the strong element of arbitration and conciliation by customary laws of the Eritrean highland even in formal trials.

Customary processes of conflict resolution are generally appreciated by many scholars for their essence of mediation and reconciliation as opposed to the Western court system where contentious justice or adjudication is predominant (Bennet, 1991a, 1991b, 1993; Choudree, 1999; Mohamed, 2002). In the Western court system there is little tendency to minimize the difference between disputant parties. Mohamed, in his study of customary mediation in Sudan, argues, “The court declares one of the disputants victorious; the other will feel being the loser and will never forgive the victor. The *Judiyya* [mediation], on the other hand, makes both disputants satisfied with its decision, thus pre-empting future tense relations” (2002: 17).

To a large extent, the modern justice system is complicated, inaccessible and alien to many rural communities (Bennet, 1993: 32; Olano, referred to in Ghimire, 2001: 212). On the other hand, the court itself is also alien to the people and their lived experiences, as well as the realities of the conflict situation as it is quite often remote away from the scene, which is detrimental for its ability to render appropriate solution. Olano, for example, shows that it was in response to such a situation that the Government of Philippines, in 1978, enacted a law to 'delegalize' the justice system and established a system of dispute resolution in order amicably to settle land disputes on the basis of customary mechanisms in their localities (Olano in Ghimire, 2001: 213-14).

However, customary dispute settlement processes are usually impaired by the lack of the necessary ingredient, the enforcement of their decisions and resolutions, especially for serious conflicts. The intensity of collective land dispute cases in the highland of Eritrea usually goes far beyond the strength of the customary mechanism of dispute settlement because of the fact that land is highly valued, hence people, most of the time, are unwilling to make any compromises on issues related to land. Quite often, even disputants do not respect the ruling of either government administrative authorities or courts. One fact that shows how land is highly valued in the Eritrean plateau is that, according to customary laws in land disputes, disputants must bring seven witnesses, while in other cases bringing only three witnesses is the norm. It is because of this fact that land disputes between villages most often were brought to the *meslene* and then to the governor or other governmental authorities or courts. It is shown in land dispute files of the Italian and British periods that such authorities were involved in disputes. Nevertheless, as we have seen in the previous chapter, even when such cases were brought to administrative authorities or courts during the colonial period and under the Ethiopian rule, because of the inability of such structures to render decisions to the problem, the litigants were usually told to settle their disputes using customary methods. But the problem is that such authorities or courts often did not give further support to back by force the customary methods of dispute settlement.

Correspondingly, although the land dispute between Guaquat and Geddele villages was brought to courts and administrative authorities at least three times, and *erki* was tried by

native members, I was told, about six times before the last successful effort, no resolution could be reached. As mentioned in the previous chapter, when the dispute between Guaquat and Geddele was first brought to the British administrator and he ordered them to solve the dispute according to custom, seven witnesses gave their testimony, but because of the determination of the plaintiffs to continue issuing further suit and the inability of the authorities to enforce the decision, the dispute remained unresolved for decades. More than 10 years later, that is, by the time of the second suit, the representatives of the two villages were ordered to resolve the dispute by establishing a *shimagle* of three elders according to the customary procedure. Then, in accordance with the customary procedure, each village had chosen one man from the opposite party, i.e., Geddele chose one member from Guaquat and vice versa. But the third person, who was known by the name Ismail from a village called Godeiti outside of Mereta, was nominated by the court head of former Akele Guzay province, according to my informants, in order to accommodate the complaints of Geddele villagers who say that the other villages of Mereta always side with Guaquat. But the problem is that the villagers of Guaquat also resented the position of the court head saying that, because Geddele is his grand mother's home village, the court head was always acting in favour of Geddele. In fact they accuse him a lot for complicating the issue and not rendering decision when witnesses testify in favour of Guaquat. According to principle the third impartial member of this tribunal of three men should be accepted by both parties and he should know the land well.

Theoretically, this procedure was followed in order to make the *shimagle* rational and legitimate for both parties. It is also true that it is people from the concerned villages who know their respective village's territorial limits well. It seems also important that each village's opinion will be considered in the process of judgment through their representation. However, practically, in such a case, which has extended through decades, and where the parties have significant differences between them, it was proved to be inadequate. As a matter of fact, none of the two members of the *shimagle*, that is those who were from the disputant villages, each chosen by opposite village, would behave in such a way that his respective villagers would not approve of, especially in such a serious dispute.

Nevertheless, according to the procedure, each member of the *shimagle* has had to give his opinion by surveying the boundary between the two village territories. Thus, first, as it is the rule, the two men from the disputant villages surveyed one after the other and each person marked the boundary just at the limits or lines where his respective villagers assumed it to be located. It was obviously expected that the marking of these two men would not be coincident or overlap upon one another, for it would literally mean that, if so, there would be no reason for the dispute. Hence, the third neutral local surveyor, whom they call *mederder* or *monguegna* (middleman), would come and carry out his own marking of the boundary line according to his knowledge of the land. According to agreement, the outcome of *mederder* should be accepted and respected by both parties. But in this dispute this was not the case. No party, which perceived that the outcome of the *mederder* would be of negative effect to its claim, would allow for the process to be finalized. In any attempt, throughout the dispute, using such customary mechanisms, both parties were employing a strategy of interruption to the process whenever they observe things going to their disadvantage. In this particular attempt, while the *mederder* was making boundary markers, at about halfway, according to Mr Gebrai from Geddele, he was disturbed by the villagers of Guaquat. Hence, the process was halted without any fruitful result. It is also to be noted from the above that the villagers of Guaquat were not content with the assignment of this *mederder*.

The same attempts were repeated at least two times during the Ethiopian rule in order to solve the dispute but they continued to be similarly interrupted by the villagers. Guaquat villagers admitted that they stopped it. One of these trials was in the 1980s with the help of the EPLF fighters. At this time the *mederder*, Habtu, was from the village of Torat, from Loggo Chiwa people. Both parties accepted his nomination as an impartial member in the *shimagle*. But in a similar manner, around halfway in marking the boundary line he was forcefully interrupted by one of the villagers of Geddele, who was, I was told, the member of the *shimagle*. My interviewees from Geddele also admitted this.

In reality, the *shimagle* of three men, which was established in the customary way was not a committee whose members discussed the matter towards consensus and resolution. The village-representatives were biased towards their respective villages. And that is why as a rule

in this mechanism of dispute settlement it was agreed that, regardless of its effect to either of the parties, the judgment of the *mederder* was supposed to be respected by both of them. Therefore, having structural problems and its members lacking consensus on the matter, the committee was so weak and could settle only minor land dispute cases between villages. And I think that this mechanism of dispute settlement through the *shimagle* was customarily institutionalised when the problem of the scarcity of land was less severe, a century or more ago, and as a result land disputes between villages were less serious. Otherwise, on the whole, this customary institution of land dispute settlement no longer has the sanctity and effectiveness it probably used to have in the past. This is especially the case when we consider that land disputes between villages in the Eritrean plateau are now mainly the legacy of the past, having remained unsettled for decades or even centuries because of their complicated nature. Another factor that militates against this mechanism of land dispute settlement in the current situation is that, because, by implication of the new land proclamation of 1994/58, the *shimagle* cannot decide or judge concerning the ownership of the disputed land, since the proclamation asserts state ownership of land.

There was also another attempt at reconciliation of the disputant villages by a committee with a larger number of members, which was established by people from Mereta and other neighbouring villages during the 1980s. Yet this attempt, too, was not successful. Thus, independence of the country was achieved in 1991 before any successful effort to ease the worsening relationship between the two villages, let alone to resolve it.

After independence, there was high expectation among the public that justice would prevail and land disputes would be resolved amicably as the national provisional government was established in Eritrea. There were, however, still two discrepant factors: on the one hand the complex nature of longstanding land dispute cases; and, on the other, the acute shortage of staff and other necessary resources available to the newly established justice systems. Mainly for these reasons the government was reluctant to hear or reopen unsettled disputes as it was also believed that it could lead to further endless litigation processes. At the same time, however, something should have been done as clashes continued to occur.

According to Tsegai Tamrat (interviewed) from the Department of Land there was some debate on how land disputes could be handled: whether a land tribunal should be established, whether the Department of Land should handle them, or whether they could be brought to courts in the Ministry of Justice. Yet there is no finalized mechanism on how to deal with disputes but in one way or another they should be dealt with. Thus, temporarily, the Ministry of Local Government is handling the problem, but only administrative decision, which can possibly be changed at a later date, is rendered based on circumstantial conditions, according to Mr. Tewolde's information from the Administrative Office of the Southern Zone. This way of handling disputes is related to what Burton (1997: 95) called the "pragmatic administratively expedient alternative dispute resolution process ... emerged out of law and the over-burdening of the legal system ... [which] must be treated as a temporary or transitional phenomenon". According to Burton this approach "lacks any theoretical foundation or justification and has emerged only by default" (1997: 95). The problem with this approach, specifically with regard to land dispute contexts in Eritrea, is that in certain cases temporary administratively expedient decisions may result in further complications in later processes or attempts at final resolution. Further, as we have seen in the previous chapter when we referred the case of the villages of Sesah and Wequerti, for example, temporary decisions might have unexpected repercussions.

Nevertheless, often interference in and/ or decisions in connection with disputes, are made temporarily by administrative offices when it appears necessary; at the same time support and encouragement are also given to them whenever efforts to settle disputes between villages are initiated by local communities – as will be shown in the following section.

7.2 The Reconciliation of 1998.

In 1996 a new effort, from a wider area and from larger communities, was initiated in order to resolve the dispute between the two villages. This new attempt was started unintentionally during a ceremony, which was held in Guaquat. On 12 November 1995 there was an inauguration of the renewed building of Saint Sellassie Church of Guaquat. On this occasion guests were invited from both districts of Mereta and other neighbouring villages. Then,

according to the chairperson of the reconciliation *shimagle*, those who came from Mereta Sebene asked the villagers of Guaquat why there were no guests from the village of Geddele. And they were told that the two villages had not enjoyed a good relationship since the 1975 incident. When they heard this they showed their willingness to restore peace between the villages. This shows us how strong and functional kinship ties are in this society, no matter the distance between them and how far apart their common ancestors are.

Thereafter, many people from both Mereta Sebene and Mereta Keih districts negotiated in three informal meetings about the conflict and how they could resolve it. These meetings took place in Halibo, a village in Mereta Sebene, in Dekemhare, and the third meeting, where the *shimagle erki* was formulated, in Harien. Initially it was a committee of 36 members. This *shimagle* approached the villages of Guaquat and Geddele and negotiated with them. The two villages agreed with the *shimagle* to send-representatives – Guaquat appointed ten representatives, while Geddele was represented by nine people. The *shimagle* also informed the administrative office of Dekemhare Sub zone, and the administrators showed their determination to cooperate with the *shimagle erki*.

On 28 April 1996, the *shimagle* identified its agenda items including the following:

1. to find a solution to the quarrel and misunderstanding between the villages of Guaquat and Geddele;
2. to help the people of the two villages restore their unity and fraternity;
3. to recommend that a concerned institution find a solution to the dispute over land between the two villages as the main cause of the brawl;
4. to give special attention to and search for a proper solution for the case of those who died in the brawl (Reconciliation Document, 1998: 1).

Then the *shimagle erki* held its first arranged meeting on 23 May 1996. In this meeting they discussed on what kinds of things the *shimagle* would have to emphasize in the process of reconciliation. In the second arranged meeting each representative *shimagle* of the two villages presented its written accounts on the matter. The representatives of Guaquat requested the land in dispute to be surveyed by local people as a continuation of the previous trials in order to settle the question of the land, and then the case of the people who died

during the time of conflict and the damaged properties to be attended to later. On the other hand, the representatives of Geddele presented the details of the people who died during the skirmish and another man whom they said was killed by Guaquat villagers. So we observe from the presentations of both villagers that there were considerable differences between them in the beginning. The representatives of Guaquat stressed in the negotiation the need for a decision on the issue of the land, while Geddele representatives described only the loss of lives on their side.

The *shimagle erki*, after hearing the accounts of both representatives, did not accept the opinion of Guaquat representatives, because previously both representatives were informed that the written accounts should be about the cause and consequences of the *ambagaro*. The *shimagle erki* was already advised by the Sub Zone administrators to leave the issue of land aside and to emphasize settling the issues of death and enmity between the two villages in the process of mediation, since land was already proclaimed as state property. So, it requested, again, for Guaquat representatives to bring this about in the next meeting. But, since it generally agreed with what the *shimagle* requested, the account presented by the representatives of Geddele was accepted. Then Guaquat representatives submitted their details on the *ambagaro* and, generally, the loss of lives and property during the whole period of the dispute. The number of people who were said to have been killed was four. However, although they did so, they continued insisting in their request that the negotiation should include the question of land. When, again, they were told that no decision could be given for the land, they asked the *shimagle* to give them time to discuss the matter with their village. In the next meeting they requested the land to remain under government control. Then the *shimagle* discussed this matter with the authorities, especially with the Commission of Land, and they were informed that, according to the land proclamation No. 58/1994 (that is the declaration of state ownership of land), no one could make any decision on land, so that *erki* should be on their enmity and quarrel.

The argument of the representatives of Guaquat was that the question of land, which was the underlying cause, could not be overlooked if a lasting solution is to be achieved. As they put it, "Since it was the land that brought about the bloodshed, first the issue of land must be

addressed, and then the issue of death. Otherwise the problem will be resurrected” (Reconciliation Document, 1998: 5).

Then during the fifth arranged meeting of the *shimagle*, which was held on the 15th of December 1996, the administrator of the sub zone addressed the meeting and urged the disputants to cooperate with the *shimagle* and work for peace, adding that the question of land would be handled by the authority it concerns. But yet Guaquat would not accept this. They stated that the process of *erki* would need to address the whole problem, including both land and the loss of lives, in order to bring about a lasting solution. If that was not the case they would have to discuss the matter with their village community and come with the shared view of the people to the following meeting. After this again they requested for the land to remain under government control until a final solution is reached.

The reconciliation committee worked relentlessly to persuade parties, especially Guaquat, to come to an agreement. After hard work the *shimagle*, with the help of the administrators of the Sub Zone, persuaded the representatives of Guaquat to come to agreement on what they proposed. Both representative committees also agreed on the number of people who were killed in the *ambagaro* and decreed that the matter was to be settled by monetary compensation. But still difficulties continued concerning deaths in other incidents. Guaquat representatives said that the settlement of the dispute by compensation of money should include all people who were killed secretly at different times. Then the *shimagle* asked them to bring evidence or witnesses on who was killed by whom, stating that, otherwise, they could not allocate responsibility to any one party. Nevertheless, after a serious discussion all representatives of both villages agreed on the proposed resolution.

In the next arranged meeting the expectation of the *shimagle* was that all representatives would sign the agreement and then pass on to the next steps. However, two men from the representatives of Guaquat changed their minds and not only refused to put their signatures on the proposal but also appealed to other members of the village committee not to sign. But the majority of the representatives were in support of the agreement and gave their opinion that they should not repudiate what they had agreed to before, and after a considerable discussion

they agreed to sign and in the next meeting to advise the two opponents to do so also. This was a great challenge to the *shimagle*. Even in the next meeting a strange thing happened. An individual person with his three followers, entered the place where the *shimagle* were conducting a meeting and tried to intimidate them by saying the compensation must also belong to a person who did not die in the brawl. After that, the *shimagle* requested the Sub Zone administrative office to ensure security in their meetings.

Then on 21 September 1997, the administrators of Dekemhare Sub Zone and the members of the executive body of the *shimagle* held a meeting with the whole village community of Guaquat. They gave the villagers long explanations about the problem, the importance of peace and *erki*, and noted that cooperation of each villager in resolving the problem was compulsory. The villagers also explained their views and discontent with the process of *erki*. Generally it seems that the meeting did not produce encouraging results. I was told that two men from the village were detained for their strong stand against the process. But, thereafter, in a meeting of the village which was attended by the administrator of the villages, they agreed that the process of *erki* continue. After a week, by appointing three men, they sent a message to the administrators of the sub zone and the *shimagle* in which they apologized for the feelings of sorrow and inconvenience they might have felt after the meeting. This was very important for the *shimagle* to proceed to the next step.

The next main agenda, then, was on how to decide the amount of money to be paid for each deceased person. The *shimagle* asked for comments from both parties. However, there was a considerable difference between them. Nevertheless, after hard work the *shimagle* persuaded them to trust it and to accept what it decided. Then, after assessing the special features of the case and referring other land dispute case resolutions, on December 7, 1997, the *shimagle* reached the following decisions:

- a) even though each side mentioned people killed, and for whom they claimed compensation must be paid, the *shimagle* decided for the compensation to include only people who were killed in the brawl (three from Geddele and one from Guaquat);

- b) even though it is difficult to assess the value of human lives in terms of money, the *shimagle* decided on compensation of 15,000 Nakfa¹⁰ (local currency) for each person to be given to the families of the dead from both villages;
- c) besides, for the claim of ruined or lost property from both villages the *shimagle* recommended that people of the two villages should allow the search for peace and compromise to dominate their minds and to forgive and forget whatever was lost;
- d) since the cause of the dispute and the brawl between the two villages was land, and for everlasting peace to prevail between the two peoples, and because land at this time belongs to the government, the reconciliation committee recommended that it stands between the people of the two villages until concerned institution [what do you mean by ‘concerned institution’?] comes forward with a solution;
- e) since the *shimagle* decided this with the full consent and support of the two villages, any individual who attempted to incite any sort of brawl would be fined 5000 Nakfa; and if such incitement is at a village level, any village could be fined 20,000 Nakfa (which goes to the government);
- f) with regards to the payment of the compensation, in order to ensure that peace soon prevailed between the two villages, the *shimagle* have decided that the payment should be completed within six months (from January 1 to June 30, 1998).

Then, on 21 May 1998, the payment was completed in the presence of all the *shimagle* members, and on 6 June 1998, a feast of *erki* of the two villages was celebrated in a place called Enda Are, a central area of the district. People from both districts of Mereta participated in the feast – financially, materially, and through labour. From that day onwards people of the two villages, according to them, have been expressing their happiness that their relationship has been restored. The importance of religion in such an occasion of reconciliation is reflected in the following events. On 7 July 1998, a month after the

¹⁰ During the time (1998) the exchange rate between Dollar and Nakfa was 1 US Dollar to 7 Nakfa. But the reader should not assume this as the rule. It depends on circumstances of a specific dispute case. And this provision is mainly made as measure towards reconciliation, but not as appropriate compensation of the lives. Furthermore, in some cases villages may settle their disputes without paying any compensation for the loss of lives, if any, while in other cases far larger amount of money than in this case study may be paid. It is decided through negotiation and consensus with the parties involved in a given dispute.

reconciliation day, priests of both villages together carried out a prayer at the church of Guaquat as an act of restoring and enhancing their relationships.

Throughout the process of *erki* the *shimagle* held 21 meetings. The Sub Zone administrative office played a significant role by engaging in the process of reconciliation, providing meeting places in the Sub Zone office and other important things. Most of the meetings were conducted in the office and sometimes the administrators attended them. This is the process through which the process of the settlement of the land dispute between Guaquat and Geddele passed. Now let us look back at some aspects of the process of reconciliation by comparing it with the resolution process of the land dispute between Tsenadegle and Teroa Bet Serah.

7.3 Comparative Assessment

First of all it should be acknowledged that there are many differences between the two land dispute cases in terms of their causes, in the social context where the disputes took place, and hence in their nature, etc. Therefore, when we refer to the detailed procedures of the settlement of the disputes, it is obvious that some procedures which were applicable in one of the disputes might not be so in the other. Another thing which should be considered is that, since the land dispute case between Teroa Bet Serah and Tsenadegle was between peoples from different ethnic groups involving larger numbers of people, and, moreover, since it was so destructive, it received more attention from the government. Indeed, about two years after liberation, higher government officials proposed a resolution to the dispute, but both sides rejected it. Nevertheless in the general trend of the reconciliation process of these cases there were also similarities.

According to Mr. Hagos, a member of the reconciling committee, the efforts for the final resolution of the dispute between Teroa Bet Serah and Tsenadegle were initiated by native villagers and fighters, as well as elders and religious leaders from both sides. This was just after the incident on 18 June 1994. It should be mentioned that after this brawl the government controlled the land under dispute and recommended the peoples to resolve their conflict by themselves.

The first thing the initiators of reconciliation committee recognized was the importance of a campaign among both peoples about the need for *erki*. Indeed, they divided the process of *erki* into three phases: in the first phase, which lasted about five months, the main task was to conduct this campaign. It was carried out until the peoples themselves pushed the *shimagle* to pass to the next phase. I think this was the strongest point in the process of *erki*, which was almost absent in the case of Guaquat and Geddele, yet could have worked. Since the feeling of quarrel and conflict in such a collective dispute was there in the mind of the groups as a whole, it would be very important to make all members of the groups or communities believe in and accept reconciliation and work for it. It does not always mean persuading the representative of the villages to bring about the acceptance of the village communities. Therefore, this issue should be emphasized in all land dispute resolutions.

In almost all attempts for land dispute resolution it is likely that *shimagles* should be established as is true in both of the cases under attention. Concerning the structure of the *shimagles*, they were totally different. In the case of Teroa Bet Serah and Tsenadegle the *shimagle* of *erki* was formulated during the first phase with six members, three from each party. This *shimagle erki* was recognized as one body, which worked for peace, but not as something in which its members would argue on behalf of the groups they came from. Even the fighters excluded themselves from the *shimagle* believing that *erki* must be done by the two peoples themselves and for themselves. Yet they were playing a significant role in giving guidance as consultants of the *shimagle*. I consider this again another strong point in the process of reconciliation. But in the case of Guaquat and Geddele there were three bodies: the *shimagle* whose members came from the two Meretas as a body of mediators, and *shimagles* of the representative of each village. Therefore, each village *shimagle* showed the tendency to be argumentative on behalf of its respective village instead of emphasizing things which could lead towards the settlement of the dispute. This played a significant role in delaying the final resolution. Nevertheless, the presence of the mediators from the two districts of Mereta, especially those from Mereta Sebene, was of significant importance. This was because, in the previous trials for *erki* initiated by people from Mereta Keih, as we have seen previously, some of my informants from the village of Geddele harboured resentment against the

mediators who were always in favour of Guaquat villagers. They felt that this was the case since the villagers of Geddele are only half brothers to them in their kinship relationship. Therefore, according to them, the presence of Mereta Sebene in the *shimagle erki* was one of the main factors for the final resolution of the dispute. In the case of Teroa Bet-Serha and Tsenadegle, I was told the two communities preferred the members of the *shimagle* to be only from within them. This somehow indicates their determination to achieve peace and/or, on the other hand, their experience of all the previous unsuccessful attempts made by mediators.

In the second phase the agendas of *shimagle erki* of Teroa Bet-Serha and Tsenadegle identified the issues to be resolved. According to my informant, three issues for which solution were to be sought were identified. These were land, the loss of lives, and property (goods, houses, etc.). Then intensive debates were conducted on these issues with all members of the communities, sometimes by organizing common meetings and gathering the two communities in one place. With regard to these issues the main agenda of the *shimagle erki* of Guaquat and Geddele was the loss of life. My informant from Geddele told me that the *shimagle* from the two Meretas, first asked the families of the people who were killed in the brawl for reconciliation, and then the families told the village that they would like to make *erki*, so that they would assign them some people for cooperation. It means that the members of the committee included the relatives of the dead. This indicates that the main objective of the *shimagle* from the beginning was to settle the conflict between the two villages with the emphasis on the loss of lives. Although some discussion about the land was inevitable there was a tendency to put it aside, assuming that no decision could be made. This was true, but still it was not easily accepted by the people who had never been faced with such intervention in their ownership and administration of land.

We have seen that the representatives of Guaquat insisted on the need for negotiation about the land for more than a year. When the *shimagle* was begging them to leave this issue to the government, as indicated earlier they used to ask to discuss it with their village. But the *shimagle* was requesting them that, once their village appointed them as its representatives they should finish the matter by themselves. However, it was not as simple as that. A strong feeling and concern of the whole village community was its expectation of a satisfactory

result for that for which they fought for, for decades, should not be underemphasized. Nadel (1946:100) says that a party which is realizing that its case is not going too well will often attempt to repudiate its representatives, and with them the decision of the tribunal. In the letter they sent to the *shimagle erki* and administrators the villagers asked for an apology for attempting to replace their representatives by new ones.

In this issue, that is the question of land, one might assume that from the representatives of Geddele there was not a strong emphasis on land. However, it was not like that; I was told by some Geddele villagers that when the families of the dead told the villagers of their desire for reconciliation the villagers informed them to do so only about their deaths, but not about the land. This indicates that they wanted to handle the issue of land separately and were not intending to change the status quo with regard to land, not arguing, however, that the issue of land was considered less important or government property. Therefore, it was important to make the communities as a whole understand and accept that the committee could not reach a decision on land on its own but could make recommendations to authorities concerned.

In the case of Tsenadegle's and Teroa Bet Serah's campaigns both communities finally accepted that no decision could be given on the land since the government declared state land and the disputed land was controlled by it. In the issue of the lost lives it was difficult to reach definite decisions that would imply any kind of right to compensation. This is because throughout the 80 years of the dispute many people were killed in open confrontations and in secret. It is said that more than 300 people were killed from both sides throughout its history. Hence it would be almost an endless debate if the issue of money compensation were to be raised. Recognizing all these facts, both communities agreed to settle this issue by a compromise and forgive and forget for the sake of peace. The issue of property was also settled in the same way. However, in the case of Guaquat and Geddele it was less complex with regard to these issues. Although there were heated debates on the cases of people who were killed secretly there was no disagreement on those who died in the skirmish. So, in the case of Guaquat and Geddele it was appropriate to settle this by the payment of money compensation.

Generally we can say that the land dispute between Teroa Bet-Serah and Tsenadegle was more complex than that of Guaquat and Geddele villages in many respects. But the process of the final resolution of the dispute took only one and half years, while in the case Guaquat and Geddele the final phase lasted for two years. This is also another indication that there was greater efficiency in handling the problem in the case of Tora Bet-Serah and Tsenadegle. Nevertheless, in both cases the efforts were finally successful in resolving the conflicts. When I asked Mr. Hagos if there were any factors that helps explain their success he mentioned two things. First, because of the duration of the conflict, the peoples of Teroa and Tsenadegle were tired of it. Hence both sides were determined to achieve peace. And the second thing was the special attention of the government, brought about by the serious nature of the problem. Another point is that at that time, since the land was in the hands of the government they – the villages – had no access to it, and could expect this to change after peace. We find all these points in the case of Geddele and Guaquat except that both villages enjoyed the contested land, although there might be differences in degree.

In the previous discussion we have seen that the villagers were stressing the issue of land and were seeking a solution for it. However, any decision relating to land is blocked (except by governmental authority) by the provision in the Land Proclamation No. 58/1994 that asserts state ownership of land. There is no any provision of procedures for the resolution of land disputes between villages in the proclamation. Rather, it propagates the abolition of boundaries between villages as has already been mentioned in Chapter Three. Let us now have a look at the land proclamation in relation to land dispute resolution before we come to a conclusion.

What does state ownership of land mean to the villagers who have been enjoying their land throughout their lives, being the most important property inherited from their forefathers? Does state land strictly imply that it is no longer land of the villagers? If someone says ‘yes’, it is only in the sense that the authority of allocation and redistribution of the land is being transferred to the government from the village communities and of course it can also take and give land to other individuals outside the villages according to the provision, when it deems this to be necessary. Such a declaration could not, however, alter overnight the link between

humans and land in the villages, which has been consolidated throughout the ages. This is evidenced by the insistence of the villagers on their request for a decision to the land question in the process of resolution of the dispute. If such land, under dispute between villages, is taken by the government for other purposes, say for example for investment or for housing, the disputant villagers automatically need not continue argument against one another. But for villages in the countryside like Guaquat and Geddele, where land is still in the hands of the owners, and which is unlikely to be used for the above purposes in the near future, land dispute resolutions without making any decision on the issue of land may not make land disputes disappear, even though it is believed it would contain them. Except in the case of some changes in regulations and entitlement, villages are still administering the use of their own land.

Some of my informants were arguing that even though the government declared state land, which they accept, until the land is in their use it should be decided by courts according to the truth of their arguments or to let them solve it using the customary mechanism. As priest Andon (in an interview) argues, boundaries between villages are not yet abolished and the land is still in their hands. Of course, if the government were to let land dispute cases be heard and decided by courts, for most cases there would be endless arguments and the courts would be overloaded with onerous and difficult tasks as previously indicated. There would also be great expense to the disputants. Moreover, even for cases with logically clear truth, decision-making still remains difficult. For example, in the case of Teroa Bet Serah and Tsenadegle, although originally the land was in the possession of Tsenadegle, as Mr. Hagos indicated, it is unfair to exclude the people of Teroa Bet Serah who have no other significant grazing area from the use of the land (interview). Now we see that all those arguments are barred by the statement of "state ownership of land". Therefore, the land proclamation per se can hardly eliminate land disputes between villages. Although it can help in containing them, in a sense it leaves them removed from final settlement.

As it is decided, both villages are now using the disputed land together for the purpose of grazing. When it becomes challenging to resolve land disputes between villages, a decision is usually given for disputant parties to have equal access to the contested land either by

enjoying it jointly or by dividing equally between them. Generally such steps are perceived to be fair and rational because, literally they apparently consider the interests of both parties. But caution is needed here. Under what circumstances are such measures fair and rational? We need to understand the various factors that initiate land disputes. Such measures can be fair only when the two parties lodge the same claims over a certain area of land which was hitherto not in either party's hand or which has been used by both of them without any further claim. But in most land dispute cases this is not the case. There are many disputes, which arose from unjustifiable claims, or even from an attempt to expand one's territory at the expense of the other. In such circumstances where there are no balanced claims of the disputants, therefore, forcing the parties to share the disputed land equally is not to act fairly or may not have any rational basis. It will result in one party's gain (say those who attempt to expand their land) while the other loses. Thus, in many cases such acts may further complicate disputes rather than settling them. For example, gaining access by itself is a good ground for further claim and argument in later stage. This is probably one of the reasons why the representatives Guaquat requested for the disputed land to remain under government control. As we have seen, in this case study the disputant villages have big differences concerning the current status of the land. This point by itself arouses concern.

CHAPTER EIGHT

8. Conclusion and Recommendations

8.1 Conclusion

The main goal of this study was to explore the problem of land disputes between villages in the rural highland of Eritrea. By focusing and reflecting on the case study of the land dispute between the two villages of Guaquat and Geddele, this research report describes and interprets land disputes by placing them in their historical, social and political perspectives, thereby identifying and understanding the real issues, factors or causes, and nature of land conflicts as experienced in this area of the country. This means that a broad contextualization of land disputes and, specific to the case study, a comprehensive approach was needed in order thoroughly to understand the problem. Thus, the social organization of the people, specifically their kinship relationships and village communities, their relationship to their land, their land tenure systems and means of livelihood have been presented, for it is by describing such factors that the case study can adequately be understood.

We have seen in detail, in Chapter Four, that in Eritrean highland rural communities land is of prime importance due to the dependence of the people on subsistence agriculture. Despite this fact, it has been shown that the underlying cause of land disputes was the extreme scarcity of land in kebesa (the highland plateau). This alarming level of scarcity of land was the result of population density, which in turn led to over-cultivation, over-grazing and hence severe problems of land degradation. For this reason this study draws from the material basis of conflict explanation which puts competition over scarce material resources as the basic sources of social conflict.

Given the scarcity of land as the basic source of the problem in kebesa, some specific causes of land disputes have also been identified, of which the following are the most frequent. First, unclear boundaries between villages are a source of conflict. It was explained that in most cases boundaries between village territories were developed on a gradual basis with the establishment of village settlements and subsequent use of land in the surroundings. Boundary

definition was mainly prompted when two, or more, neighbouring communities come into contact and/ or confronted each other. Otherwise there were no well-established mechanisms or procedures for demarcating clear-cut boundary lines between villages. To a great extent this contributed to confusion in territorial limits. Second, and related to the first point, is ploughing on an unacknowledged possession of land among neighbouring people. In some cases different village communities may jointly utilise certain areas of land between them for the purpose of grazing leading to shared use. But when one party attempts to cultivate in such an area, since this act asserts possession and exclusive use, the other would not tolerate this, and as a result this leads to disputes. Partly this was the cause in the case study at issue here.

Thirdly, we have seen that grazing payment is another point of conflict. Two people or communities may enter into a contract in which one party will offer land for grazing while the other party agrees to pay a certain amount in kind or money for enjoying the use of the land for grazing. But sometimes conflict may arise at a certain time when the grazers tend to stop being subjected to such a payment. Fourth, the position of the land in relation to the claimant villages, especially when one village comes and controls an area of land very close to the settlements of the opposite village, is also sometimes a cause. Trespassing, either for grazing or cultivation, is also another cause of disputes between people. Sixth, claiming of land title on the basis of descent frequently causes disputes. We have seen in Chapter Four that kinship is a very important factor in land title. Seventh, it was not uncommon that, even in the *diessa* system of land tenure, certain *enda(s)* within a village used to possess 'betekha' (extra tracts of land). However, those disadvantaged *endas* in a given village would struggle to abolish such unfairness and imbalance in land title. Finally, according to customary land law, individuals or groups of people have the right to claim land if they settle in a certain village for 40 years without interruption. But the host villagers are often reluctant to allow them title and sometimes they may attempt to expel the new settlers.

In brief these are the main causes of land disputes in kebessa that I have found from documents and interviews. It has to be noted, however, that a single case of land dispute can evolve from more than one of the above causes.

All the above causal factors for land disputes are linked to different socio-political, historical, economic, and tenural issues and situations within the country. To a great extent these broader factors also determine the nature and intensity of land disputes. For example, with regard to land tenure systems we have seen that in different African countries, although generally land is traditionally perceived as communal property of communities or villages, it is allocated and administered by traditional political authorities, while in Eritrea, where there is little such local traditional political systems, land is administered by bodies or committees specifically established for the task. Having administrative control over land, such traditional authorities play key roles in the conflict process because of their political and economic interests.

On the other hand, in the Eritrean context, specifically in the highland where land is commonly scarce and permanent village settlements and corresponding land holdings go back for centuries, we have seen that the collective intensity of people's attachment to land is unparalleled, compared to other African societies, as Nadel would have it. Under these circumstances land became an object of struggle in an existence that must be tenaciously defended under any circumstance. For this reason land disputes became extremely difficult to resolve. Although the weaknesses of courts and other institutions is one of the most important reasons for land disputes to continue unresolved for decades or even for more than a century, it should be stressed that the disputes are in most cases so complicated and challenging as it is difficult to establish the truth. Even if the facts are established sometimes it still remains compelling not to take the necessary course of action because of its adverse effect on either party. On the other hand, even if a certain decision is reached, quite often those disputant parties who perceive themselves as losers resist and halt the decision through appeals or by taking their own further steps.

In the rural highlands of Eritrea, although it is stated that land is almost the only means of livelihood in this society, it has also been argued, however, that in this community it is inadequate to see land only in terms of economic means, but also as one of the most basic factors for maintaining the social fabric of this peasant society. It is also the principal factor in the people's social, cultural and political development. That is, as we have discussed, land has significant social and cultural values as it is a source of dignity and a defining factor of

identity and, to a large, extent determines social categories. This significance of land made land tenure systems in kebessa extremely complex, which in turn further complicated land disputes. All these factors make people jealous in issues related to land and land disputes in particular. In this specific community where traditional *shehna/ diessa* tenure system prevails, all land is perceived as the common property of the village, which means also that land disputes have a collective and tense nature.

It has also been sketched that over the years the involvement of different colonial powers in the different types of customary land tenure systems in the area in many respects added fuel to land disputes. These interventions include confiscation of land, transferring ownership and changing rules and regulations of land tenure.

Currently the state is introducing profound change to the most commonly prevailing *diessa/ shehna* system which in one way or another is affecting disputes in Eritrea. Although it is believed that the new land legislation will resolve land disputes between villages by introducing state ownership of land and abolishing boundaries between villages, this resolution is not as extensive as is generally assumed for such nationalisation of land cannot be fully implemented and cannot change the long-established boundaries between villages and feelings of ownership by the villagers. Rather, as has been noted, at the moment in some respects the new land reform is creating its own problems for it is resulting in confusion over land rights. We have seen that the statement of state ownership and the strong customary sense of community ownership of land are in tension. Although to some extent this seems implicit it is revealed when new rights to land are conferred to strangers while customary rights or claims are still strong. Since this new land reform is creating not only clashes of multiple rights but also uncertainties in the overall social fabric of the Eritrean peasant society by threatening the local villages institutions, cultures and community and/ or kin-based social securities established over the centuries, it is important to expand on this issue.

One of the basic problems with land reforms is that most of the time they are one-sided; they reduce the issue of land to the notion of productivity, neglecting all the socio-cultural aspects of land highlighted above. In this regard not only land reforms but also the debate on land

issues generally, lacks full attention being paid to the other dimensions of the land factor. As Kanyinga put it, “the debate has not fully acknowledge that the land question is not about issues of production only; it is also about sociopolitical relations and the organization of society, and touches on virtually all structures of a given social formation” (2000: 7). If reforms do not consider land in its entirety they are bound to fail. And, instead, they will create further complications, resentments and even open other frontiers of conflicts over land. Powelson and Stock strongly criticize state initiated reform programs in villages. As they put it, “the imposition of state-sponsored programs upon village people destroys village cultures and institutions, preventing them from developing rationally as local circumstances require” (Powelson and Stock, 1987: 9). Kanyinga also consistently argues, “Security of tenure is linked to the overall security of the social formation” (2000: 26); and “land reforms ... undermine the structure of social security developed under the indigenous tenure systems” (2000: 23). This criticism is certainly most relevant to the Eritrean context for, in brief, the Eritrean village is said to be a bigger family beyond the household. It has been shown that there is no big problem of eschewed distribution of land resource that need to be balanced by the land reform, but the reform was mainly initiated in order to give power to the state to allocate land when it deemed necessary, based on the perceived increase of productivity of land, which can be seen as part of the development priorities and strategy of the government, with inadequate regard of its implications for the broader masses. For all these reasons the implementation of the land reform will likely be resisted for long, and in this sense it will not bring immediate resolution to land disputes. Instead, as we have seen in the case study, it prevents direct decision-making on the land issue, and it may add another dimension to land conflict.

To come back to the specific case study, in brief, five main factors complicated the dispute between the two villages: (1) the strong attachment of the people to their land; (2) the complex and overlapping land ownership systems in the area; with these initial factors interacting with; (3) the kinship relationships of the people; (4) the deaths caused by the 1975 incident and other occasions; and (5) the historical situation of the country. By the last point I refer to the political instability and changes of regimes during the period of the dispute, which led to the reduced ability of governmental institutions or courts to make lasting decisions that

would resolve the dispute. Nevertheless, in the final process of reconciliation, although there were some weaknesses in the way the dispute was handled, it successfully settled the case. Peace has been restored. But how long will it last?

The main cause of the dispute is the land and its scarcity. No decision, however, has been made on the disputed piece of land. It is the consequences of the dispute – the fights, the deaths which resulted, and the enmity which followed - that has been resolved. But it can be concluded that the underlying cause of the dispute has, thus, not been resolved. Many of my informants desire peace, but they believe that peace will only be achieved if the underlying cause of the dispute between the two villages, that is the issue of land, is resolved. Land is said to be the property of the government, and consequently no decision can be made to give it to either party. But in a practical sense at the village level, or particularly speaking in these two villages, land is still in the hands of the villagers and it is unlikely that, especially in the near future, the government will take the disputed land for other purposes. Thus, these disputant villages are just told to use it together/collectively. This expectation is made despite the fact that the villagers have deep dissatisfaction with the de facto status quo. We have seen that, especially, the villagers of Guaquat were requesting that the land remain under government control until final judgement is rendered on it. This by itself shows us that it is still difficult for the communities to accept or conceive that land is state property, rather than of the community members themselves. Therefore, the people have deep-seated and immediate concerns about the issue of land.

A recent phenomenon, for example, which adds to their concern about the matter, is that a few months after the settlement of the dispute disagreement arose between the shepherds of the two villages over who would assume the responsibility of taking action against trespassers from other villages on the disputed pasture land. (These trespassers tried to graze their cattle on this pasture land.) This should alert us to the danger of a renewed land dispute, because we remember that the brawl broke out in a similar situation.

8.2 Recommendations

Based on the investigation of the land dispute case between Guaquat and Geddele, and land disputes between villages in kebesa in general, I would like to recommend the following:

1. Although the land proclamation of the government of Eritrea asserts that land is state-owned, decision should be given to the disputed land. This is because land is still practically in the hands of the community and will continue to be so in the near future, at least in use terms, hence boundaries between villages will also continue to exist for some years to come. This may, however, not be seen as conferring general property rights to the land to either side. This can be done with the help of local community members and customary mechanisms, with state institutions playing a facilitative role.
2. In order to make this effective, the customary mechanisms of land dispute settlement should be revived. That is, an arbitral or adjudicative body should be established from local people under the principles of customary mechanisms. We have seen that the main problem or weakness with the traditional land conflict management is that it is not backed by the ability to enforce its decisions. In the current moment there is a commitment from the governmental administrations to settle land disputes, so that the judgement of customary processes by local community members can be enforced.
3. While the above is not fulfilled, the *shimagle erki* should always take care of the relationship between the two village communities and every villager should cooperate with the *shimagle* and inform it if there is anything that threatens the peaceful relationship between the villages.
4. The other neighbouring villages should be warned by the administrative authority not to trespass on the land in question.
5. Any attempt to resolve land disputes between groups of people should consider all of the members of the communities in dispute and the issue should be discussed not only with the village representatives but also with the concerned communities as a whole. This effort could enhance the legitimacy and acceptance of dispute settlement.
6. Although the land proclamation may help to contain land disputes between villages, we should not assume that it would necessarily serve as the basis for final dispute resolutions.
7. With regard to land reforms, land should not be seen simply from an economic perspective or productivity per se. On my way in this dissertation I have been trying to throw light on the largely overlooked significance of land to human society beyond the means of subsistence.

Land is inextricably interwoven with different aspects of social institutions and cultural values throughout human history. Our understanding of the meaning of land should be illuminated from its entirety in multiple perspectives. Thus, the so-called economic reductionism of land should be avoided in land reforms or land issues in general. Furthermore, land reforms should not facilitate the disparagement of indigenous land tenure systems. Rather they should be seen from their own socioeconomic and historical contexts.

8. Finally, land dispute resolution processes should be documented and should be available as references to assist in efforts to resolve as yet unsettled disputes. Moreover, previous files of a given case should be referred to whenever there is an effort to settle that case. This will aid understanding of the nature of that dispute and the best way to handle it. Efforts should be initiated and encouraged to resolve outstanding (remaining) land disputes. All such efforts should also consider the deep-rooted attachment of the people to their land and the value they place on the land.

Bibliography

Interviews with government officials

Alemseged Tesfai, former head of land commission, Asmara, 6 August, 2003

Belay Keshi and Brhane, Research Unit, Ministry of Local Government (former members of EPLF's Public Administration), Asmara, 1 August, 2003.

Tsegai Tamrat, Evaluation Officer, Department of Land, Ministry of Land, Water and Environment, Asmara, 4 August, 2003.

Mengis (last name missed) Head of the Department of Land in Southern Zone, Mendefera, 14, July 2003.

Seyabo, (nickname) (name missed) former member of the Department of Public Administration, EPLF, 28 July, 2003.

Tecele Gergis, Office of Attorney General, Asmara, 14 July 2003.

Interviews with community members in the villages of Mereta (unnamed)

Addi Raesi, 12 July 2003, with four men.

Addi Nfas, 12 July 2003, with three men

Fekeihi, 16 July 2003, with two men

Geddele, 15 and 25 July 2003 with five men

Guaquat , 13 and 24 July 2003, with seven men

Harien, 15 and 26 July 2003, with three men

Korbaria, 16 July 2003, with two men

Torat, 13 July 2003, with one man

Unpublished theses and papers

As is the convention, Eritrean authors are listed here alphabetically by their first names (which are put first).

Alemseged Tesfai (1994) 'Property rights, land tenure and the constitution: the Eritrean challenge', first draft, unpublished paper. Asmara, Eritrea.

Castellani, GL (2000) *Recent developments in land tenure law in Eritrea, Horn of Africa*. Madison: University of Wisconsin, Land Tenure Centre: Working paper No. 37.

Department of Land Tenure (1970) 'Report on land tenure survey of Eritrea province', Addis Ababa: prepared for the Ministry of Land Reform and Administration, the Imperial Ethiopian Government.

Fourie, CD (1993) 'A new approach to the Zulu land tenure system: an historical anthropological explanation of the development of an informal settlement', East London: thesis, PhD in anthropology, Rhodes University; Department of Anthropology.

Khanyile, MCB (2002) 'Impact of community conflict and fragmentation in land reform: a case study of Thembalihle', Durban: thesis, MA in Geography, University of Durban-Westville, Department of Geography.

Mculu, JAB (1996) 'Community participation, land conflict and urban restructuring in the new South Africa: experience of Richards Bay KwaZulu-Natal', Johannesburg: thesis, M Sc, University of the Witwatersrand, Department of Town and Regional Planning.

Reconciliation Committee (1998) 'Document of reconciliation agreement between Gwaquat and Geddele villages'.

Shongwe, JP (1999) 'The issue of land use conflict: Contextualizing processes, outcomes and implications in the Matsamo tribal area, Mpumalanga Province, South Africa', Pretoria: thesis, PhD in Geography: University of Pretoria; Department of Geography.

Sithole, JD (1997) 'Land, officials, chiefs and commoners in the Izimpi Zemibango in the Umlazi location of the Pinetown district in the context of Natal's changing political economy, 1920-1936', Peitermaritzburg: thesis, M A in History, University of Natal, Department of History.

Tesfay Abraham (1998) 'The diessa land tenure system and the Land Proclamation No. 58/1994 in the kebesa rural area', Asmara: thesis, LLB in Law, University of Asmara.

Thabane, M (1997) 'Who owns the land in Lesotho? Land disputes and the politics of ownership in Lesotho', Paper to South African Historical Society conference on land, violence and social problems in the history of southern Africa, University of Pretoria, 6 – 9 July, 1997.

Thomas, C (1997) 'Land, violence and implied violence on the Zulu and Cherokee Frontiers, circa 1828-1843: a comparative foray', Paper to South African Historical Society conference on land, violence and social problems in the history of southern Africa, University of Pretoria, 6 – 9 July, 1997.

Wudassie Yohannes (1991) 'The impact of traditional agriculture on the natural resources in northern Ethiopia with emphasis on Eritrea and Tigray regions', Halle Wittenberg: PhD Dissertation, Institute of Geography, Martin Luther University.

Published books and articles

- Agar, MH (1996) *The Professional Stranger: an informal introduction to ethnography*. San Diego: Academic Press, Inc.
- Aijmer, G and J Abbink (eds) (2000) *Meanings of Violence: a cross cultural perspective*. New York: Berg Publishers.
- Alasuutari, P (1998) *An Invitation to Social Research*. London: Sage Publications Ltd.
- Alexander, J (1991) 'The unsettled land: the politics of land redistribution in Matabeleland, 1980-1990', *Journal of Southern African Studies* 17(4) pp. 581-610.
- Alexander Naty (2002) 'Environment, society and the state in western Eritrea', *Africa: Journal of the International African Institute* 72(4) pp. 569-595.
- Amanor, S (1999) *Global Restructuring and Land Rights in Ghana*. Uppsala, Nordiska Afrikainstitutet: Research Report No.108.
- Ambaye Zekarias (1966) *Land Tenure in Eritrea*. Addis Ababa: Kuraz Publishers.
- Anderson, JA (1999) 'The politics of land scarcity: land disputes in Save communal area, Zimbabwe', *Journal of Southern African Studies* 25(4) pp. 553-578.
- Augé, M (1998) *A Sense for the Other: the timeliness and relevance of anthropology*. Translated by Amy Jacobs. Stanford: Stanford University Press.
- Aunger, R (1996) 'On ethnography: storytelling or science?' *Current Anthropology* 36(1) pp. 97-130.
- Aureli, F and F De Waal (eds) (2000) *Natural Conflict Resolution*. Los Angeles: University of California Press.
- Avruch, K; P Black and J Scimecca (eds) (1991) *Conflict Resolution: cross-cultural perspectives*. London: Greenwood Press.
- Bailey, DK (1994) *Methods of Social Research*. New York: The Free Press.
- Barraclough, SL (2001) 'The role of the state and other actors in land reform', in Krishna Ghimire (ed) *Land Reform and Peasant Livelihoods: the social dynamics of rural poverty and agrarian reforms in developing countries*. London: ITDG Publishing.
- Barrows, R and M Roth (1990) 'Land tenure and investment in African agriculture: theory and evidence', *The Journal of Modern African Studies* 28(2) pp. 265-297.
- Basset, TJ and DE Crummey (eds) (1993) *Land in African Agrarian Systems*. Madison:

University of Wisconsin Press.

Basset, TJ (1993) 'The land question and agricultural transformation in Sub-Sahara Africa', in TJ Basset and DE Crummey (eds) (1993) *Land in African Agrarian Systems*. Madison: University of Wisconsin Press.

Basset, TJ (1993) 'Land use conflicts in pastoral development in northern Côte de'Ivoire', in TJ Basset and DE Crummey (eds) (1993) *Land in African Agrarian Systems*. Madison: University of Wisconsin Press.

Bell, C and H Newby (1982) *Community Studies: an introduction to the sociology of the local community*. London: George Aleen and Unwin.

Bennett, TW (1991a) *A Sourcebook of African Customary Law in Southern Africa*. Cape Town: Juta.

Berry, S (1993) *No Condition is Permanent: the social dynamics of agrarian change in Sub-Sahara*. Madison: University of Wisconsin Press.

Biggar, N (ed) (2000) *Burying the Past: making peace and doing justice after civil conflict*. Washington: Georgetown University Press.

Blaikie, N (2000) *Designing Social Research: the logic of anticipation*. Cambridge: Polity Press.

Bohannon, P (ed) (1967) *Law and Warfare in Anthropology of Conflict*. New York: The Natural History Press.

Bruce, J (1993) 'Does indigenous land tenure constrain agricultural development?', in T Basset and DE Crummey (eds) (1993) *Land in African Agrarian Systems*. Madison: University of Wisconsin Press.

Burrowes, J (1996) *The Strategy of Nonviolence Defense: a Gandhian approach*. Albany: State University of New York Press.

Burton, J (ed) (1990) *Conflict: human needs theory*. London: Macmillan Press.

Burton, J (1997) *Violence Explained: the sources of conflict, violence and crime and their prevention*, foreword by V Jabri. Manchester: Manchester University Press.

Choudree, RBG (1999) 'Traditions of conflict resolution in South Africa', *African Journal on Conflict Resolution*, ACCORD (African Centre for the Constructive Resolution of Dispute), 1(1) pp.9-27.

Churton, M (2000) *Theory and Method*. London: Macmillan Press.

- Clegg, J 'Ukubuyisa isidumbu – “Bringing back the body”: an explanation into the ideology of vengeance in the Msinga and Mpofana rural locations, 1882 – 1944’, in P Bonner (ed) (1981) *Working Papers in Southern African Studies 2*. Johannesburg: Ravan Press.
- Clifford, J and G Marcus (eds) (1986) *Writing Culture: the poetics and politics of ethnography*. Berkeley: University of California Press.
- Coser, LA (1956) *The Functions of Social Conflict*. London: Routledge and Kegan Paul.
- Crummey, D (2000) *Land and Society in the Christian Kingdom of Ethiopia: from the thirteenth to the twentieth century*. Oxford: James Currey Ltd.
- Dahrendorf, R (1969) *Class and Class Conflict in Industrial Society*. London: Routledge and Kegan Paul.
- Darby, J and R Ginty (ed) (2000) *The Management of Peace Processes*. Hampshire: Dalgrave Publishers.
- De Klerk, M (ed) (1991) *A Harvest of Discontent: the land question in South Africa*. Cape Town: IDASA.
- De Wet, C (1987) ‘The dynamics of political factionalism in a rural Ciskei village from 1880 to 1950’, *African Studies* 46(1) pp. 57-78.
- Dollard, J (1944) *Frustration and Aggression*. London: Kegan Paul.
- El-Ghonemy, M. (2001) ‘The political economy of market-based land reform’, in Krishna Ghimire (ed) *Land Reform and Peasant Livelihoods: the social dynamics of rural poverty and agrarian reforms in developing countries*. London: ITDG Publishing.
- Emerson, R; F Rachel; and S Linda (1995) *Writing Ethnographic Fieldnotes*. London: University of Chicago Press.
- Fay, B (1996) *Contemporary Philosophy of Social Science: a multicultural approach*. Oxford: Blackwell Publishers.
- Geertz, C (1973) *The Interpretations of Cultures*. New York: Basic Books.
- Gengenbach, H (1998) “‘I’ll Bury you in the Border”: women’s land struggles in post-war Facazisse (Magude District), Mozambique’, *Journal of Southern African Studies* 24(1) pp. 7-36.
- Ghimire, K (ed) (2001) *Land Reform and Peasant Livelihoods: the social dynamics of rural poverty and agrarian reforms in developing countries*. London: ITDG Publishing.
- Ghimire, K (2001) ‘Land reform at the end of the twentieth century: an overview of issues,

actors and processes', in K Ghimire (ed) *Land Reform and Peasant Livelihoods: the social dynamics of rural poverty and agrarian reforms in developing countries*. London: ITDG Publishing.

Government of Eritrea (1994) 'Land Proclamation No. 58/1994', Asmara: government printer.

Haas, J (1990) *The Anthropology of War*. Cambridge: Cambridge University Press.

Hardin, G (1968) 'The tragedy of the commons', *Science* 162(3859) pp. 1243-1248.

Henning, E, with W van Rensburg and B Smit (2004) *Finding Your Way in Qualitative Research*. Pretoria: Van Schaik Publishers.

Himes, JS (1980) *Conflict and Conflict Management*. Athens: University of Georgia Press.

Hirschcock, R (2002) "'We are the first people": land, natural resources and identity in the central Kalahari, Botswana', *Journal of Southern African Studies* 28(4) pp. 797-824.

Hoben, A (1973) *Land Tenure Among the Amhara of Ethiopia: the dynamics of cognatic descent*. Chicago: University of Chicago Press.

Isenhardt, M (2000) *Collaborative Approaches to Resolving Conflict*. London: Sage Publications.

Jandt, F (1973) *Conflict Resolution Through Communication*. New York: Harper & Row Publishers.

Joireman, S (1996) 'The minefield of land reform: comments on the Eritrean land proclamation', *African Affairs: The Journal of The Royal African Society* 95(379) pp. 269-285.

Jordan Gebre-Medhin (1989) *Peasants and Nationalism in Eritrea: a critique of Ethiopian studies*. Trenton: The Red Sea Press, Inc.

Kinsey, BH (1999) 'Land reform, growth and equity: emerging evidence from Zimbabwe's resettlement programme', *Journal of Southern African Studies* 25(2) pp. 173-196.

Kidane Mengisteab ((1998) 'Eritrea's land reform proclamation: a critical appraisal', *Eritrean Studies Review* 2(2) pp.1-17.

Kiernan, JP (1987) 'Ownership and requisition: the limits of land tenure in a community of Zulu farmers', *African Studies* 46(1) pp. 117-128.

Lahiff, E (2000) 'Land tenure in South Africa's communal areas: a case study of the Arabie-Olifants Scheme', *African Studies* 59(1) pp. 45-69.

Levin, R and D Weiner (eds) (1997) "No more tears..." *Struggles for Land in Mpumalanga*,

South Africa. Trenton: Africa World Press, Inc.

Levin, R and S Mkhabela (1997) 'The chieftaincy, land allocation and democracy', in R Levin and D Weiner (eds) (1997) "*No more tears...*" *Struggles for Land in Mpumalanga, South Africa*. Trenton: Africa World Press, Inc.

Longrigg, SH (1945) *A Short History of Eritrea*. Westport, Connecticut: Greenwood Press.

Mamdani, M (1986) 'Peasants and democracy in Africa', *New Left Review* 156 pp. 37-49.

Mamdani, M (1987) 'Extreme but not exceptional: towards an analysis of the agrarian question in Uganda', *Journal of Peasant Studies* 14(2) pp.191-225.

Manji, A (1998) 'Gender and the politics of the land reform process in Tanzania', *The Journal of Modern African Studies* 36(3) pp. 645-667.

Marcus, GE and MJ Fischer (1986) *Anthropology as Cultural Critique: an experimental moment in the human sciences*. Chicago: University of Chicago Press.

Markakis, J (1995) 'Eritrea's National Charter', *Review of African Political Economy* 22(63) pp.126-129.

Mills, CW (1959) *The Sociological Imagination*. Oxford: Oxford University Press.

Mohamed, AA (2002) 'Intergroup conflicts and customary mediation: experiences from Sudan', *African Journal on Conflict Resolution*, ACCORD (African Centre for the Constructive Resolution of Dispute) 2(2) pp. 11-29.

Moore, DS (1998) 'Clear water and muddied histories: environmental history and the politics of community in Zimbabwe's eastern highland', *Journal of Southern African Studies* 24(2) pp. 377-403.

Myers, GW (1994) 'Competitive rights, competitive claims: land access in post-war Mozambique', *Journal of Southern African Studies* 20(4) pp. 603-632.

Nadel, SF (1946) 'Land tenure on the Eritrean plateau', *Africa: Journal of the International African Institute* XVI(1).

Nyambara, PS (2001) 'Immigrants, "traditional" leaders and the Rhodesian state: the power of "communal" land tenure and the politics of land acquisition in Gokwe, Zimbabwe, 1963-1979', *Journal of Southern African Studies* 27(4) pp. 771-791.

Olano, J (2001) 'The role of peasants' organizations in managing agrarian conflict', in K Ghimire (ed) *Land Reform and Peasant Livelihoods: the social dynamics of rural poverty and agrarian reform in developing countries*. London: ITDG Publishing.

Oomen, B (2000) "'We must now go back to our history": retraditionalisation in a North Province Chieftaincy', *African studies* 59(1) pp.71-95.

Osamba, J (2001) 'Peace building and transformation from below: indigenous approaches to conflict resolution and reconciliation among the pastoral societies in the Borderlands of Eastern Africa', *African Journal on Conflict Resolution*, ACCORD (African Centre for the Constructive Resolution of Dispute) 2(1) pp. 71-84.

Pankhurst, R (1966) *State and Land in Ethiopian History*. Addis Ababa: Haile Sellassie University Press.

Platteau, JP (1996) 'The evolutionary theory of land rights as applied to Sub-Sahara Africa: a critical assessment', *Development and Change* 27(1) pp. 29-86.

Peters, E (2002) 'Bewitching land: the role of land disputes in converting kin to strangers and in class formation in Malawi', *Journal of Southern African Studies* 28(1) pp. 155-178.

Polanyi, K (2001) (1944) *The Great Transformation: the political and economic origins of our time*. Boston: Bacon Press.

Powelson, JP and R Stock (1987) *The Peasant Betrayed: agriculture and land reform in the Third World*. Boston: Oelgeschlager, Gunn & Hain Publishers, Inc.

Prosterman, RL and J Reidinger (1987) *Land Reform and Democratic Development*. Baltimore: The Johns Hopkins University Press.

Pruitt, D and P Carnevale (1993) *Negotiation in Social Conflict*. Buckingham: Open University Press.

Ramustindela, FM and D Simon (1999) 'The politics of territory and place in post-apartheid South Africa: the disputed area of Bushbuckridge', *Journal of Southern African Studies* 25(3) pp. 479-498.

Redfield, R (1971) *The Little Community and Peasant Society and Culture*. Chicago: Chicago University Press.

Robins, S (2001) 'NGO, 'Bushmen' and double vision: the ≠ khomani San land claim and the cultural politics of "community" and "development" in the Kalahari', *Journal of Southern African Studies* 27(4) pp. 833-853.

Rock, J (2000) 'The land issue in Eritrea's reconstruction and development', *Review of African Political Economy* 27(84) pp. 221-234.

Rosaldo, R (1993) *Culture and Truth: the remaking of social analysis*. London: Routledge Publishers.

- Scott, B (1981) *The Skills of Negotiation*. Hampshire: Gower Publishing Company.
- Sere'at Adgena Tegeleba (Adgena Tegeleba customary law) (1946). Asmara: Petros Sila Publisher.
- Sere'at Loggo Chiwa (Loggo Chiwa customary law) (1943). Asmara: Petros Sila Publisher.
- Shanin, T (1973) 'The nature and logic of peasant economy', *Journal of Peasant Studies* 1(1) pp. 63-80.
- Steiner, H and J Wolff (2003) 'A general framework for resolving disputed land claims', *Analysis* 63(3) pp. 188-89.
- Tesfa Gebremedhin (1996) *Beyond Survival: the economic challenges of agriculture and development in post-independent Eritrea*. Lawrenceville: The Red Sea Press.
- Tillett, G (1999) *Resolving Conflict: a practical approach*. South Melbourne: Oxford University Press.
- Trevaskis, GKN (1960) *Eritrea: a colony in transition*. London: Oxford University Press
- Tronvoll, K (1998) *Mai Waini, a Highland Village in Eritrea: a study of the people, their livelihood, and land tenure during times of turbulence*. Lawrenceville: The Red Sea Press.
- Tronvoll, K (1998) 'The process of nation-building in post-war Eritrea: created from below or directed from above?', *The Journal of Modern African Studies* 36(3) pp. 461-482.
- Van Maanen, J (1988) *Tales of the Field: on writing ethnography*. Chicago: University of Chicago Press.
- Walker, C (2003) 'Piety in the sky? Gender policy and land reform in South Africa', *Journal of Agrarian Change* 3(1 & 2) pp. 113-148.
- Weeks, D (1994) *The Eight Essential Steps to Conflict Resolution: preserving relationships at work, at home, and in the community*. New York: G. P. Putnam & Sons.
- Williams, M (2003) *Making Sense of Social Research*. London: Sage Publications.
- Wilson, JR (1999) 'Eritrean land reform: the forgotten masses', *North Carolina Journal of International Law and Commercial Regulations* 24(2) pp. 497.
- Yin, RK (2003) *Case Study Research: design and methods*. Thousand Oaks: Sage Publications.
- Yohannes Habteselasie (1992) 'Democratic elements of hegi endabba (customary laws): its influence after hundred years of foreign rule', (Tigrigna essay), Asmara: (publisher missing).

Appendixes

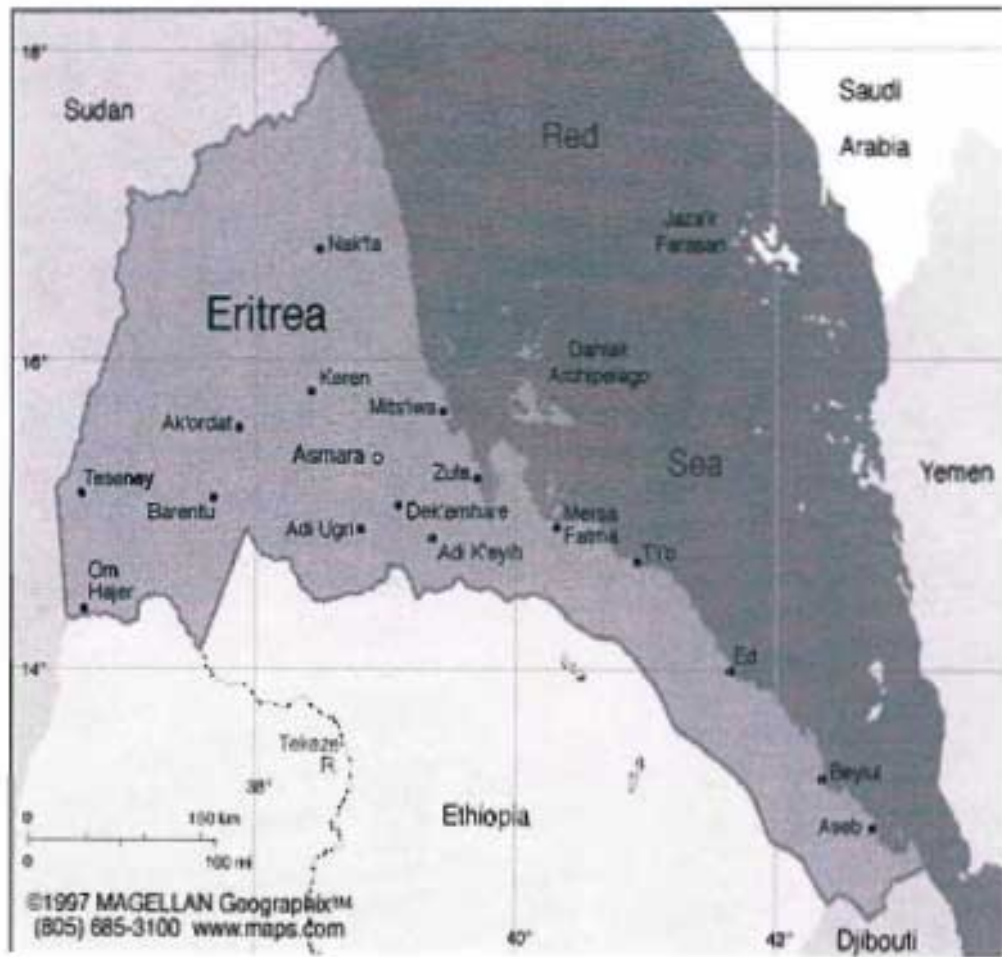
Appendix 1: Glossary

Adi/ addi:	village
Ambagaro:	brawl
Aquaro:	the lower level village land re-distribution committee whose task is to divide the land under redistribution into sub-fields which is then to be assigned to groups of share holders.
Betekha:	land tract held by a certain group of people in a village, usually kin groups
Dekkebat:	descendants of male lineage in a village
Dagna/ Chikka:	village judge or chief
Diessa/ shehna:	village ownership system of land
Domaniale:	state land during the Italian period
Enda/ mybet:	kin group
Erki:	reconciliation
Gebar:	share holder of land for cultivation in a village
Gelaffo/ tserabo:	a higher committee of land redistribution in a village whose task is to identify eligible village members for a share of land
Gibri	tribute or the share of land held by gebar
Girat	a piece of land or field for cultivation
Gulti	fief
Hadega gebar	land returned back to village from its holder, held in reserve for re-allocation
Higi	law

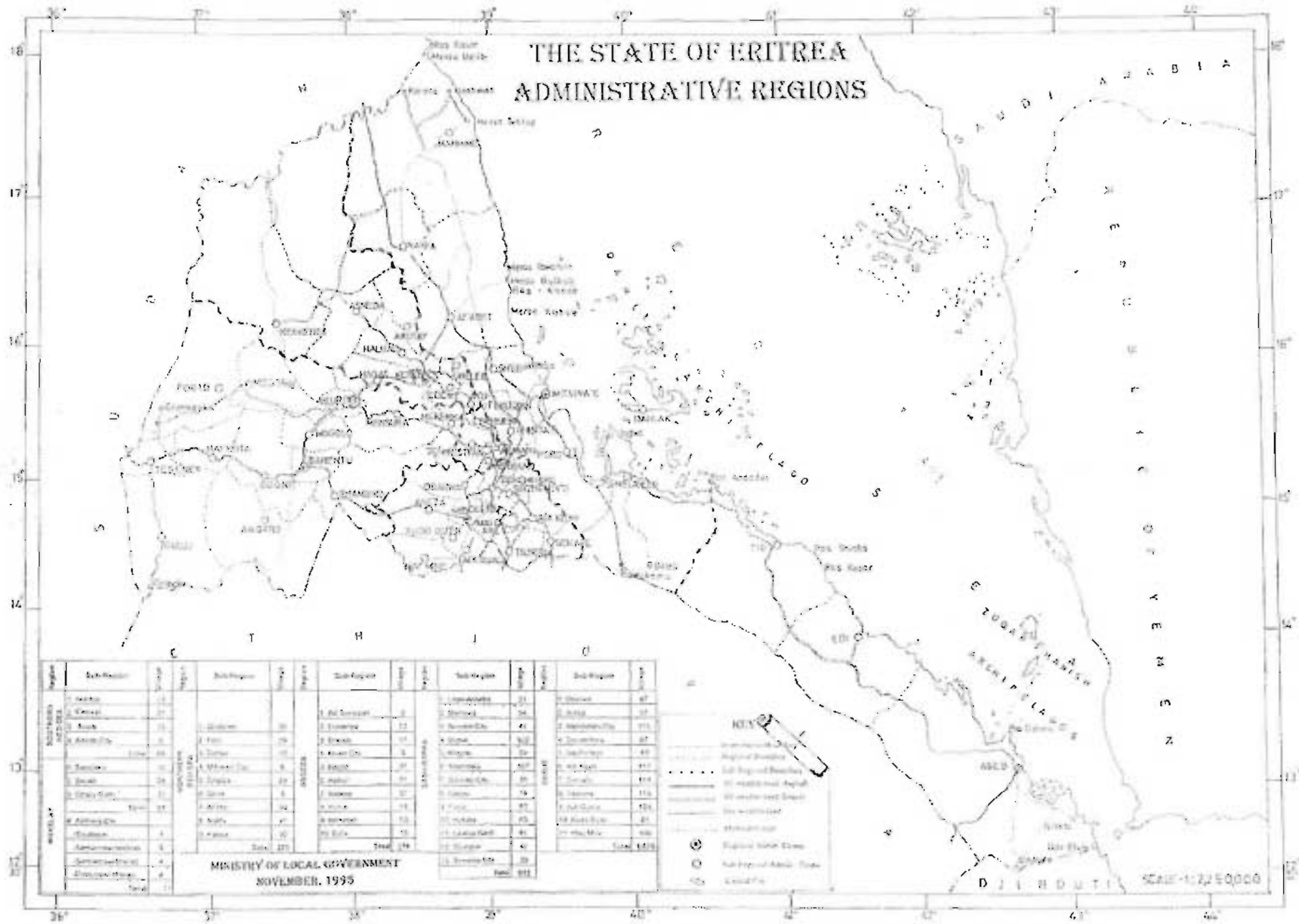
Higi'endabba	customary law or law of the fathers
Kebessa:	the highland plateau of Eritrea
Meddabo/ metaro	the temporary committee which is formed by a group of share holders when they are assigned a certain field by lot in the process of land re-distribution whose task is to divide the land into the actual size that finally goes to a share holder, again by lot
Mederder	impartial third party in the settlement of land disputes.
Meriet:	land
Resti	individual or collective possession, ownership, or use of land by first occupation and inheritance
Shimagle:	committee or council
Tisha:	land allocated for residence
Warieda/ melessa meriet:	periodical re-distribution of village land

Appendix 2: Maps

Map of Eritrea



Source: www.infoplease.com/atlas/country/eritrea (12-08-2004)



THE STATE OF ERITREA ADMINISTRATIVE REGIONS

Region	Sub-region	Area (km ²)	Population	Sub-region	Area (km ²)	Population	Sub-region	Area (km ²)	Population
SOUTHERN RED SEA	Asmara	11	1,100,000	ANZEB	1. Anzeba	10	WESTERN RED SEA	1. Asmara	11
	Carake	27	1,100,000		2. Anzeba	12		2. Asmara	11
	Kura	21	1,100,000		3. Anzeba	14		3. Asmara	11
	W. Anzeba	4	1,100,000		4. Anzeba	9		4. Asmara	11
	1. Anzeba	10	1,100,000		5. Anzeba	24		5. Asmara	11
	2. Anzeba	28	1,100,000		6. Anzeba	17		6. Asmara	11
	3. Anzeba	11	1,100,000		7. Anzeba	10		7. Asmara	11
	4. Anzeba	11	1,100,000		8. Anzeba	14		8. Asmara	11
	5. Anzeba	11	1,100,000		9. Anzeba	13		9. Asmara	11
	6. Anzeba	11	1,100,000		10. Anzeba	10		10. Asmara	11
WESTERN RED SEA	1. Anzeba	10	1,100,000	CENTRAL RED SEA	1. Anzeba	10	CENTRAL RED SEA	1. Anzeba	10
	2. Anzeba	28	1,100,000		2. Anzeba	12		2. Anzeba	10
	3. Anzeba	11	1,100,000		3. Anzeba	14		3. Anzeba	10
	4. Anzeba	4	1,100,000		4. Anzeba	9		4. Anzeba	10
	5. Anzeba	10	1,100,000		5. Anzeba	24		5. Anzeba	10
	6. Anzeba	28	1,100,000		6. Anzeba	17		6. Anzeba	10
	7. Anzeba	11	1,100,000		7. Anzeba	10		7. Anzeba	10
	8. Anzeba	11	1,100,000		8. Anzeba	14		8. Anzeba	10
	9. Anzeba	11	1,100,000		9. Anzeba	13		9. Anzeba	10
	10. Anzeba	11	1,100,000		10. Anzeba	10		10. Anzeba	10
CENTRAL RED SEA	1. Anzeba	10	1,100,000	EASTERN RED SEA	1. Anzeba	10	EASTERN RED SEA	1. Anzeba	10
	2. Anzeba	28	1,100,000		2. Anzeba	12		2. Anzeba	10
	3. Anzeba	11	1,100,000		3. Anzeba	14		3. Anzeba	10
	4. Anzeba	4	1,100,000		4. Anzeba	9		4. Anzeba	10
	5. Anzeba	10	1,100,000		5. Anzeba	24		5. Anzeba	10
	6. Anzeba	28	1,100,000		6. Anzeba	17		6. Anzeba	10
	7. Anzeba	11	1,100,000		7. Anzeba	10		7. Anzeba	10
	8. Anzeba	11	1,100,000		8. Anzeba	14		8. Anzeba	10
	9. Anzeba	11	1,100,000		9. Anzeba	13		9. Anzeba	10
	10. Anzeba	11	1,100,000		10. Anzeba	10		10. Anzeba	10
EASTERN RED SEA	1. Anzeba	10	1,100,000	TOTAL	1. Anzeba	10	TOTAL	1. Anzeba	10
	2. Anzeba	28	1,100,000		2. Anzeba	12		2. Anzeba	10
	3. Anzeba	11	1,100,000		3. Anzeba	14		3. Anzeba	10
	4. Anzeba	4	1,100,000		4. Anzeba	9		4. Anzeba	10
	5. Anzeba	10	1,100,000		5. Anzeba	24		5. Anzeba	10
	6. Anzeba	28	1,100,000		6. Anzeba	17		6. Anzeba	10
	7. Anzeba	11	1,100,000		7. Anzeba	10		7. Anzeba	10
	8. Anzeba	11	1,100,000		8. Anzeba	14		8. Anzeba	10
	9. Anzeba	11	1,100,000		9. Anzeba	13		9. Anzeba	10
	10. Anzeba	11	1,100,000		10. Anzeba	10		10. Anzeba	10

MINISTRY OF LOCAL GOVERNMENT
NOVEMBER, 1995

- International Boundary
- Regional Boundary
- Sub-Regional Boundary
- National Road
- District Road
- Railway
- Airport
- Port
- Town
- Village
- Hamlet

SCALE: 1:2250000

