

Property Rights and State-Society Relations in Conflict-affected Settings:

A Case Study of Land Conflict in the Adiquala Sub-region, Eritrea

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Summary

Land, a crucial asset, is hotly contested in Eritrea's rural areas. While weak land governance, land conflicts, and deteriorating livelihoods have persisted for a long time, the policy experts and academics in Eritrea have not given them adequate attention. Instead, the existing conflict studies emphasize inter-state wars and the armed struggle. This study focuses on within-state land conflicts in the Adiquala sub-region, an area known for its many unresolved land conflict cases. This study examines land conflicts in Eritrea by adopting the concept of state-society relations within the context of the conflict-affected settings under which property rights in Eritrea have been functioning.

The questions this study answers include: What is the condition of land conflicts, land governance, and livelihood in the Adiquala sub-region? Why does the Adiquala have so many and lengthy land conflicts? What are the various types, consequences, and drivers of land conflicts? Beyond descriptions, what do the various land conflict cases tell us about Eritrea's state-society relations across time? What role did these conflicts serve for the state formation? The study first investigates the documents that had been filed in land conflict cases. Secondly, it conducts surveys with farmers and experts on livelihood, land governance, and land conflicts. Thirdly, it thoroughly examines selected land conflict cases at the individual, inter-village, and area administration levels.

The study argues that after 30 years of independence, the Eritrean peasantry remains caught in the crossfires of deteriorating livelihood, weak land governance, and land conflicts. The

continuation of the *resti* mentality, generated by successive states' failure to implement land reforms fully, and the peculiar characteristics of the sub-region explain the longevity and a high number of land conflicts. Moreover, the continuity of legal and normative pluralism, the incoherent and conflicting decisions and interpretations of laws by various state institutions, and the continuous wars (which hindered and weakened the state's capacity to penetrate far rural areas and implement land reforms) contributed to the land conflicts.

The study further argues that the persistent, low-profile within-state land conflicts in the broader context of 30 years of armed struggle and Eritrea's border conflicts with its neighbors served the state in two ways. First, by bringing the litigants (that is, the individuals, *endas*, villages, and committees) close to the state institutions of area/village administrations, committees, sub-region, region, Ministry of local government, and even the Office of the President, the land conflicts served as a crucial avenue for state formation. The entire process involves the submission of claims/counter-claims and conflict cases/counter-cases and the rejection/acceptance of said claim/counter-claim, conflict cases, and appeals. This has resulted in dynamic mutual recognition of the various actors in the society and state institutions. The entire process was possible only because the state already owned the land and had centralized the conflict resolution structures. As no other avenue (such as the market) was available to access and/or own land rights and resolve conflicts, only the state can accommodate land claims and resolve the conflicts emanating from the process. Furthermore, the increasing number of conflict cases compelled the state to come up with various guidelines regarding *deqi-gual* (sons of a daughter), grazing/enclosure and grazing fees, land distribution, conflict resolution, the establishment of a new committee-based conflict resolution structure (introduced in 2016), and the application of modern technology (like GIS) for

border demarcation and mapping enclosures, all of which enhanced the functioning of the state. It is one manifestation of state formation.

Second, the low-profile land conflicts have discouraged the state from responding to society's other critical demands for political reforms when the state itself is busy fighting wars. Being engaged in land claims and conflicts render society inward-looking and not outward-looking to the state. While the state did not deliberately create the conflicts, the state has limited capacity to resolve the conflicts after they are started. The lower state institutions perpetuate the land conflicts because they benefit from the connections and the economic benefits during the process. Moreover, the state deliberately uses (and sometimes even extends) the conflicts to manage society. Because most of the conflicts are low-profile and do not have human casualties, they are not a major threat to the state. The study supports these two central arguments through the empirical cases of land conflicts at individual, inter-village, and area administration levels.

The study comprises seven chapters. Chapter one states the problems, provides background context, reviews the literature to show the gap, identifies the research questions and arguments. It also states the study's objects and significance, clarifies the key concepts in the study, introduces the theoretical framework of the study, and discusses the methodology and structure of the study.

The second chapter focuses on Eritrea at the national and local or area levels. It provides historical background and context to the subsequent chapters. The first sub-section provides a brief political history and the history of land tenure systems, land reforms, and property rights change in Eritrea. The second sub-section reviews the country's land governance and livelihood. The third sub-section explores changes in administrative structures, including conflicts resolution mechanisms across time. The last sub-section introduces the sub-regions to be studied before

delving deep into the selected cases. It discusses the area's key features and history of the land, people, and people-land relations.

The third chapter explains the findings of the surveys on land conflicts, land governance, and livelihoods in the sub-region. It provides quantitative data showing the magnitude of selected problems. The first sub-section examines the conflict documents deposited in the sub-regional offices. After briefly introducing the household head farmers and the eight experts, the second sub-section examines the survey on intra-village and inter-village level land conflicts, land governance, and livelihoods, respectively. The last sub-section concludes.

Chapter four examines various selected individual-level land conflict cases. The cases involve identity questions (both within local villages and of Ethiopian origin); quests for fair distribution; the case of sons of the daughter; religion; an increase in the land's value; and urbanization/peri-urban expansion; and increase in a commercial farm. The first sub-section thoroughly scrutinizes the selected cases of land conflict documents through the content analysis approach. It shows the various conflict types exhibited in the area and traces variation and dynamics across places and time. Based on the various findings in the cases, the second sub-section concludes by tying all the cases together.

Chapter five explores three inter-village level land conflict cases that focus on grazing land, borderland (grazing/agricultural), enclosure, and camps through a content analysis approach. The first sub-section explores and examines the land conflict between Geza Medebay and Adiguur. The second sub-section investigates the case between Geza Keren and Aderagudi. The third sub-section deals with Geza Keren and Betetsion conflict, and the final part concludes.

Chapter six investigates four land conflict cases at the level of area administration. While its first sub-section examines conflict cases among Unagaebien, Aditshogar, and Mai Alba, the second sub-section investigates conflicts within the Geza Hamle area administration. The third sub-section deals with the conflict on a peri-urban case from the Mailafo area administration. The fourth sub-section examines the grazing conflict that has affected most of the sub-region's lowland area administrations, and that has an implication on some ethnic and religious issues. The final sub-section concludes.

The last chapter provides conclusions and implications based on the empirical findings. The first section revisits the key findings of the study. The second section summarizes why the Adiquala sub-region has more conflict cases that have remained unresolved for long periods of time. Finally, the last section focuses on the contributions and implications of the study by highlighting the empirical and theoretical contributions, policy implications, and recommendations for further/future studies. The study contributes to Eritrea's policy-related challenges and state-society relations literature.