

Women and LAND RIGHTS in Eritrea

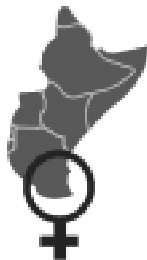


EASTERN AFRICAN SUB-REGIONAL SUPPORT INITIATIVE
FOR THE ADVANCEMENT OF WOMEN (EASSI)

WOMEN AND LAND RIGHTS IN ERITREA

by

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**EASTERN AFRICAN SUB-REGIONAL SUPPORT INITIATIVE
FOR THE ADVANCEMENT OF WOMEN (EASSI)**

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Foreword

The study on women and land in five countries of the Eastern Africa Sub-region commissioned by EASSI was prompted by the concern over the lack of ownership of land by the majority of women in the region. While the majority of women in Sub-saharan Africa and particularly Eastern African region edge a living for their families on land, they largely do not own this land. In some cases women are treated as labourers on the land who can be disposed of anytime the landlords choose to.

This report on Women and Land Rights in Eritrea demonstrates the need for more efforts to ensure that women's rights to land ownership are enshrined in the law. It also shows that in an environment where cultural norms relegate women to an inferior position in society, there is need for support systems to enable women own and be able to use the land they own without constraints.

It is generally accepted that there is more to gain by women having access and control of productive resources. Societies understand the value and contribution of women in sustaining livelihoods in most of Africa. However, this has not been translated into actions that make it possible for women to access and control the resources they need to improve their own lives and the lives of their families and society as a whole.

Patriarchal attitudes towards the position of women in society continue to undermine women's ownership of the most vital resource which is land. Education of women is critical in improving the position of women and ownership of productive resources. When women are educated, they are in a better position to earn income which they can invest in assets such as land. However, attaining a significant level of education for women in the Eastern African sub-region is a longer term goal. Girls in a family should be accorded the same treatment so that they to share family property including land as children in the family. In the campaign on increasing the ownership of land by women, it makes more sense to begin with pushing for inheritance rights of girls as daughters in the natal family. When girls have their share of land as daughters, they enter into marriage relationships with more confidence and stronger bargaining power which enhances equality and equity at household level.

Communities need to be sensitized more to treasurer girl children and to ensure that they are entitled to equal share in the family property. This should be supported by laws that enable girl children and women to inherit property just as other children in the family. The political will of the leadership of countries in the sub-region and at national levels is an important requisite for enhancing positive attitudes in society and putting in place laws and policies that protect women's ownership of land.

It is our hope that this report will contribute to the continuing debate and advocacy work for women's land ownership in the Eastern Africa sub-region.



Abbreviations

NUEW	National Union of Eritrean Women
ACORD	Agency for Co-operation Research in Development
NUEYS	National Union of Eritrean Youth and Students
EPLF	Eritrean Peoples Liberation Forces
ELF	Eritrean Liberation Front



Definitions

Diessa	A form of communal village land ownership system in the highlands. The especial feature is that land is redistributed every 5 or 7 years. All the land belongs to all the men in the village/community.
Tsilmi	Extended family ownership of land
Tiesa	Allotment of village land for residential purposes.
Enda	Extended Family
Wode Abat	A male descendant of the founding father in the village.
Gebri	A share of village land
Warieda	Periodical re-distribution of land
Chikashum	Village administrator
Gelafo	A group entrusted with the responsibility of equal distribution of land among the village community coupled with the task connected with the drawing of lots.
Aquaro	Three individuals elected by the people in a community whose responsibility is to decide the persons entitled to a share or half a share of village land.
Wedi Gual	Son born from a woman.
Medri Worki	Land bought by cash.



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Executive Summary

This study was conducted to assess the situation of women regarding their access to and control over land. It examines the various land reforms enacted in Eritrea and their impact on women, and looks at the factors that undermine women's land rights and makes recommendations on how to remove these barriers.

The study centres on the realities and experiences that characterize women's rights to land in the four land-holding systems: that is, Diessa, Tsilmi, Risti and state land tenure systems. It also analyzes land reforms undertaken by successive regimes that have administered Eritrea. The most recent Land Proclamation of the Government of the State of Eritrea promulgated in 1994 and its status of implementation is also presented and assessed.

The study confirms that all the customary land laws and the land reforms undertaken prior to the present Land Proclamation, treated women within the context of their marital status and in relation to their family unit. A woman's right to land depended on whether she was the head of a family, the number of children she had, and whether she was divorced or widowed. None of the laws and land reforms considered women's independent rights to land.

The new Land Proclamation gives full recognition to women's individual rights to land. Land distribution among returning refugees, ex-combatants and even to some permanent residents has been implemented within the context of this Proclamation. Unfortunately, implementation of the Land Proclamation, except with the case of ex-combatants, has not been effected in the spirit of the Proclamation. In a country such as Eritrea where 80% of the population relies on agriculture, promotion of women's rights to land, as a means of their social and economic empowerment, is important.

The study ends with conclusions and recommendations for possible follow-up action. Among the central recommendations are: the need for increased awareness on women's land rights; and economic and cultural barriers that hinder women from exercising their land rights.



1.0 Introduction

Eritrea is a small country in the Horn of Africa with a 124,400 sq km land surface and a 1,200 km coastline along the Red Sea. The population of Eritrea is estimated to be about 3.5 million. The country has six administrative regions: Anseba, Debub, Gash-Barka, Maekel, Northern Red Sea and Southern Red Sea. Out of the total land available, 32,000 sq km is suitable for cultivation. Of this, only 3,840 sq km (12%) has been put to use. This indicates that there is sufficient idle land that can be allocated to women in their own right. Various studies have indicated that between 30% and 45% of all households in the country are female-headed. This percentage is likely to go up due to the recent war between Eritrea and Ethiopia.

Eighty percent of the population in Eritrea depends on agriculture for its livelihood. Fifty percent of this engages in subsistence farming, while the rest are either pastoralists or agro-pastoralists. Women's role in agriculture is extensive although it is not the same throughout the country. In the semi-pastoralist lowlands of the country, their role is limited to looking after livestock, milking goats and cows and processing milk into butter and cheese. In these communities, women do not participate in agricultural activities. By contrast, in the central highlands, with the exception of ploughing, women participate in all agricultural work including planting, weeding, harvesting, threshing, winnowing and storage.

Because women do not own the means of production such as land, seeds, oxen and other farming assets, the work they do in agriculture is categorized as supportive. Hence, they are not entitled to control the agricultural products of their labour. This is one of the most important things that explain why women constitute the majority of the poor, the illiterate and disadvantaged population. In order to transform the social and economic status of women farmers, a considerable amount of work has to be done to address the cardinal question of their access to and ownership of productive resources. Access to land is a determinant factor in getting access to credit and other farming implements. Credit is indispensable to breaking the chronic state of poverty among women and restoring food security in their households.

1.1 Purpose of the Study

The principal purpose of the study is to assess women's legal entitlement to land and to examine how the implementation of the Land Reform Act benefits or marginalizes women in real life. Apart from that, the research seeks to identify the problems that hinder women from possessing land in their own right and make suggestions for removing these barriers.

The specific objectives of this study are:

1. To assess the land tenure system in Eritrea;
2. To examine the various land reform policies that have been introduced in Eritrea and their implementation process;
3. To identify the key problems that hinder women from accessing and controlling land on their own right;
4. To identify the main actors in promoting women's land rights and suggest community-based solutions to women's lack of land rights.

1.2 Significance of the Study

This study seeks to examine the land tenure system prevailing in the country and the extent to which the various land reform acts that have been designed to address gender inequity have been enforced. No such research has been carried out before. Apart from generating information on the critical issue of women and land rights, therefore, this important study will raise awareness among academics, development actors, policy-makers and particularly the women themselves, on this key development and human rights issue.

1.3 Methodology

The methodology used for data collection was mainly qualitative. The instruments used to carry out the action research included the following:

i. Discussion with Key Informants

Discussions were held with government officials from ministries and departments responsible and involved in the actual implementation of the land law. These included the Ministry of Local Government, the Ministry of Land, Water and Environment, and Ministry of Agriculture. In addition, discussions were held with policy-makers and the officials of the NUEW in the various regions.

ii. Focus Group Discussions

The study conducted 12 focus group discussions with women in four regions: Anseba, Gash-Barka, Northern Red Sea and Debub. In Anseba, in addition to the focus group of women, a focus group discussion was held with men to find out their views about the land tenure system in the area.

On the whole, each focus group was made up of 10-15 individuals, although, in some areas a group was as big as 30 individuals. An attempt was made to ensure that the groups were as homogeneous as possible. One group was made up of women heads of households who had access to land, women in male-headed households, and unmarried women in areas where some sort of land reform has been carried out. In areas where no land reform of whatever form has taken place, the group formation included women from different age groups and social strata.

Focus group discussions were very open which provided opportunities for the individuals who facilitated the discussions, the women's groups and the researcher to learn from the process. Because everybody participated in the discussions, the research process avoided creating the subject-object dichotomy.

iii. National Workshop

Another method used to enrich and strengthen the research was to conduct a two-day national workshop on women's land rights. Participants in the workshop came from the six regions of the country including representatives from NUEW, NUEYS, Ministry of Land, Water and Environment, Ministry of Local Government, Ministry of Agriculture, Regional Baitos, women who participated in the focus group discussions and people who were invited in their individual capacities. The workshop generated a heated discussion which culminated in a common understanding and consensus among the participants about the need to adopt a gender perspective on land tenure and the importance of women being considered for land allocation in their own right.

1.4 Scope of the Study

In order to gain a better understanding of the issue of women and land rights in Eritrea, it was decided that the areas selected for the study should include: where no land reform has occurred, where land reform has been undertaken by the various governments or liberation movements; and, where land was distributed after the 1994 Land Policy was declared. However, the study has not dealt with women in pastoral communities because grazing land in Eritrea is communally owned.

1.5 Limitations of the Study

The main limitation of this study is that because not much has been written on women and land rights in Eritrea, it has had to rely on the scanty, raw literature available. Moreover, this scanty literature is so incomplete and often hand written. It is, therefore, difficult to confidently use this information or its sources. Due to this problem, most of the data has been gathered either from individuals who have been directly involved in formulating policies, distributing land or supervising the process of land distribution, and women themselves in the specific localities. Predictably this study is rather short of accurate and broad statistics.

1.6 Literature Review

Commenting on the 1975 land reform that was done in both Ethiopia and Eritrea, Rahmato and Hanna Kebede¹ concluded that women were unable to get land in their own right because the task of implementing land reform was given to the peasants. A peasant was registered as a member of a Peasant Association on behalf of his family. Since it was the husband who was accepted as the head of the family, it was mainly men who got registered as members of Peasant Associations, and the ones who were eligible for getting land. Rural women were effectively excluded from membership in peasant association and could not get land in their own right².

Yirgalem Woldegabriel³ has praised the various land reforms that were undertaken in the 1980s by the different Ethiopian governments, the ELF and EPLF, for providing women heads of household with the right of access to land. However, in her assessment of the situation, Yirgalem failed to examine the land reforms from a gender perspective. Consequently, she overlooked the patriarchal nature of these land reforms.

The 1994 Land Proclamation of the Government of the State of Eritrea in principle fully respects women's independent rights of access to land. Commenting on the provisions of the proclamation for women's rights, Tsegai Teamrat⁴ says that to have usufruct rights over land is one thing, but to effectively use these rights is another. Taking into consideration the low literacy rate among women, Tsegai doubts their capacity to effectively use the land they own.

Referring to experiences from other African countries, Tsegai observes that liberal land reform proclamations are issued only to fail in implementation. According to Tsegai, providing for women's land rights is one of the "liberal measures". Tsegai doubts women's ability to cultivate the land they are given on their own. He says that, in most cases, women cannot cultivate land by themselves because they are constrained by culture, care of children, lack of capital and poor health. He further says that, in countries where animal traction is used for cultivation, women are not strong enough to use the ox-plough. He observes that women often do not own oxen and they are forced to lease their land, sharecrop it or sell it, where this is permissible. The outcome of granting women land rights, Tsegai says, will be opening up opportunities to speculators, increased land fragmentation and decline in productivity because women will not be working the land themselves. Tsegai concludes by saying that even if government gives land to women, and supplies them with capital, they will not use it effectively.

¹Rahmato, 1984; Hanna Kebede 1990

²Ibid: p. 49 and p. 63

³Yirgalem Woldegabriel, 1998: p. 51-61

⁴ Tsegai Teamrat, 1996: 77-79



2.0 Study Findings

2.1 Land Tenure Systems in Eritrea

The prevailing systems of land ownership in Eritrea are: Extended Family system (*'Risti' or 'Tsilmi'*), Village Ownership (*'Diessa'*), Church ownership, Individual ownership, and the Government ownership. The following is a brief description of the salient features of the *Risti*, *Diessa*, and government land holding systems.

2.1.1 Extended Family System (*'Risti' or 'Tsilmi'*)

A plot of land is inherited by the descendants of an individual founder of an *'enda'*, believed to have acquired ownership by occupation. The family or *'enda'* system, called *'risti'* or *'tsilmi'*, must have been a dominant system even in lowland Eritrea, although the specific rights of individual employees or tenants may have varied from place to place. A member of an *'enda'*, may sell, lease or mortgage his plot or subject it to antichrists. The member may also pass the plot on to his descendants through a Will. In the absence of a Will, only male descendants may inherit it. Where a plot of land is left to a female member of the family through a Will, she is allowed to use until her death after which it is partitioned between her male heirs.

In the absence of male descendants, females may inherit paternal land, while maternal land may be inherited by both male and female descendants who can satisfactorily prove their descent. An unmarried daughter is entitled to a share of land equal to that of her brothers' unless they arrange for her marriage and pay her dowry. Where heirs are dissatisfied with the division of plots carried out at the time of succession, they may demand re-division on a more equitable basis.

A holder of a piece of land wishing to dispose of it must first offer it to relatives. If the land is not bought nor taken by the relatives, and they give their consent, the holder is free to sell it. The transaction is accordingly considered valid. A next of kin who is unaware of the transaction and does not consent to it, may recover the plot by refunding the buyer within a specific period of time – one year in some cases and three years in others. If the next of kin lived in the vicinity of the transaction, a three-year period is allowed. If, however, they live elsewhere, they may recover the land at any time. In some areas, a plot of land may be sold only to the next of kin;

although in many other localities the practice allows sale to any purchaser. In any case, the threat of recovery is real in view of the number of persons entitled to exercise the right of recovery against a stranger who may have bought a piece of *enda* land.

The *enda* system of land ownership allows a person to claim and receive a share of land in as many villages as he can prove his paternal and maternal descent.

2.1.2 Village Land Ownership (*'Diessa'*)

A system of village land ownership known as '*Diessa*' in the former provinces of Hamassien, Seraye and Shehena in Akeleguzay is the predominant system in the highlands. The term '*Diessa*' means "*a thing held in common*". A fundamental tenet of the '*Diessa*' system is that all land found within the territory of a village or a community is the common property of all the men in the community. Thus, every male member of the village who has established a home and can prove that he is a descendant of the founding father in the village (*wode Abat*'), is entitled to a share of village land.

Although as a general rule, women are not entitled to any share of village land, in cases where a woman remains unmarried and has no brothers, or where she gets divorced or decides to remain a widow, she is entitled to claim a share of village land. However, any such right cannot be inherited. Members of the community who fulfill their right to a share of village land receive this through periodic redistribution known as a '*warieda*'. As a general rule, '*warieda*' is supposed to take place every 5 to 7 years. In some instances, however, this is delayed in some cases for up to 25 years.

Since residence in a village is one of the requirements for receiving village land, another basic principle of the '*Diessa*' system is that a person may not own more than one share of land within the same village. An individual may also not belong to more than one '*Diessa*' unit. However, a person may own a share of village land coupled with a '*Risti*' title elsewhere at the same point in time. Another basic tenet of the '*Diessa*' system is that it excludes the sale or bequeathal through a Will of one's share of village land. A member is allowed use of land until the next cycle of re-distribution.

2.1.3 Government Ownership of Land

An Italian decree of February 7, 1926 declared the following as government land: i) land which belonged to certain extinct tribes, or which do not belong to certain tribes or families, ii) land which belonged to the predecessor government, iii) forests and woods, over which no rights have been reserved for a sedentary people, and iv) land found on the Eastern lowlands below an altitude of 350 metres and on the Western lowlands below an altitude of 850 metres, provided

that they are not inhabited by sedentary people. Moreover, it includes land seized from families or communities by the Italians and subsequently granted to Italian nationals as concessions.

Concessions are leases for a period extending from 5 to 99 years and usually involving more than five hectares of land. Prospective concessionaires are expected to file an application with the district administration (*woredas*) or provincial administration (*awraja*). Upon receipt of an application, the *woreda* or *awraja* governor forwards it with his recommendation to the Agricultural Department in Asmara. With the assistance of the Directorate of the Ministry of Land Reform and Administration in Asmara, the Agricultural Department ascertains ownership of the land in question, and together with the person concerned, finally draws up the terms of the concessions. A notice to this effect is sent to the Treasury (Bejrond Office) by the Agricultural Department. The rent, fixed principally on the basis of fertility of soil, is paid directly to the Treasury.

The rent ranges between \$1.00/hectare to \$110/hectare per year. Concessionaires are allowed to make permanent improvements on the land such as planting trees, digging ditches, wells and building houses. Compensation for improvements on land is not made by the government when the contract ends. However, concessionaires have the right to transfer the concession to others who pay the value of the improvements made.

2.1.4 Gender Analysis

A review of the customary laws of all the nine ethnic groups in Eritrea shows that they all deny women ownership of land, on the pretext that men are the breadwinners of their households. However, a close look at the modes of livelihood of the various communities confirms that women play a major role in agriculture. Women prepare the land, weed, harvest, store produce and prepare and process food. Because women have no say on land and other farming implements, their labour and contribution to household food security is unrecognized and undervalued. This leads to women being denied control over other household resources. By controlling all household resources, including the labour of women and children, men gain control over women's mobility, sexuality, and fertility. This extensive control over women's lives often results in physical and emotional violence against them on the grounds that men are disciplining their wives.

Within the different land ownership systems, the fact that husbands are considered heads of households promotes exclusion of women's rights of access to and control over productive resources, including land. For example, during the periodic distribution of village land based on traditional and cultural

practices of communities, it is the husbands who are entitled to holding land. The economic and social significance of holding land and its impact on agricultural production and household food security is of prime concern. The extent to which lack of control over means of production by women affects food production needs to be examined.

2.1.5 Land Reform Proclamation

Recognizing that the land tenure systems, laws and traditions have over time become obsolete and incompatible with contemporary social demands, the government of Eritrea passed the Land Reform Proclamation, 1994, aimed at reforming land tenure in the country. According to the Proclamation, land in Eritrea is owned by the state. Citizens of Eritrea, regardless of their sex, religious belief, race or clan, have usufruct rights. Land is distributed to eligible individuals for farming taking into account the differences in soil fertility. In distributing rural land, permanent village residents have priority to receive ‘*tiesa*’ land or land for housing, or agricultural activities.

Although the government has put in place a number of legal instruments and proclamations that are based on complete equality of all citizens, which include the National Constitution, The Land Policy Proclamation, the Macro Policy document, the Labour Law, and the Civil Code, these provisions do not adequately acknowledge the changes in gender relations implied in the policies and proclamations. So far the emphasis has been on community-driven impetus for change. This approach has much to commend it in terms of transparency and a desire to engage those people whose lives will most directly and permanently be affected by alteration in gender perceptions and relations. Yet the reality on the ground is that without full information, clear direction and unequivocal indication of government support, people will continue to live within the parameters they consider most suitable. Resistance to equal participation of women is especially true in agriculture and issues to do with the environment. There is, therefore, a need to match the implicit commitment of government to gender equity and equality with explicit focus on the practice and action at the community level.

The new Land Proclamation has not been fully implemented, although since its promulgation, the government has allocated land to returnees and demobilized fighters in the Gash-Barka region. It is envisaged that the policy will be implemented in a step-by-step manner. Some training on land allocation and use has been organized within the Ministries of Land, Water and Environment and that of Local Government. However, assessing how best to implement the policy has not been finalized.

2.1.6 Land Distribution Among Returnees

Land was distributed to returnees from the Sudan on the basis of heads of households. Under the exercise, 4,021 returnee households were each allocated two hectares of land. Out of these, 1,645 were women-headed households. Because this distribution was done more or less in line with the “Diessa” land tenure system, even where land was given in the name of the male head of household, in reality it belongs to both the husband and wife. Within the last six years, three households have dissolved their marriages in Tebeldia, a settlement area for returnees from Sudan. Because land belongs to both the men and the women, in situations such as these, it was supposed to be divided between them even though it had been given in the names of the husbands. To resolve the issue, it was decided that the men give 1,000 Nakfa to the women to use it for clearing the two hectares of land that were going to be given to them. Widows inherit their husbands’ land that they retain even when they re-marry.

The research shows that women are unable to optimally use the land allocated to them for productive purposes because they often do not have the labour needed to cultivate the land. Thus, owning land by itself does not change women’s economic position. Such ownership needs to be supplemented by credit for hiring labor and buying seeds. The case of Fatma Mohammed Ali narrated below illustrates this problem.

The case of Fatma Mohammed Ali

Fatma got access to half a hectare of farmland during the land redistribution exercise of 1983. She plants this plot with maize. Because she cannot cultivate the land by herself, she leases the land to others in an arrangement where she receives one third of the harvest. This year she received 1.0 quintal share. Fatma’s only son is in the national service so she does not have other active members of the family to support her. Even before enlisting in the national service, her son was mainly doing casual labour and his income was very low.

In addition to the basic necessities that she has to obtain by exchanging her harvest, Fatma has paid Nakfa 8.00 for land tax. She does not have other income source. When asked if the one-quintal can meet her annual food requirements she said that it does not even last her half a year. Further, she said that she eats once a day in order not to go hungry for the rest of the year. Fatma asked the consultant to help her with tilling the land and double the size of her garden. She stressed that it is only then that she will meet her annual food requirement.

In most cases many are mothers to small children, and therefore have difficulty in combining agricultural activities with reproductive activities. Apart from that, many are unable to hire labour and they either leave their land fallow or they give it to sharecroppers. If they provide the sharecroppers with seeds they are given half of the produce, otherwise they get a third or even a quarter of the produce.

2.1.7 Land Distribution Among Ex-combatants

Ex-combatant women who applied for land in 1995 were allocated two hectares of land in their own right. While there is no official explanation for allocating these women land in own names, it is most probably because their higher awareness of their legal rights and their assertiveness were key factors. Women ex-combatants have managed to use land to change their economic situation and attain food self-sufficiency. The case of Medhin Berhe illustrates this situation (see box below).

The case of Medhin Berhe

Medhin Berhe, a mother of three, is an ex-combatant who joined the armed struggle in 1978 where she stayed until 1991 when Eritrea was liberated. Medhin was demobilized from the army in 1993 together with 13,000 other women ex-combatants. She was given 10,000.00 Nakfa as her severance pay. In addition she was given a food ration to last a year comprising of lentils, wheat, oil and sugar. As she had no place of her own she went to live with her parents in her natal village. While at her parents' home, she was receiving 300 Nakfa a month from her husband who was still serving in the army as maintenance for herself and her children.

Following the Land Proclamation in 1994, the government created settlement camps for returnees and ex-combatants in the western part of the country. Each household that decided to settle in the area was allocated two hectares of land. The government rehabilitated the infrastructure of a vast cotton plantation left behind by Italians in the western part of Eritrea in Ali-Ghider and distributed the land to ex-combatants. As an ex-combatant, Medhin took advantage of this opportunity to start a new life for herself as a farmer. She was given 2 hectares of arable land in the area.

During the first year, Medhin planted sorghum and harvested 20 quintals. She used it for home consumption and gave some to her parents and her in-laws. During the second year she decided to grow cotton on one hectare of the land and sorghum on the other. The extension service section of the Ministry of Agriculture gave her seeds,

fertilizer and tractor service on credit. At the end, she harvested 20 quintals of sorghum and 30 quintals of cotton. She took some of the sorghum and gave some to her parents and in-laws. After paying all her debts she got a net income of 10,000 Nakfa from the sale of cotton.

In 1998, Mehdi received credit from one of the institutions that gives credit to ex-combatants. She used this money to hire two seasonal workers who helped her with watering, weeding and picking cotton. The input gave her a good return. She got 70 quintals of cotton out of which she earned 15,000 Nakfa after paying back her loan. In addition she harvested 25 quintals of sorghum that covered the food consumption of her family, including the extended family.

With increased profits, Mehdi rented a better house and brought her children to the area to live with her. She put them in a school in the area and could afford to buy them better fittings. She also diversified her crops by growing vegetables, which she used for home consumption and for sale in the market. From the returns she buys meat and milk for her children. In 1999 her profit grew to 17,000 Nakfa and this stabilized her economic position. The 300 Nakfa that was given as child maintenance by her husband became part of the household savings.

Land distribution programmes that have granted usufruct rights through heads of households have largely been successful. In general, the programme of redistribution of farming land in Debub region has contributed to a more proportionate sharing of the land among families. It has also brought a more fundamental change in the system of ownership of land in favour of women heads of households. In Mai-mine sub-region, for example, the extended family system of ownership of land (*Risti*) has been completely abolished as a result of the land redistribution exercise.

The land reform programme benefited women heads of households who are located in the areas where the extended family (*Tsilmi*) tenure system prevailed. But for women heads of households who reside in the area where “Diesa” or the village land tenure system is practised, the distribution did not benefit them. Instead, it has taken away some of their rights, such as the right to choose whether to get land from their natal village or their ex-husbands’ village. Women heads of households who possessed the capital have managed their portions effectively to meet their household food security.

The Case of Lettekidan

Letekidan is a divorced woman who got a farm as a result of the land distribution programme in Debub Region. She also became a beneficiary of the credit scheme available in the region. When she found out that the land allocated to her was of poor quality, and that she lacked the labour needed to farm the land, she decided to use her land for poultry farming. This decision has resulted in her becoming a middle-level poultry producer. The profit has enabled her to acquire various household property, meet her children's education expenses and improve her family's nutritional level as well as food security.

Explaining the management aspect of her poultry project, Letekidan, with self-evident enthusiastic interest in poultry production, reported that in the beginning she was worried about the chickens becoming ill and dying and all her hard work ending in great loss. However, because she was trained and given advice by the Ministry of Agriculture, she was able to do the work with confidence and the results were very encouraging. She proudly explained that her daughter had started to take over some of the responsibilities such as collecting and selling eggs.

Another positive aspect of this encounter with Letekidan is the element of 'change agents'. Contrary to the prevailing attitudes that women, and very often by direct extension their daughters, will not have sufficient free time to be engaged in new activities, Letekidan proved that, if given the right information and freedom to participate in activities that have so far been exclusively extended to men, women are capable of retaining and using land profitably.

2.2 Implementation of land laws and policies

Although the Land Policy of the Government of the State of Eritrea is gender-responsive, the study found out that most women have not benefited much from this reality. The main reason for this is that the implementers of the policies are not themselves gender-sensitive. They use any negative reaction to support their failure to change their practices and thus continue discriminatory land distribution processes. They stress that executing the policy as it is will destabilize the society which, in turn, will affect production and other aspects of the society.

Some of the implementers of government policies sincerely believe that giving land in the name of the head of the household directly benefits all women. These executives do not appreciate that many women do not have decision-making power at the household level. Due to the oppressive power relations that prevail at the household level, it is the men and not the women who manage the farms, control the produce and make major decisions such as what to sow, what to take to the market, and what to buy with the proceeds. Under this arrangement, women and children live under the men's mercy.

The family law of the State of Eritrea protects women. However, because it co-exists with customary and Sharia laws, women cannot easily get their portion of land as those laws favour men. To use the government laws, women have to go to the sub-zoba courts. This is not easy for most women as they have to leave their homes and to incur additional expenses for which they have no money. Some women do not even know that they are entitled to half the household land, and thus fail to ask for it in case of divorce or widowhood.

The majority of women are not aware of the existence of the Land Policies that allow women to get land in their own right. They are made to believe that land belongs to men. Their ignorance has made them accept the discriminatory land distribution process without any complaint or opposition.

Ploughing of land in Eritrea is not only labour-intensive; it is also very heavy work requiring men's physical strength. Prevalence of cultural beliefs such as, that "crops do not grow on land ploughed by a woman", or that "if a woman winnows produce, it will be blown away by the wind", discourage women from undertaking these activities. These factors help to explain why many female-headed households are unable to optimally utilize their portions of land.

The study established that almost all the women in male-headed households stated that they were not negatively affected by their not having their own share of the land. Most of them were more concerned about female-headed households who were unable to plough their farms. Some of them advised the study to give due consideration to the problems that female heads of households face in this regard.

The study also established that even women who are aware of the importance of land to their household food security⁵ still prefer not to get land on their own because of the strain of managing it.

The women are aware of how oppressive the prevalent land tenure system (*Tsilmi*) is, particularly when it comes to divorce or when their husbands die. They admitted, however, that because they have no rights over land under any condition, they are forced to continue staying in abusive and/or polygamous marriages, and permit themselves to get inherited by in-laws in cases where their husbands die. All the women in this region asked that in addition to being provided with land, they also need to be given farming tools and resources.

The above overview has illustrated how women are discouraged from seeking independent rights over land despite their admission that land is a central resource in alleviating their economic powerlessness. The main reason for this attitude among women is the fact that they do not have the necessary resources to hire the additional labour needed to cultivate their farms. The majority of the women in the various discussion groups acknowledged the need for awareness-raising on the legal provisions related to land as a first step in empowering them to make claims on the system for land to be given to them in their own right.

⁵ Such as the women in Anseba Region.



3.0 Conclusions and Recommendations

3.1 Conclusions

1. All customary laws in Eritrea deny women independent rights to land and customary laws are still operational in many parts of Eritrea.
2. All the land reforms that were introduced in the eighties by the Ethiopian Government, ELF and EPLF did not specifically address women's rights to land. Land was made accessible to households in the names of the heads of households, the majority of whom tend to be men.
3. Although the 1994 Land Proclamation provides for women's independent access to land, this Proclamation has not been fully put in practice to date.
4. Although the Debub land distribution was based on Article 58/1994, the process did not correlate with the region's claims. In reality, it was not only based on the "Diessa" or family ownership land tenure system but it also denied female heads of households some of the rights that are provided in the "Diesa" land tenure system. For instance, it forced women heads of households to get land only in their husbands' villages.
5. Women in Anseba Region are very much interested in getting access to land in their own names. They see this as key to their being able to lead independent lives particularly after divorce or the death of their husbands.
6. The issue of combining access to land with access to credit and other provisions that help women to use their land optimally for productive purpose was stressed in order to guarantee household food security and enhance livelihood opportunities.

3.2 Recommendations

1. All the women interviewed during the study suggested that for women to get full access to land as their entitlement, they need to be aware of the legal rights and opportunities that are in the various policies.
2. Women need to be educated on the provisions of the 1994 Land Proclamation of the State of Eritrea. Awareness-raising campaigns should not only be limited to women but should include other sectors of the society as well.

3. Such awareness-raising forum should be held in the presence of top executives such as Ministers of Land, Water and Environment, Local Government, Regional Governors and top party officials.
4. Together with making land accessible to women farmers, this should be accompanied by provision of either credit for hiring labour and buying seeds or put in place other mechanisms that can solve women's shortage of labour and other related resources.
5. Since all the women in the focus group discussions, key informants and national workshop recognize NUEW as the sole organization that could coordinate and lead the struggle for making land accessible to all women on their right, any interventions should be made in collaboration with NUEW.



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