

Land Tenure in Eritrea

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SUMMARY

In Eritrea the economy is on the main agrarian and land is the basic resource for its overall development. Land tenure in Eritrea, as in many other African countries, was mainly communal; kinship (*risti*) or village owned (*diesa* or *shehena*). There was also the *gulti* tenure or land given by royal power. The fourth type of land tenure was the *demoniale* or state ownership introduced during the Italian rule. The first two communal types of land tenure had merits in maintaining relative equity within the kinship and village. Despite the stated merits, communal ownership was to a great extent a cause for fragmentation of land, soil erosion, over grazing, over harvesting of forests, in short gross mismanagement of land, which hindered agricultural development and long term investment in land.

The State of Eritrea, understanding these critical constraints to development, stated in its Macro-policy (1994) the overall development objectives: the creation of modern technically advanced and internationally competitive economy with the objectives of encouraging long-term investments in agriculture and environmental management, assuring women's right to land on equal basis with men, and modernizing agriculture. Hence, the land policy with the objective of economic development, social justice and equity, security of tenure, political stability, etc was issued. It was followed by land legislation with the objective of reforming the land tenure system.

The Eritrean land tenure system had to undergo reforms that assure agricultural and industrial development; promote initiative and motivation among beneficiaries and producers; encourage private investment and initiative; avoid land dispute; ascertain access rights of all citizens to improve their living standards; and make it uniform and applicable throughout the nation. Thus, the Land Law was promulgated in 1994 stating ownership of land by the state.

This paper briefly states country geography and history, the communal land tenure systems in Eritrea, the motives behind land reform, the Land Law, Eritrean land administration vis-a-vis global perspectives and concluding remarks.

1. COUNTRY BACKGROUND

1.1 Brief Geography

Eritrea is located in the Horn of Africa. It has a land area of 124,320 Sq Km, including some 390 islands, and a population of about 3.5 million. It is bordered by the Sudan to the North and West, Ethiopia to the South, Djibouti to the South East and the Red Sea to the East. The country is divided into six administrative regions, namely *Anseba*, *Dehub*, *Dehubawi Keih Bahri*, *Gash-Barka*, *Maekel* and *Semienawi Keih Bahri*. In addition, it has 57 sub-regions, 699

administrative areas and 2,564 villages, towns and cities.

Eritrea is also divided into six agro-ecological zones, based on broad similarities of moisture and temperature, natural vegetation cover, soils and land use. They are the Moist Highland Zone, Arid Highland Zone, Moist Lowland Zone, Arid Lowland Zone, Sub-humid Escarpment Zone and Semi-desert Zone.

Due to its geographical setting, Eritrea has diverse climate ranging from hot arid, adjacent to the Red Sea to temperate sub-humid in isolated micro-catchments within the eastern escarpment of the Highlands. Mean temperature varies between agro-ecological zones, ranging from 18°C in the highlands to 35°C in the lowlands. Annual evapo-transpiration rates range from 1800 -2100 mm in the Northern Red Sea coastal basin and plains, to 1600 -1800 mm in the Northern Highlands and 1800 - 2000 mm in the Western Lowlands basin (Gebreu et al, 1997, pp. 8-11).

1.2 Brief History

Starting from the beginning of the 16th century, Eritrea had fallen under the control or influence of different colonial powers, first the Ottoman Turks (1557-1857), followed by the Egyptians; and from the end of the 19th century (1890) it was consecutively ruled by Italy, Great Britain and Ethiopia. During the Second World War, Italy was defeated by the British forces and Eritrea became a British protectorate (1941-52). In 1952, Eritrea was forcibly federated with Ethiopia by a United Nations resolution.

The unequal federal relation with Ethiopia was abrogated unilaterally by the Emperor of Ethiopia, Hailelassie I. The Eritrean people were forced to wage an armed struggle for liberation and fought for 30 years that culminated in the liberation of the country on May 24, 1991. In 1993, Eritrea got its formal independence through the United Nations sponsored referendum in which 99.8% of the people voted for independence.

On Liberation, Eritrea inherited critical constraints to development: the physical, social, and institutional infrastructure of the country have been severely dismantled by the war and negligent policies of consecutive colonial regimes. Besides, human capital development was low and the technological foundation of modernising economy was devastated by war, drought and inappropriate economic policies (GoE, 1994, pp. 2-8). In short, the economy was left in utter destruction and deprivation, posing immense challenges for survival. Moreover, since the 'Border War' with Ethiopia (1998-2000), there is an environment of 'no war, no peace' situation because Ethiopia refused to abide by the final and binding ruling of the Boundary Commission of April 2002.



Map of Eritrea

2. LAND TENURE SYSTEM IN ERITREA

2.1 Background to Land Tenure System

Eritrea has an agrarian economy with about 65 % of the people living in rural areas (NSO, 2010, p.3). Land in Eritrea is the basic resource for all development purposes. Indeed, for developing countries, like Eritrea, whose livelihood is dependent on agriculture, land is a critical resource.

Land tenure is the ‘manner of holding rights in and occupying land’. It is the ownership or lease system of land right. Land tenure in Eritrea, like in many other African countries, was mainly communal; kinship or village owned. But, unlike most of African countries, overpopulation, and excessive exploitation of land took place prior to the advent of colonialism which led to a complexity of customary law in dealing with the prevailing problems. Before the advent of the Italian colonialism there were three main kinds of land tenure systems in the Eritrean plateau: the *risti* or extended family ownership, the *diesa* or *shehena* communal ownership and the *gulti* tenure or land given by royal power ownership systems (Nadel, 1946, p.7, Mesgisteab, 1998, p. 3, Castellani, 2000, pp. 2-3). Prior to Italian colonialism private ownership of land of an aristocratic and serf classes existed in the pastoral nomads. *Risti* with full rights of private ownership existed in certain districts of the lowlands, particularly in *Sahel* and *Barka* provinces (R.I.C.E, 1982, p. 74, Mensgisteab, 1998, p. 4).

The Eritrean central plateau embraces the former provinces of *Hamasien*, *Serae* and *Akele-Guzay* (currently they are submerged in the regions of *Maekel* and *Dehub*). Nadel states (1946, p. 2) the Eritrean peasant to his landed possession ‘shows a depth and passion not often paralleled among African races’. This possession is intimately linked with the whole structure of society which brings social status and unity.

2.1.1 The Risti System: the term incorporates both individual and collective ownership in land. The term *risti* or *meriet risti* can be defined as land that is ‘inherited from one’s fore fathers’ and currently under one’s possession’ (Adkeme Milga’*e*, 1936, p. 7, in Tewelde, 2000, p. 50). When ownership is legally shifted from collective to individual, it is called *tselmi* or *tselema*. *Tselmi* is basically a type of *risti* based on individual ownership. The *risti* system was deeply rooted in the social structure and peasants spoke of it as a ‘fundamental’ right and ‘sacred’ possession that could never be forfeited by physical absence from land. Disputes over *risti* land were fought on the *enda* (kindred) or common ancestor level. As a rule inheritors of *tselmi* were the sons, and where there were no sons, brothers could inherit; in their absence daughters and sisters were entitled to inherit family land. Women and offspring in certain cases could claim share in the paternal hereditary rights (Nadel, 1946, pp. 8-10). In case of divorce a woman could share her husband’s land on equal terms.

‘*Tselmi*’ is the most predominant type of *risti* right. Nadel (1946, p. 8) noted, three common features of *risti*, ‘their relative absoluteness, their hereditary nature, and their derivation from the historical right of a first possession by someone’s remote ancestors’. In this system all those who could prove their uninterrupted lineage to a common ancestor were entitled to get land for their lifetime during periodic allocation.

‘*Meriet worqi*’ is another variety of *risti* system. It refers to a piece of land bought from a rightful owner for money. *Workqi* literally means gold, and hence the name *meriet worqi* (land of gold). *Meriet worqi* is *tselmi* land not claimed by *enda* or clan. This type of land was transferred into full *risti*, and people admit that many *risti* rights originated in *worqi* (Nadel, 1946, pp. 11-12, Castellani, 2000, p. 2). *Risti* land could be sold, but priority was given to *enda* members. The seller had to get consent from ‘*enda*’ members. In most kinds of *risti* final ownership of cultivable lands resides in the *enda* of remote ancestors who pioneered the settlement.

Undisputed occupation of land for forty years, referred as ‘*deqi arba’a*’, also constituted legal ownership of land tantamount to *risti* (Nadel, 1946, p. 19). ‘*Deqi arba’a*’ refers to those who came from another place and settled for forty years. This customary tenure right referred as ‘squatter’s right’ was accepted by an Italian Decree of 1934. A variety of ‘squatter’s rights’, ‘*kwah mahtse*’ existed in certain districts of *Akele-Guzay* and *Serae* provinces, respectively in *Hazemo* and *Obel* plains. The term ‘*kwah mahtse*’ means ‘stroke of axe’; it refers to the initial clearing of long-time uncultivated land (Nadel, 1946, p. 20) and hence derivation of the title.

Before the advent of Italian colonialism, an aristocratic class of dominant families, the ‘*shumagles*’ and ‘*diglals*’ who owned private lands existed in the nomadic pastoral societies of *Barka* and *Sahel*. These feudal lords exacted heavy dues and services from these nomadic societies (R.I.C.E, 1979, p. 2). The *risti* system was later on further extended to certain districts of *Sahel* and *Barka* provinces during the British administration in the 1940s in an attempt to settle nomads by granting land on private ownership basis (Mengisteab, 1998, p. 4).

The *risti* type of tenure was credited for the emergence of a land market around urban areas, such as around Mendefera (Mengisteab, 1998, pp. 4-8).

2.1.2 The *Diesa* System: As the most prevalent system, land is the common property of the indigenous inhabitants of a village. These original inhabitants were referred as '*ristegna*' while the late immigrants in the village were called the '*makalai ailet*' (R.I.C.E., 1979, p. 1, R.I.C.E, 1982, p. 72). The traditional egalitarian administrative system that existed allowed the *endas* to make collective decision- making that provided guidance to the village chief in the periodic distribution of land whereas the *makelai ailet* were excluded from such decision-making process (R.I.C.E, 1982, pp.71-73). Qualified members got their share of land at family (husband and wife), permanent immigrants and women (widowed, divorced and unmarried) levels through periodic redistribution, which took place at three, five or seven years intervals (Nadel, 1946, p. 13, Castellani, 2000, p. 3). Nadel (1946, p. 13) observed the land committee's obsession with precision: 'to ensure an almost mathematically exact division the available village land is graded according to fertility' in order to ensure equity of distributions of the three soil categories: most fertile, medium quality and poor quality. Describing the *diesa* system Nadel (1946, p. 14) added, 'it represents a system supremely adapted to a country where land is of very unequal value and where the pressure on land is great'. Equal share of land had put its impact on communal responsibility and spirit in the conservation of soil and retention of soil fertility by fallowing, building terraces and other mechanisms.

In some cases, *risti* land was converted into *diesa* with consensus of the people concerned to redress the uneven distribution of land among the *endas*. This case, for instance, was witnessed in some villages of *Hamasien* districts. This happened in response to the challenges over conflicts of large *risti* held by smaller *endas* and was solved through conversion to *diesa*. Subsequently all members of the villages were allotted land regardless of their *enda* (Castellani, 2000, p. 5). In addition, in districts where *risti* and *shehena*, existed side by side, such as in *Senafe*, the Italian regime declared the *shehena* system to be universal. This happened when the regime expropriated large area of land for the building of the *Senafe* Airport (Nadel, 1946, p. 15). During historical times there seemed to be high probability of relations between equitable land tenure and immigration. In some cases, it is believed to have had helped to break-down 'the exclusiveness of *risti* tenure' (Nadel, 1946, p. 13) system. In the *diesa* system land was given in the name of the male head of the household. But, it belonged to both spouses, and was equally divided into two upon divorce.

Both types of communal tenure systems maintained relative equity within the village and kinship, and allowed people to stay in agriculture until more attractive employment alternatives were created. Both systems expressed deep communal spirit. However, Italian colonialism neither made an attempt to improve native agriculture on a communal basis nor to preserve the potentialities of the 'communal spirit' (Nadel, 1946, p. 16).

2.1.3 The *Gulti* System: *Gulti* is the land given by royal powers to certain individuals or legal entities (or cronies) for services rendered, such as military support, political support, collection of taxes, etc. In this way land was granted to military leaders, district chiefs, and religious institutions, and few monasteries like that of *Debre Bizen* and *Enda Selassie* owned small tracts of land (Nadel, 1946, 7, Castellani, 2000, p. 3). '*Gulti*' that was granted to religious institutions is called '*rim*' (Castellani, 2000, p. 3). '*Gulti*' in the plateau was neither absolute nor unchallenged and varied with the royal power's political influence.

There were two varieties of *gulti*: *gulti* as an entitlement to certain proportion of land production and '*risti-gulti*' which is *risti* right over *gulti* land. In addition, there was also church land where village churches and their priests were entitled to minor privileges in the share of village land (Nadel, 1946, p. 22), and is referred as '*Mahdro*'. '*Mahdro*' is church land that is allocated by a village to priests for their religious duties. All *gulti* lands or territorial fiefs were free of tribute.

In addition to the three main traditional land tenure systems, many temporary titles to land existed, including lease contract and gratuities (Castellani, 2000, p. 3).

2.1.4 The *Demaniale* or State Land Ownership: This fourth type of land tenure right referred as *demaniale* was introduced during the Italian rule (1890-1941). In 1890 the Italian rule declared vast territories as state property. This applied to all lowlands (eastern and western) and some in the densely populated highlands that have temperate climate. In the highlands this led to confrontations that forced the regime to rescind and thus from 1896, some lands were returned to the original owners and the colonial policy of settlement was shelved (Castellani, 2000, p 4).

In 1909, the Royal Decree (NO. 378) gave a comprehensive legal framework to colonial land policy, and thus all lands fell under either Italian or customary law. This was followed by the Royal Decree of 1926 (NO. 269) that consolidated and refined the existing statutes' (Castellani, 2000, p.5), and *demaniale* became predominant in the lowlands and pockets of it throughout Eritrea (Mengisteab, 1998, p. 5). These are in Nadel's words (1946, p. 21) 'lands not inhabited by settled population in the lowlands, feudal land in the possession of individuals, families, or religious bodies, extinct families or ethnic groups, land of abandoned villages, pasture land on the plateau, etc.

This unjustified expropriation of land was introduced in an attempt to reserve land for the colonial military and economic purposes. This was made known when the then Italian Prime Minister, Crispi (1890) said that 'the aim of colonization is to create a colony which is able to attract the immense Italian emigration' (in Mesghenna, 1988, p. 16) to promote their economic interests. Moore (1941, p. 37, in Mesghenna, 1988, p. 17) also re-affirmed the colonialists' interest that emigration benefits not only for the emigrant but also for the country by saying 'remember that every inch of ground reclaimed means one ear of corn to you and (another) for your country. Trevaskis (1960, p.54) also observed that expropriations were followed by allocating land to individual Italian settlers as private property for large commercial farms. By 1941 there were 60,000 Italian settlers in Eritrea (R.I.CE, 1982, p. 68) living in the cities and towns, concentrated mainly in Asmara, Massawa, Adi-Ugri, Deqemhare, etc.

In many other cases, for example in *Debubawi* and *Semienawi Bahri*, such expropriation measures degraded the local people who were once landowners to tenants of the colonial regime. Colonial rule promised to respect existing native rights to land, nevertheless there were frequent violations of traditional tenure rights. Now and then, the state rights dominated the traditional claims. The fertile plains of *Hazemo* almost uninhabited by a settled population was one time declared crown land, but later handed back to the people (Nadel, 1946, p. 19).

State lands were retained in their formal state by the subsequent colonial regimes, namely the

British and Ethiopia. But with the overthrow of the imperial Ethiopian regime (1974) by the Military Junta (the *Derg*) a new land policy was introduced in which large estates held by the church and aristocracy were confiscated and distributed to the peasants (Castellani, 2000, p. 6). This land reform was not successful due many factors. These included, resistance of the highland traditional communities, the lowlands were under the control of the liberation forces (the Eritrean Liberation Front, ELF, and Eritrean People's Liberation Front, EPLF) where the colonial authority had no control, excessive tax burden to finance the war against liberation forces, corruption and favoritism of the party supporters in the allocation process, etc. (Castellani, 2000, p. 6).

2.2 The Motives Behind Land Reform

During the successive colonial periods, the two communal systems were very useful. Nadel's view (1946, p. 14) of the *diesa* system, 'it represents a system supremely adapted to a country where land is of very unequal value and where the pressure on land is great' could be taken as a representative of the perception of people at that time. But later these systems neither retained their merits nor their cause for continuity. Nadel (1946, p. 12) had already understood the reality noting that 'this traditional hospitality had long ceased to be true; the tendency today is rather to exclude the settlement of foreigners on the crowded lands of Eritrea'. He further went on to say that 'land rights' became rights that needed to be jealously defended and backed by physical force thus hindering peaceful growth. Understanding that things were going out of control, Trevaskis (1960, p. 53) said 'as land grew scarce they (peasants) began to trespass on each other's lands to quarrel, fight, and sometimes kill to defend or further their interests'. The need for remedial steps was paramount, but the colonial regimes had no interest in addressing them.

In the liberated areas of Eritrea, the two fronts, the ELF, and EPLF introduced land reforms. However, the EPLF land reforms with its more equitable distribution had broader acceptance by the people and by 1988, 85% of the countryside had land reform based on improved version of *diesa*; land rights of the few privileged groups was abolished and broader entitlement of women to land introduced (Castellani, 2000, p. 7). The livelihood of the majority of the Eritrean people depends on agriculture. But the long Liberation Wars, persistent drought and traditional land use practices in farming and deforestation of land has had negative impact on food security and hence a cause for famine and poverty. The customary land use applied, despite their merits had remarkable negative effects, such as degradation of water and soil conservation, overgrazing of communal land tenure, low income prevented improvement on land, and cutting trees were done without planting.

There was a popular understanding supporting the need of communal tenures for 'more radical land reform'. Despite the controversy surrounding the communal tenure systems, a modern system that upgrades them is needed. And Rock's (2000, p. 233) view supporting the 'aim of modernizing the existing tenure (*diesa* tenure system) through relevant modification' and upgrading it to fit the objective reality of the country looks relevant. At independence, the State of Eritrea (1994) put the land issue on top of its development priorities, issued its Macro- Policy and outlined the land policy with the overall development objectives. These include, the creation of modern technically advanced and internationally competitive economy with the objectives of encouraging long-term investments in agriculture and environmental sustainability and assuring women's right to land on equal basis with men.

Land policy is generally related to economic development, social justice and equity, security of tenure, political stability, etc. Enhancement of these values is one of the most pronounced objectives of the land policy. The land policy needs to be followed by land legislation and hence Land Proclamation (NO. 58/ 1994) was proclaimed. The Land Law was issued with the objective of reforming the land tenure system, determining the manner of expropriating land for development purposes, and the declaration of powers and duties of the Land Commission.

The main motives for land reform and issuance of the Land Law were:

- Former systems of land tenure and laws were too obsolete and incompatible with the development strategies of the government;
- Land disputes were increasingly resurging;
- Land degradation: diminished land productivity, depletion of forests and vegetation;
- The rising of population growth and break-down of rural institutions, traditional conservation measures culminated in land shortages, fragmentation, overgrazing, overharvesting of forests, in short gross land mismanagement.

Thus, in order to ensure food security for its people, meet contemporary development demands and pave the way for the country's socio-economic development, the Eritrean land tenure system had to undergo reforms. Access to land based on hereditary lines, which was a basis for fragmentation and land disputes that took years to resolve in courts had to change and provide land for all men and women, whose livelihood is dependent on agriculture. These reforms will be directed to the realization of 'improved agricultural production through the development of irrigated agriculture'... 'prudent environmental management, and promoted commercial agriculture' (Macro Policy, 1994, pp. 10, 34). In addition, the reforms need to encourage private investment and initiative; avoid land friction and dispute; and make it uniform and applicable throughout the nation.

3. THE LAND LAW

Land legislation which is a means for implementing land policies, gives definitions and rules regarding the nature of land tenure and related property rights. To address the serious problems in the land tenure system, the Land Proclamation (NO. 58/1994) was issued. Legal Notice (NO. 31/ 1997) Regulations for the Distribution and Administration of Land was also subsequently issued.

The main tenets of the land proclamation (NO.58/1994) include:

- All land is owned by the state, all other rights accruing to land must be recognized and permitted by the government;
- The state determines the allocation and use of land;
- Land is not transferable except when the holder dies leaving minor children;
- Eritrean citizens (≥ 18 years) have equal right to *tiesha* land (residence plot in village);
- Farm land is allotted on usufruct basis to those who earn their living by farming, in which usufruct rights are given for life-time of the individual, and offspring are given priority in the reallocation after the death of the usufruct holder;
- Leaseholds are provided for housing, commercial and other social services, and lease period

varies from 10- 60 years, but contract can be renewed;

– Women have equal rights to land as men;

– The state has the powers to take land deemed necessary for national development from its holders by paying fair and adequate compensation for property built on it.

However, effective implementation of the Land Law necessitated the introduction of an efficient, simple and modern system for the registration of land and other immovable property, and hence the Registration Law (No. 95/1997) was issued declaring the registration system mandatory. The mission of the Cadastral Office is ‘to protect and guarantee security of immovable property ownership and use rights over land’. But, the Land Commission intended to be independent authority and supposed to implement the Proclamation was eventually instituted into the Ministry of Land, Water and Environment (MLWE), later named as the Land Department. Currently, there is no comprehensive land use planning of the country, which is critically needed for land reforms. Land use planning as we understand is ‘the systematic assessment of natural resources’, social and economic conditions for choosing and adopting the best land use option ‘without disturbances of existing balance of eco-systems’. In addition, there are other constraints such as financial, professional and material that contribute to unfavorable environment.

One of the most important parts of the proclamation that grants life-long usufruct rights has not been implemented. But now, as a pilot project attempts are being carried out (2014) in five villages in the *Serejeqa* Subzone, in *Maekel* Region. This pilot project, after completion is expected to serve as a springboard in implementing the proclamation in other parts of the country. There is no doubt about the good intentions and political will of the Government to modernize and transform the land tenure system. But in spite of this, as noted in Tewolde (2000, p. 66) and Castellani (2000, p. 14) the proclamation has a number of constraints. Land Proclamation, like the Constitution requires active grassroots participation that would enable to implement the Land Law. Enactment is one thing and implementation another thing, and this remains to be imperative for successful implementation.

The author also shares the views of Castellani (2000, p. 14) and Tewolde (2000, p. 63) that nomadic pastoralists of the lowlands are more or less neglected and thus the Land Law needs attention for revision. Mengisteab’s (1998, p. 8) views on the implication of providing land concessions to commercial farmers that would lead to ‘marked encroachment on grazing lands’ also needs serious study and attention in implementing the Land Law. Cattle breeding have significant contribution to food security and thus the need for delineating the grazing lands is of paramount importance. The land reform in the long-run also needs to find ways of transforming the nomads to modern way of life and cattle breeding. This is because nomads with their traditional practices keep cattle in hundreds contributing to deforestation and soil infertility. In addition, during drought periods livestock are decimated in herds adversely affecting their livelihoods. Transformation of nomadic life into modern way of life and quality cattle breeding can happen through consensus building and initiation of cattle breeding in-house and encouraging nomads to be partners in commercial farming in places where commercial farming encroaches on their livelihood.

Usufruct right is not a new concept to Eritrea. The communal land ownership system was its variety. Taking the rising population growth into account, even upon implementation of

usufruct rights, whether these rights can solve the problems of land shortages and fragmentation looks questionable. However, gradual transformation into modern agriculture could play a remedial role. There are also different views on what type of land ownership is effective and beneficial for society and conducive for environmental sustainability. Hence, these controversial issues associated with private, state and communal ownership of land require critical evaluation of the specific country in question.

4. ERITREAN LAND ADMINISTRATION VIS-A -VIS GLOBAL PERSPECTIVES

This section attempts to provide an overview of the Eritrean land administration vis-a-vis the global perspectives. It attempts to relate the current land administration with the global practices. To be clear the main tenet of the Land Law, that is, life-long usufruct rights is unimplemented.

The main mission of the Land Department of the Ministry of Land, Water and Environment (MLWE) is 'to ensure the implementation of sustainable land management and guarantee optimum use and fair distribution of land'. It is mandated with the duty to study on land capability and land use planning, allocation of land parcels, and monitoring whether allocated land is utilized according to designated purpose. So far, land capability studies of three regions; that is of *Zoba Maekel*, *Zoba Debub*, and *Semienawi Keih Bahri* are completed. Indeed, the Department is doing all it can with the scarce resources at its disposal. Despite these efforts, the land Law is not implemented, and the pronounced objectives of the Macro Policy and land policy, such as tenure security through implementing usufruct rights, agricultural and industrial development are still not fully realized.

Land use planning, as noted above, is the systematic assessment of natural resources, social and economic conditions for choosing and adopting the best land use option without hindering the existing balance of eco-systems. However, currently although essential for land reform there is no comprehensive land use planning of the country. Land use planning is carried out mainly on demand basis. In addition, usufruct land rights are not enforced according to the Land Law.

Land is scarce resource that needs to be managed sensibly and thus the need for land management arises. It is understandable that land administration system (LAS) provides the infrastructure required for implementing land policies and strategies for land management to support sustainable development. In Eritrea, as in many developing countries, such infrastructure and accurate information are unavailable. The existing LAS have also limitations since informal and customary tenures are excluded from these registrations (FIG and UN-Habitat, 2013, p. 5). For example, in Sub-Saharan African countries they constitute from 67% up to 90%, which are outside the formal system. This means that formal systems don't serve the millions of people whose tenures are essentially social (Enemark et al, 2014, p. 15). This is true of Eritrea; usufruct right is not implemented and security of tenure not ensured through registration.

Informal urban settlements present major cadastral challenge in many developing countries, including Eritrea. One of the major causes of informal settlement is economic; people leaving rural areas to towns and cities for better opportunities. Rapid urbanization is forcing 30% of developing countries urban population to live in slums. In Sub-Saharan Africa 90% of the

new urban settlements are informal settlements, taking the forms of slums (Potsiou et al, 2010, p. 3, in Weldegiorgis, 2012, p. 5). For instance, in South Africa, there are about 360 separate informal settlements around Johannesburg (Fourie, 2000, p. 1). In Eritrea, tens of thousands of people live in unplanned houses in cities and towns; however statistical data is not available. Thus, this is also a major issue in Eritrea since upgrading squatter settlements require resources for titling and construction.

In such conditions, the need for nonconventional approaches that are flexible, inclusive, participatory, affordable, reliable, attainable and upgradeable LAS is great (Enemark et al, 2014, p. 6). This ‘spatially fit-for- purpose’ land administration requires less accurate spatial units instead of parcels, parties or groups instead of owners, social tenure instead of ownership. Thus conventional legacy and rigid regulations need to be upgraded by more flexible approaches, but of course requires crucial government backing. Hence developing countries like Eritrea need to critically adopt a pro-poor land information system, the Social Tenure Domain Model (STDM). This is because the STDM allows recordation of all tenures by showing what is observed on the ground in terms of tenure as agreed within local communities (FIG and UN-Habitat, 2013, p. 5).

The STDM approach also appears relevant to Eritrea in the registration of buildings built outside the formal system. There is a plan of action to start registering in this year (2015) houses built outside the formal system. Here spatial accuracies are temporarily compromised, since upgrading and improvement of registration is done at later stages through ‘continuum of rights’. These pro-poor ‘spatially fit for purpose’ cadastre and the ‘continuum-of- continuum’ approaches are being tested in many developing countries such as Rwanda, Uganda, Eastern Caribbean, Ethiopia, etc. Such pro-poor model ensures, promotes and enhances grassroots participation; hence the saying ‘not about us without us’ (UN-Habitat, 2012, p. 54) holds true.

Both land administration and management systems deal with the social, legal, economic and technical framework in which land managers and administrators should operate (UN-ECE, 1996). This global approach to LAS may lead to sustainable development: economic, social, and environmental (Williamson et al, pp.115-16). But in Eritrea, like many other developing countries they are less integrated. Indeed, they are in their initial stages of development; they lack coherent land administration and cadastral systems. The global land administration perspective needs a long time to be implemented in Eritrea.

To appropriately respond to the new global challenges of climate change, food shortage, environmental degradation and natural disasters integrating LAS with their cadastral components looks imperative. However, Eritrea, like many other developing countries lacks capacities in land administration. Such capacity and perspective will require a long time to develop; ‘continual and comprehensive learning and change processes’ by which the main players and stakeholders ‘identify, strengthen, adapt, create and retain the needed capacity for effective land policy development, implementation and tracking for the resolution of priority land challenges facing’ (Haile et al, 2013, p.3) developing countries. In other words, it means that enhancing capacity development efforts at societal, organizational and individual levels is imperative.

In Eritrea, land is state owned and thus not entitled for sale or mortgage. Other immovable property built over land is only entitled for credit and mortgage purposes. The issue of land

ownership type is very controversial; however, has benchmarks for land administration activities. These are transparency, accountability, efficiency and effectiveness manifested in the provision of services. In the absence of this 'red tape' and corrupt practices are prevalent and many developing countries fall victim of these vices. Strict observation of these benchmarks looks to be critical to safeguard Eritrea from such vices.

Proper management is essential for healthy economic development and environmental sustainability of land and its resources. Eritrea as a young developing nation can learn a lot and apply the global land administration perspectives. But as 'one model fits all' is inappropriate, it needs to apply it skillfully

5. CONCLUDING REMARKS

The main purpose of the land reform is to transform the country from the backward and poverty stricken economy into a competitive economy. In order to implement the land reform the country needs to undertake comprehensive land use planning. For this purpose technological and infrastructure capacity development is imperative. In addition, enforcement of the main tenets of land reform needs institutional reform instruments to be put in place. Furthermore, the active participation of the farmers in all processes will be vital for its success.

Eritrea as a young developing nation has many resource constraints, such as professional human, financial and material. It needs to enhance comprehensive capacity development efforts at societal, organizational and individual levels in order to properly manage land and its resources. Capacity development efforts are imperative in order to meet the medium and long-term needs of the country. This is not a choice to be made for a country like Eritrea, but a must to be done in order to implement land reform and build competitive economy.

Global rapid urbanization is increasing slum dwellers at alarming rate and a vast majority of the world population own or use land outside the formal registrations systems. This is also true in Eritrea. This reality demands flexible and nonconventional approaches that ensure security of tenure. Hence, the cadastre system of Eritrea has to adopt and skillfully introduce the 'continuum of land rights' and 'fit-for-purpose' cadastres.

The world is changing fast and land policies need to reflect the objective reality of the country. Thus, the Land Law needs constant revision to match with the development purposes in farming, pastoral life, mining, industry and other emerging economic investments. This is imperative for a healthy economic development and environmental sustainability.

Eritrea as a young developing nation needs time to practice the global land administration perspectives, considering its stage of social and economic development. But the time can be shortened through responsive application of land reform law in the light of overall development agenda, and alignment with the global trends in land administration.

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BIOGRAPHICAL NOTES

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