

CASE STUDIES ON LAND AND CONFLICT IN THE ARAB REGION

ALGERIA

Conflict over land rights in the Eastern Region



Figure 1. Ras El Oued. Source: Zitouni63/Wikimedia Commons.

NATURE OF THE CONFLICT

Tébessa and El Oued are two adjacent *wilayas* (districts) located in the Algerian north-east, at the Tunisian border. From 2014 to 2017, violence regularly flared up between farmers and pastoralists from each districts, sometimes involving simple weapons and firearms. As time went on, the clashes expanded and intensified, at times engaging entire families and clans. Among the various reasons behind these conflicts, according to interviews with victims and impacted residents, the most prominent were the digging of illegal wells and trespassing (El Chorook, 2014; Abedelhakim Bou Aziz, 2017).

Agropastoralism is economically important in both districts (Murad, 2016; Daoudi, 2015). While Tébessa is known for sheep production, ranking sixth in the nation in terms of productivity (Kanoun, 2007), El Oued is the top potato producing area of Algeria, supplying 40 per cent of the national market (Ouendeno, 2019).

Residents from both districts have accused the government of neglect (Annasr, 2015; Elheddaf, 2014) and of not fulfilling electoral promises to solve the reoccurring land dispute between the two wilayas (Elheddaf, 2014).

CONFLICT MANIFESTATIONS

Residents from both *wilayas* confirm that the conflict started in 2014 with the digging of wells by farmers from El Oued. They were attacked by farmers from Tébessa, who claimed this land. The violence left seven people wounded, of which four with critical head injuries (Elheddaf, 2014). In response, hundreds of relatives of the wounded pursued revenge attacks. To contain the situation, security forces declared a state of emergency in El Oued and surrounded the area (Elheddaf, 2014). This was followed by riots on the highways, and farmers blocked National Road 16.

A new chapter of the conflict began in 2015, when El Oued villagers allegedly took over agricultural lands belonging to the Ouled Belaissaoui tribe in Negrine, a town in Tébessa. The tension again triggered armed altercations between the villages. Meanwhile, farmers in El Oued protested against the alleged grabbing of their agricultural lands by Negrine residents (El Watan News, 2015).



Figure 2. Location of El Oued districts in Algeria. Adapted from: flashweather.com/EN/Algeria.php.

The latest conflict, reported in 2017 by local newspapers, occurred between farmers from South Tébessa and pastoralists from North El Oued over access and exploitation of lands on the mutual border (Abedelhakim Bou Aziz, 2017; Shuwaikh, 2017). The use of hunting rifles and cold weapons left seven wounded. Residents from Negrine and Ferkane, in south Tébessa, erected iron poles and built earthen barricades in Ben Guecha, in El Oued, to limit encroachment. Pastoralists from El Oued assert that these barricades impinge on pastoral lands. Villagers maintain that the two *wilayas* had issued regulations¹ a few years before the 2017 clashes to define borders between them, and that farmers and pastoralists abided by them for a certain period (Shuwaikh, 2017).

ROOT CAUSES

As is often the case, the lack of clarity surrounding land rights underlay the conflict (Wehrmann, 2006). Each party believed that the wells, farmlands and rangelands belonged to their *wilaya*. Tenure security is not only based on its legality, but also on the certainty that the state (or the customary authority that is issuing those rights) is able and willing to protect them (Herrera and Da Passano, 2006). Even if the local or national authorities

had enacted border regulations, they were either not broadcasted correctly or not enforced. In this case, weak land governance is the root cause for the inadequate protection of land rights.

The historical formal and informal division of Algeria contributes to the weak land governance system. During the pre-colonial period, Algeria had four types of land ownership, three of which were based on collective ownership (Saidouni, 2003). *Beylik* is a kind of state property, agriculturally exploited by those allied to groups in power. *Arch* was unparcelled land governed by groups or tribes. *Waaf* or *Habous* was allocated to religious or institutional entities and excluded from the land market. *Melk* was the only type of private land ownership. Saidouni (2003) mentions that prior to colonization, land tenure was dominated by collective

TABLE 1: ROOT CAUSE ANALYSIS OF LAND AND CONFLICT IN TÉBESSA AND EL OUED, ALGERIA

ROOT CAUSES	PROXIMATE FACTORS	TRIGGERS
<ul style="list-style-type: none"> The demolition of traditional land tenure forms under colonization Unclear and unprotected land rights Infusion of external capital into the rural space driving farming intensification and the legacy of colonial settler farming 	<ul style="list-style-type: none"> Weak capacity of local and national authorities and land-related institutions Deficiency of essential services, particularly electricity 	<ul style="list-style-type: none"> Digging of wells Allegations of land grabbing Erection of poles in disputed lands

¹ The attempts to locate these regulations were not fruitful.



Figure 3. Conflict between Tébessa and El Oued in 2017.
Source: Shuwaikh, 2017.

ownership and community-based governance. Starting in 1830, the French colonizers fostered the expansion of private *Melk* property, especially for the French settlers, to enable export-oriented colonial agriculture. The expansion of *Melk* in rural areas was at the cost of tribal dispossession from *Arch* land.

After the country's independence, the lands vacated by the colonizers were nationalized. These included previous *Beylik* and *Arch* lands that were transformed into *Melk* by colonial authorities. However, many tribes believed the expulsion of the French colonizers should have resulted in their reacquisition of *Arch* lands. State land management included the organization of pastoral activities, which abolished all former communal property rights over rangelands (Saidouni, 2003). The intractability of these land-relation disturbances following Algerian independence raises questions over the legitimacy of contemporary land policies and appropriations. Moreover, the sudden end of collective land ownership (*Arch*) could explain today's contested perceptions of public lands, which are often subject to illicit uses (Saidouni, 2003).

Arch properties are contested in Tébessa. The management of these lands, which used to be the tribes' responsibility, is now lost between the central state and the weakened tribal structures. The demolition of traditional land tenure forms under colonization, the conversion and transfer between several land categories, and the centralization of land ownership and governance following independence, whereby the state is unable to

communicate decisions to citizens, contributed to the unclear borders between Tébessa and El Oued.

PROXIMATE FACTORS

The weak capacity of local and national authorities to clarify and secure land rights is a proximate factor preventing the resolution of the conflict. Tébessa and El Oued residents repeatedly filed complaints to the authorities in their wilayas, requesting solutions to this long-lasting land access problem. Residents believe that the authorities could have done more to pre-empt these conflicts. Their inability to enforce the agreements reached in 2015 further accentuates their weaknesses. Another proximate factor is the deficiency of essential services, particularly electricity, in the area. The electrical grid is weak and power cuts are frequent; some neighbourhoods lack access entirely. When farmers dug wells to increase the irrigation and productivity of their lands, the water pumps put pressure on the grid. Thus, the opposition to well drilling was not only initiated by land disputes but also by the destabilization of the villages' already fragile electricity supply.

TRIGGERS

The smouldering conflict has been ignited by several triggers. In 2014, the confrontations were triggered by the digging of wells in disputed lands. The 2015 violence was prompted by alleged land grabbing. In 2017, the erection of poles and barricades in contested borderlands reignited the feud.

CONFLICT RESOLUTION MECHANISMS

Community members successfully intervened to end the closure of National Road 16, claiming that it is unfair to block the passage of citizens and drivers. Representatives from both parties met with each *wilaya* mayor to demand that the authorities resolve these issues.

At times, security forces had to intervene to stop violent confrontations between villagers, including in 2014 and 2015 during the violent clashes between Tébessa and El Oued residents. In 2015, officials of the *wilaya* of Tébessa received the protesters and promised them to examine the situation and resolve it. In 2017, people submitted

complaints to the local authorities in Taleb Larbi, in El Oued, to settle this long-lasting land problem. The mayor of Ben Guecha also received protesters requesting official help. However, no judicial action was taken, and the

meetings with local authorities did not result in strong actions. Farmers accused authorities of staying idle and leaving them to the law of the jungle or “the survival of the fittest”.

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ABOUT THE CASE STUDY

The case study "Conflict over land rights in the Eastern Region" was documented by the Arab Land Initiative of UN-Habitat and the Global Land Tool Network (GLTN), in collaboration with the Arab Group for the Protection of Nature (APN) and the financial support of the Federal Ministry of Economic Cooperation and Development of Germany (BMZ). It forms part of a broader initiative to examine land-related conflict dynamics across the Arab region. The analysis was developed by Mariam Al Jaajaa, Rami Zurayk, Minerva Sadek, and Elle Ambler. It applies the GLTN tool "How to Do a Root Cause Analysis of Land and Conflict for Peace Building" to identify the underlying causes of conflict, its proximate factors and triggers.

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