

Chiguraf Goses: An Evolved Land-Share Land Tenure System in Enderta Province

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Research Article

ABSTRACT

Contrary to the general perception, customary rules are not static but continually changing as a result of diverse factors such as economic, cultural, ecological, social and political. In the late of nineteenth century, important changes had been taken place in Enderta economies and societies, including human relocation and cultural interactions. These developments had significant implications for the customary land tenure system. In the process, they changed the lineage-based land tenure system into a land-share land tenure system known as *Chiguraf Goses*. This customary institution had brought some sort of modification in relation to distribution, inheritance and transfer of land. It was equally distributed and managed by parish residents, whose representatives allocated it in the interest of the land holding groups. Under the *Chiguraf Goses* land tenure system, members of the parish were able to gain control land on the principle of equal shares regardless of their genealogical ties to the founding fathers. In such parishes, individuals with a whip (some say with an ox) had a right to own and cultivate of the land. Broadly speaking, under the *Chiguraf Goses*, land devolved neither through the male line nor through the female line but generally gained and controlled under the principle of membership rights. This study intends to capture some of the factors that had brought changes to the customary land tenure system and its implication for gender and inter family relations. Oral, archival and published sources are used. The sources are critically collected, scrutinized and analyzed. The validities of the sources are cross-checked one against the other.

Keywords: Customary rules, Economies and Societies, Customary land tenure system

INTRODUCTION

Land tenure is as an institution which determines the right to use, control and transfer of land. In Enderta, where the majority of the people pursued plow-farming, land was the main socio-economic asset. There were two basic types of land tenure system in the province. The distributions of these customary institutions were not correlated with ecological zones and cultural groupings. According to Bauer, however, the distributions of human settlement were affected the nature of land tenure system ^[1]. This study seeks to give some reflection upon the shift of customary institutions, its broader socio-economic values to the farming community and its impact on social changes.

Given to extreme diversity of local contexts, the land tenure system in the province of Enderta is quite difficult to understand. This raises the need to thoroughly comprehend the nature of customary institutions of land distribution, and of the diversity and overlapping ways of land rights. In this study, I argue that *Chiguraf Goses* was a prevalent form of tenure in the sparse pattern of human settlement. However, its vulnerability for land manipulation and the continual large-scale in-migration into *Chiguraf Goses* parishes had altered this customary institution. In other words, as a result of changes in human ecology and a subsequent change in the value and access of land as a resource this led to a demand for transforming the customary institution of *Chiguraf Goses*.

The two systems known as *Chiguraf Goses* ^[1,2] and the 'hereditary' one called Resti were the basic land tenure in Enderta. Ownership of land in the province had substantial socio-economic and political implications, particularly with

regard to Resti. Increasing one's holdings of *Resti*, mainly by winning in the court was not only a rightful means but also enhanced the winner's reputation, both as a 'good court fighter' and as defender of the poor who had been deprived of their rights by others. My key informants mentioned that increasing one's holdings of land in *Chiguraf Goses* parishes was, however, insignificant to acquire a reputation. In the system, the customary authorities had managed to maintain equal land distribution in the area. Usually the committee was taken plots from households 'having more land than they need'. To sum it up, these systems of land tenure were quite different, but, more or less they were subjected to land manipulate.

METHODOLOGY

This paper was conducted based on the qualitative research approach. Both published and unpublished sources of data are used. This comprises Focus Group Discussion (FGD), key informants, document analysis and archival materials. To start with, unstructured interviews are carried out with the purpose of collecting the essential information. Resident of each district of Enderta *Awraja*, who relied on agricultural activity, elders and women are interviewed in depth. Focus Group Discussion with seven to eight participants in each group are carried out on different issues of topic under investigation. The selection of participants is made based on their age, economic activity, and duties and responsibility in the province. In addition, reports, research papers, articles, newspapers, and other manuscripts discussing the issue of land tenure system are consulted from the Agricultural department of Tigray Regional State. The written documents are cross-checked against the oral information, collected through Focus Group Discussion and key informants. Finally, data analysis is carried out through interpretation, description of meanings, views and perceptions of the members of the province. The collected data were critically and systematically analyzed through narrative and document analysis approach.

RESULTS AND DISCUSSION

Land tenure In Enderta Province prior to 1974

Enderta, in the highlands of northern Ethiopia, was a strategic area which comprised ten districts such as Enderta, Didiba Darga Ajan, Salwa, Geralta, Bora, Wajrat, Samre, Saharti, Hintalo, and Shiket. It served as a meeting place of both internal and external trade for an extended period of time. From the early period of Aksum, the province had served as a marketplace for the salt trade. The discovery of salt, in the Afar lowlands, had significantly promoted the socio-economic and political development of the province. In addition to supporting livelihood of the rural people, salt trade was directly or indirectly a source of income for merchants, urban dwellers and state officials^[3].

The prevalent role that agriculture played in the provincial economy essentially gave an important place to land and its ownership. With the right to land the holder could ensure household food supplies and generate an income. Given the fundamental importance in the rural economy, it remained crucial in the farming community. Bauer even goes as far as to argue that in Enderta, land plays a substantial role in the local politics. It was a basic source in the acquisition of wealth and political legitimacy given that winning and losing of land cases in the court had strong implications for political competitors in the parish^[4]. The local administrators gained supporters largely by bestowing privileges to their followers or supporters, at least at the parish level.

By contrast, the distribution of the customary institution of land tenure was not directly correlated with ecological zones or cultural groupings. However, distribution of human ecology had considerably determined the customary land tenure system in Enderta. In this regard, less populated parishes commonly used *Chiguraf Goses* system. In many parishes of Enderta, however both systems were found side by side, except in the recently settled parts of the province where the system seems to have *Chiguraf Goses*. A few others parishes used the hereditary system but lacked the genealogical depth necessary for a full-fledged operation of the Resti system. A question does arise on how both systems were practiced side by side even in a single parish. The reason was that many parishes were naturally carved up either by a river or mountains which opened options for both systems.

Although Enderta was roughly characterized by a mosaic cultural composition such as the Tigray, Afar and Wejirat, it was not reflected in the customary institutions of land tenure^[5]. The basic principles of land tenure system was implemented and sorted out by customary chiefs, whose legitimacy varied with the type of particular system. While in *Resti*, legitimacy was drawn from anterior occupants (the founders of the parish or those who were known as *Nay Qedem Abo*), in *Chiguraf Goses* it was drawn from the parish residents. In the latter system, the parish members selected customary chiefs to deal with land distribution and management.

In other words, Resti was linked to the principle by descent, whereas *Chiguraf Goses* was associated with the principle of membership. Unlike *Resti*, *Chiguraf Goses* had various names in each province of Tigray. For instance, it was called *Shehena* in northern Agame, Axum and Adwa, and in parts of southern Agame, southern Tembien and Enderta it was

called *Chiguraf Goses*. Regardless of the name and its process of consolidation, the principles of land distribution were almost similar.

Consolidation of *Chiguraf Goses* land-holding: changes of lineage Interest

The shift of customary land rights from *Resti* into *Chiguraf Goses* was a widespread agrarian phenomenon in Enderta. *Resti* was customarily rooted in broader kinship relationships and it was supported by religious principles. Older informants' reports that prior to the reign of Emperor Menelik, all parishes used *Resti*. The change gradually took place in much of rural Enderta to fit changing human ecology and socio-economic contexts and challenges. The change commenced in areas where land was relatively abundant but characterized by sparse distribution of settlement patterns [6]. This also served as a means to attract people thereby to overcome the socio-economic responsibility of the parish.

For instance, taxes were commonly paid in *Feses*, which uniformly rendered by all land holders of a particular parish. It was a taxation system that pushed the people to modify the *Resti* system and to look another resource use patterns that could ease the burdensome [7]. As a result, there was a steady flow of people from neighboring provinces, having been attracted by the provinces fertile soil. These in-immigrants gained access to land depending on the amount of vacant land. In relatively highly populated areas including Didiba Darga Ajan, Salwa, Bora, Hintalo, the incomers were made to stay long and establish a household before they ensured the right to get land. In Wejerta, this requirement was insignificant, as there were no essential prerequisite for land claimants.

In fact, the process and consolidation of *Chiguraf Goses* in each parish retained its own distinct features. For instance, in Hareyna, a small parish northeast of Mekelle, my key informants has associated *Chiguraf Goses* with socio-economic issues. According to local anecdotes, some hundred years ago, farmers most affected by drought were forced to leave the parish in search of food to support their family. When they returned after a while, their lands were distributed among those who stayed in the parish. As one informant noted, the returnees not only insisted to regain it, but also pushed for the discontinuation of the *Resti* system.

The Wejerta have come up with distinct information concerning the development of *Chiguraf Goses*. In the district, the age-old socio-economic institution called *Qenchi*, a Tigrigna word, which, in turn, means equality, eased the evolvement of the system. *Qenchi* was purportedly aimed to generate socio-economic equality within the farming community. The mentoring of the *Qenchi* institution also underwent with regard to customary land right, which allowed in-migrants to gain an equal privilege. In addition to the *Qenchi* system, the sparse distribution of human settlement with relatively abundant land contributed to the emergence of *Chiguraf Goses* in this area.

It was the continual human relocation with a relative surplus of land which, at least in many areas, eased the consolidation of *Chiguraf Goses*, particularly in the second half of 19th century. In fact, the exact time when *Chiguraf Goses* came to emerge in the province seems to have been controversial though in my analysis I assumed it has to be occurred in the reign of Emperor Yohannes IV (r.1872-1889), who established his court in Enderta. Evidences from my field sites suggest that the consolidation of *Chiguraf Goses* was during this particular period of time. The coronation of Emperor Yohannes had brought a significant socio-economic and political transformation in much of rural Enderta, as many people went with the emperor for certain functions and services for which dispatched throughout Ethiopia.

Further, the rise of Emperor Yoahannes to power had boosted urban growth such as the town of Mekelle. Such developments had major implications for the local land tenure and land use system in Enderta, as it was the centered of the empire. In this regard, many farmers regularly travelled to nearby towns to take up off-farm works particularly after the completion of the harvest. Some of them even remained for an extended period of time¹.

The outgoing peoples had seriously disturbed the proper implementation of the *Resti* system in the province. There was a steady flow of migrants from neighboring provinces, having been attracted by such opportunities. These in-migrants married village members and, through this, they obtained land rights through membership claims. Thus the incoming and outgoing of peoples altered the proper function of land rights through descent claims. In Hareyna, for example, a group of people who returned were overlooked the principles of *Resti*. My informants tell me that their lands were re-allotted to those who stay behind on the grounds that those groups were no longer resident of the parish. Thus the returnees had to fight their cases through the courts up to the provincial level, eventually wining them.

On the other hand, in parishes with abundant land and limited land claimants, there are reports that the returnees were allotted the parish land. In effect, such movement was a major possible factor for the evolvement land rights based on membership. Some writers have stated that the problem of relocation was accompanied by greater fragmentation of

¹ During the coronation of Emperor Yohannes, in 1872, Enderta had become on one hand a socio-political center where cities were developed more than before, on the other hand many Endertans off the province with the emperor to serve either as soldiers or advisors. In short, many Endertans were relocated for a while and such developments had brought a significant transformation in the customary land tenure system.

single plots in the *Resti* parishes. Further, they have pointed out that the continual reduction of land speeded up the erosion of land rights through descent claims. In the process, the allotment of land linked to the principles of membership had consolidated. The newly evolved system of land tenure based on membership was called *Chiguraf Goses*.

The term *Chiguraf Goses* refers to the free access of land under the principles of equal shares for all members of the parish, regardless of any lineage ties they may had with the founding fathers. Some parishes only received a new incomer or group of incomers if they had already a family in the parish which may span several generations. This was purportedly to put under control huge human influx as the land was getting scarce. It did not, however, entail a transfer of land from a customary holder, who had gained his land through membership.

The land tenure dimension of *Chiguraf Goses* was strongly associated with the broader socio-economic demand of the parish. Incomers gained land rights to meet their economic needs, but their ownership was based on the condition of settlement in the parish. In contrary to *Resti* system, *Chiguraf Goses* was not overwhelmingly ensured the constant ownership and transfer or inheritance of land to the parish members [8].

It was allowed for a package of land rights that include a cultivation right, for instance the right to use and management. As a result of this, a holder can deal with the productivity of his/her own land until the redistribution cycle of the parish comes to effect. However, the holders were not entitled permanently transfer the land given to him/her nor, sell it. As a result, the system partly managed the fragmentation of single plots and undermined land disputes in the province. A new incomer or group of incomers were made to take in social activities such as donating a gift to the local church and joining in any of the parish socio-religious self-help associations such as *Mahiber* [9]. Such participation also entailed provisions of a sort of services, which ensured the full societal integration of the incomer or group of incomer thereby legitimizing his/her access to the parish land.

In *Chiguraf Goses*, land was entirely controlled by the parish as a communal property. All parishes were held in reserve certain plots of land for those who serve the church. Under similar principles, an eligible deacon and priest were assigned to use the land belonging to the ecclesiastical office. The amount of land appropriated for such purpose, was in theory one-third of the parish land, but in practice it varied from a tenth to one third as the highest. Thus, an individual who acquired a *glebe* land for serving the church was not allowed to claim from lay land. This was due to the fact that the ecclesiastic office had secured a large plot of *glebe* land. Most parishes assigned better land to the church, as a result it was almost uncommon that deacons and priests to claim the lay land. The distribution of *glebe* land followed the same principles as those for *Chiguraf Goses* as a result the two categories land rights will be discussed together.

Throughout Enderta, the period and process of land distribution was quite similar. Almost every two years, members of each parish were assembled in the church yard and passed important decisions about new land claimants. A group of three men known as *Harayo* ², a Tigrigna word, which, means 'selectors' for the distribution of land, selected from the land holding unit based on their age and social respect. In this regard, three priests for the priest land, three deacons for the deacon land and three laypersons for the lay land were selected to deal out the land. The selection of this committee was, however, determined by the discretion of the members of each unit. In a few parishes the committee was chosen by the local governors from among the individuals loyal to him in order to secure his personal interest.

The *Harayo* commonly remained in office until the next land re-allotment which is locally called as *Melsi*. Both migrants and newly established household were required to report to the *Harayo* in order to gain land access in the parish. Besides, the committee made efforts to make a decision how much and which plots would going to share out to the new claimants. According to my key informants, the customary rules governing the *Harayo* were passed down orally from one generation to other. More importantly, the rules dealt with many aspect of land distribution, including procedures of claims, transfer and procedures for the meditation of minor land disputes.

Both the ecclesiastical office and the laymen authorized to select their own representatives for the task of land distribution in a meeting. In this regard, the *Metehadaderi* 'local governor' assisted by a group *Shimagle* 'elders' were instructed the farming community to name responsible individuals who properly undertake the task. Then, the proposed individuals will pick out by a vote and will present a set of names to the entire group for the final approval. In a few parishes, such practices had been abandoned in favor of the outgoing committee to nominate their own successors.

Key informants tell me that such change was taken place when the local governor appeared to intimidate the process by proposing nominees loyal to him. They deemed that under the previous system it was difficult to discover the pressure of individuals during the act of choosing the selectors who had in turn favored their relatives and supporters. Thus, in order to reduce the external influence such as the parish governors in the system, the people preferred to render an ultimate legitimacy to the outgoing committee to choose their own successors.

² The word *Harayo* is a plural form of *Harereye*, which in turn glosses as 'selectors of a property.'

In practice, however, there were different means for manipulation of land under *Chiguraf Goses*. The selectors were usually suspected of corruption, they thought likely to accept bribes. For instance, Bauer in his discussion with a group of Hareyna posed a question 'why, if the selectors were corrupt and accepted bribes, did they [the people] not choose ones who did not 'eat' bribes? And the man seated next to me asked rhetorically ...and what man in that position would not take a bribe?' Apparently, the statement points out not only how the manipulation of *Chiguraf Goses* took place by the selectors, but the lack of coherent and enforceable guidelines to check the authority of those in power. This reflects the sequel of a socio-economic effect in the farming community, and complexity of the selected committee in their relations with the land manipulation. In many instances, the committee had used the advantage derived from their customary power to gain bribery, particularly through land manipulation.

It is important to note that the system was vulnerable to other means of manipulation without the use of bribery. As stated above, the selectors had the authority to decide which plots of land would be given to which member of the land holding unit through a lot system to deal with the disproportion of land allocation. However, the decision how much land and which plots will be put into the lottery was only done by the committee, made of the issue opened for manipulation. The selectors surveyed the amount of vacant land in the parish and then came to decided who had more land than needed. As a result, this had important implications for the livelihoods of those affected.

Under the system, land was put into a lottery for redistribution when a household was either deceased or had left to take up residence in another parish. The other means of land manipulation was commonly associated with the practice of land rent or sharecropping. In many parishes, a household who was on the verge of retirement did not cultivate their own land; instead they preferred to rent it out to others based on a local sharecropping agreement. Consequently, some individuals who rented land usually tried to convince the selectors, who were in charge of land distribution, to become a legitimate owner of the land under plowing. The renter also made efforts to challenge the claimant by persuading the selectors that he had still a legal residence in the parish^[10].

Due to the absence of clear and coherent legal system, the decision to such problems, however absolutely relied on the will of the selectors. Therefore, the absence of legal support for the local land allotment based on the customary rules, severely deprived land rights for some members. While the customary system was still working well, some parishes needed government intervention to protect and to secure the resource claims of weaker and more vulnerable groups.

Further, the principles of land distribution under *Chiguraf Goses* lacked uniformity. Male-households were roughly allotted from five to six acres. The female-headed households had apportioned into two ways. If she had particularly dependent children she would gain equal amount like male-headed households, however unmarried or divorced women were allotted half the land allotted to a male household. The new system partly tried to address the issue of landlessness among the parish members, but it offered relatively less land to women. In this context, the changes in land tenure system brought about winners and losers. Thus the system was created economic inequality in the farming community.

In assessing the social and economic implications of the change of customary land tenure in the province in the early 20th century, it has been argue that though the system discouraged landlessness, it did not improved agricultural production in the *Chiguraf Goses* areas^[11]. At the outset, the system availed the weaker and more vulnerable groups such as women and immigrants to gain lands but no long-lasting effect. For example, according to one of my key informants from Hintalo, an important parish situated southwest of Mekelle, the aspects of the distribution rules, which administered by the *Harayo* had become more vulnerable to manipulation by rich households.

In many cases, the changes of land tenure did not bring a significant change to the life's of ordinary households. Rich households were tried to manipulate many of its rules to their own advantage in order to exploit the weak land users. The shortage of land, lack of proper land distribution as well as poor agricultural technology and changing climatic conditions were responsible for agricultural inefficiency^[12]. The absence of legal support for local land management and distributions based on customary system resulted in local resource users' loss of land access. Further, the existence of land manipulation, poor legal protection, and lack of inheritance rules under the *Chiguraf Goses* impeded the farming community from enriching or protecting the land for greater agricultural output^[13].

In Enderta, the household resources such as land and farming capitals played an important role in the stability the household units. In other words, the customary forms of land distribution were quite important to steady the household and to deter the forthcoming quarrel. In this case, *Chiguraf Goses* which ensured equal access of land to all parish members including women and incomers could have disruptive impact for the household. Informants report that many households within the parish were split off in order to gain land independently. Through time, it was encouraged for a dispersal of a single household. Although it was roughly this form of tenure that had caused divorce, it is by no means certain that it was the primary factor for the dissolution of a household.

Through time, the issue of land manipulation and population pressure in many parishes had begun to challenge the customary institution. In those areas, an emphasis was changed from the need to attract people to secure the availability of access to gain land. Further, it was altered by the high flow of in-migrants from neighboring provinces. These in-

migrants were able to secure land, through membership rights. In the mid-1950s, however, villagers say in-migration dwindled dramatically. During this time, as a result of population growth among existing residents, many parishes began to resist any newcomers who wanted to settle. In turn, the principles of *Chiguraf Goses* declined with the disputes between the incomers and anterior residents³.

The land rights through membership claims were also impeded by scarcity of land in the province. For instance in Wejerta, while the anterior residents had large plots of land in possession, the incomers were prevented from accessing land on the grounds of membership in the district for almost four years. In many parishes, the people stressed to impede the system and sought to recommence the *Resti* system. Moreover, the anterior occupants made efforts to hold up the in-migrants from accessing land. To secure greater control over agricultural land plots, particularly through lineage ties encouraged many parishes the obliteration of *Chiguraf Goses*. Management of land which traditionally undertaken by the selectors was now practiced by local elders ^[14].

Chiguraf Goses had become a serious threat not only to the needs of founding settlers, but also for the woodland and pasturelands. The farming had encroached on grazing lands, particularly after the liberation from fascist occupation. This had been implicitly or explicitly opposed by the parish residents. It was deemed as irrelevant for property rights including the issues of inheritance and ownership. In effect, the so-called founding settlers needed to make land rights based on the ability to establish descent with the first occupants. Although the farming communities were tried to address the problem, in-migration was remained a problem in many areas.

In the mid-1950s, the imperial regime launched a huge program of afforestation which outlawed the cultivation rights on woodland or cleared land. Primarily, for the purpose of environmental rehabilitation, few bare and cultivated lands were converted into forest. Likewise, the provincial governors were maneuvered to proscribe the cultivation of bare and forest lands. Then, the farming community had commenced to inherit or grant their land to their offspring without applying the principles of *Chiguraf Goses*. By and large, the demand to erode *Chiguraf Goses* in favor of *Resti* system was on the one hand as a result of the growing in-migrants, on the other the continual land scarcity and manipulation. It caused a major loss of interest on the system among the farming community ^[15].

According to informants the practice of the *Harayo* was impeded by the proliferation of public influence towards the customary institution. The committee who were called upon to settle land related disputes and provide mediation dwindled dramatically. As a result, the process of land distribution was deterred for several years. As stated above, the landholders transferred to their relatives their land contrary to the principles of the existing system. In addition, the split of households in order to gain land, coupled with the growing land scarcity in each parish, were important reasons for causing change. In many parishes, the researcher has found ample evidences of the shift were due to land shortage and the need to modify land rights. There is proof, for instance, that farmers who came into Hareyna in 1973, were unable to get land through membership rights.

In the process, *Resti* replaced the *Chiguraf Goses* land tenure system. Land rights in many areas became possible upon the ability to establish descent with founding settlers. Rights to land on the basis of lineage ties were premised on the notion that an individual has a right to any land held by his/her ancestor. The transformation varies from place to place, but *Chiguraf Goses* remained unpopular among the land holders, who were entitled large plots in the past when land was comparatively abundant. In Hareyna, the parish members were assembled in the church yard to deal on the customary tenure, and finally tended to apply the *Resti* system. In Wejertat, on the other hand, *Chiguraf Goses* no longer functioned on regular basis.

In sum, the decline of the authority of the *Harayo* and with the growing lineage principles in each parish had distorted the proper function of *Chiguraf Goses*. It was also partly linked with the growing of the role of the so-called anterior landholders to secure their privileges, which they assumed as the only legitimate claimants in the *Resti* system. These cumulative factors speeded up the transformation of the land tenure system from a membership-based into a lineage ties. However, the change of the customary institution had significantly differed from place to place. It was eroded in many parishes of Endarta even before the 1975 land proclamation announced by the military junta.

CONCLUSION

The region under study is important in that it was consisted the core area for the commencement of various land ownership system which later spread to various parts of Ethiopia. In Endarta, the people had experienced a settled agriculture for an extended period of time. The land which is the principal socio-economic asset had distributed through complex land tenure system. The systems of land holding may be characterized as dynamic and consistent with communal interest. The *Chiguraf Goses*, which was one of the prevailing systems in the province, evolved from the *Resti*

³ The continual shift of customary land tenure systems seem to have been substantially meet the needs of the people and illustrate the dynamic of indigenous system.

system. The recurrent socio-economic problems such as taxes and population pressure encouraged the farming communities to generate new systems that could be addressed them.

Due to these domestic factors as well as other external pressures, in due course, *Chiguraf Goses* become a predominant customary institution. In contrary to the *Resti*, Chiguraf Goses was not only made the parish residents to own land but partly discouraged land disputes. With the exception of some few parishes, the latter system said to be common in relatively less populated parishes of Enderta. In 1950s, however, as a result of the growing in-migrants into the *Chiguraf Goses* parishes of the province, the people had demanded the disruption of the system. Through time, the outrage of the first settler towards the incomers in order to keep holding of large plot of lands, the system obliterated before the 1975 land proclamation of the Derg.

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