

Are Tree Tenure and Land Tenure Issues the Same?
A Case Study of Rights to Trees among the Tsamako of Southwest Ethiopia
Melese Getu¹

Abstract

There has been confusion as to whether land tenure and tree tenure issues should be looked at as two distinct entities or not. In this article I describe the various means of establishing rights of access to trees and other savannah woodland resources and how such rights are socially sanctioned as distinct from the overlapping land tenure systems prevailing in the country today. The discussion focuses on issues raised by differential rights of access by multiple users for multiple purposes, and attempts to show the various ways of establishing tree primary user rights as distinct from those held in jointly managed woodlands. This happens, interestingly, contrary to the received wisdom that pastoralist societies 'lack' basic social norms let alone to have a set of rules designed to regulate the use and protection of trees. Finally, through an examination of the ways in which rules which apply to trees are enforced, both generally and in particular cases, I argue that it is the relatively low demographic density, a relatively homogeneous community and the resultant quick acquisition and dissemination of information and an inclusive decision-making system at the grass-root level which have made rule enforcement relatively easy and cost-effective. These resulted in a system which encourages tree protection and long-term oriented multiple uses. This article is based on data drawn from eighteen months of ethnographic field research which provided the author with the opportunity to employ a range of data collection techniques including key informant interviews, focus group discussions and participant observations.

Introduction

This study was carried out among the Tsamako, an agro-pastoral ethnic group, whose territory is located almost at the end of the southern most end of the Great Rift Valley extension, South Omo Zone, Southwest Ethiopia. They were estimated by the third national census to be about 20,000 in 2007 (CSA 2008). The Tsamako inhabit part of the Weyto Valley – a savannah woodland area which lies 660 km from Addis Ababa. The Valley is divided into two by Weyto River whose basin forms part of the Chew Bahir basin in the southern Rift Valley on the Kenya border. The major characteristics of the Valley are the extreme variations in natural conditions between seasons, between years, and between the Valley and adjacent territories. Rainfall (about 600mm/annum, Halcrow-ULG, 1982) is erratic and unevenly distributed in space and time. Opportunistic crop cultivation, herding, agro-fishery, honey production and hunting and gathering are the major production systems found in and around the Valley.

Within the context of such a high-risk physical environment and issues raised by differential rights of access by multiple users for multiple purposes the study attempted to address the following research questions: are trees and savannah

¹ Assistant Professor, Department of Social Anthropology, College of Social Sciences, Addis Ababa University. Email: melese@sosa.aaau.edu.et

woodland resources open access resources? Are tree tenure and land tenure issues the same?

Methods

Data were generated by employing a combination of methods including key informant interviews, focus group discussions, case studies and participant observations over a period of eighteen months of ethnographic field research in 1998/99. The author had the opportunity to learn the local language (*Bago Tsamakilo* – *mouth of the Tsamako*) and conduct in-depth and focus group discussions with study participants in their own language. This article is written with data drawn from eighteen months of ethnographic field research.

Literature review

In a literature search, Shepherd (1992a), found two problems that are pertinent to this issue. Firstly, in the forestry literature there are many species references to the tropical dry savannah woodlands of Africa but they give no information either on land tenure or on indigenous management techniques. Secondly, the ethnographic literature is rich on tenurial arrangements but poor on tree-species identification. Most importantly there has been a confusion as to whether land tenure and tree tenure issues should be looked at as two distinct entities or not (Fortmann and Bruce 1988; Shepherd 1992b). Fortmann and Bruce (1988:11), including some of the francophone literature in their review, argue that "like minerals and water, trees can be a form of property² separable from the land on which they are located", whereas the Anglophone literature seems to consider the two as going together (Behnke 1980, 1985; Shepherd 1992a). Given that a tree may contain a bundle of rights (Fortmann and Bruce 1988) and that fluidity is the essence of indigenous tenure rules (Behnke 1995), I propose that, even if tree tenure rules are affected by land tenure, analytically and practically they can be separated and examined in their own right.

As Fortmann (1988:35) writes, "It is often thought... that once biological distinctions have been made, a tree is a tree". But Fortmann (1988) argues to the contrary that attention must be paid to the 'social meanings' of trees. Furthermore, Fortmann and Bruce (1988) argue that three interrelated factors affect rights to trees: land tenure, of the use to which they are put and the type of tree. As I have argued else where (Melese 2001), the *de jure* state held rights to natural resources have a wide range of repercussions. Here I will focus on how rights in trees located in and around settlements and also those in savannah woodlands adjacent to territorial sections are managed and how rights are established and change in response to the emerging commercialization of honey.

² "People who have been exposed only to the more familiar forms of western law often assume that trees are part and parcel of the land on which they grow. But, like minerals and water, trees can be a form of property separable from the land on which they are located" (Fortmann and Bruce 1988:11).

From the outset it should be made clear that the analytical separation of land and tree tenures is necessary not only because each of them have different philosophical rationales, but principally because the establishment of rights are different in form. Rights to trees are established by a combination of factors that have to do with labour investment, spatial and utility related considerations and through inheritance. Using insights from the critics of the entitlement approach (Devereux 1993), I try to show how entitlements to trees are established, legitimated and change in the face of changing circumstances, in particular, and how rules of dry savannah woodland use rights are enforced, in general.

Nowhere are the multiple uses of trees and the competition for them more pronounced and apparent than in the Weyto Valley – a semiarid Valley characterized by erratic rainfall which resulted in patchy savannah woodland resources. In what follows I shall describe the main features and uses of these important resources.

Ero: savannah woodlands:

Here the phrase savannah woodland³, (*wero*, plural *weradie*, the Tsamako equivalent) refers to a land covered by a wide range of species of trees, shrubs, herbs and grasses. One can talk of three classes of savannah woodland resource right holders at various levels: the state, the ethnic group, and territorial sections with household and/or individuals. My concern is how rights of access to state held resources are obtained and how they are actually managed⁴ by local groups and individuals.

Users' rights to *wero* resources are fairly complex. Theoretically all savannah wood resources belong to the ethnic group, but in practice, primary user rights are held by a section or sections in spatial proximity. Many territorial sections co-manage savannah woodlands adjacent to their settlements whilst other distant sections have only secondary user rights in times of crises, which are negotiated by the council of elders' of those sections which hold primary user rights. Arrangements pertaining to the sharing of such resources reflect shared group understandings about who holds what rights and in which resources and when. Rights to resource are socially sanctioned rather than enforced by specialized agents, and joint exploitation, co-operation and at times competition among geographically adjacent sections were, and still are, quite common. Here I restrict my description to a savannah woodland area which begins at a place called Gura (which is about 3 km. to the north of

³A number of phrases are employed in the literature such as dry forest; tropical savannah; wooded savannah; dry land forest. *Wero* the Tsamako equivalent for these terms is also a common male and female personal name. Individuals named *wero* were those who happened by chance to be born in such a place.

⁴My attempt to make a meaningful distinction between people's deliberate resource management measures and the daily resource use turned out to be problematic and in most instances such attempts were futile. Such distinctions if they exist at all tend to be temporal and at best blurred.

Luqa), and extends about 7 km or so to a place called Ero. I shall use the name Ero to refer to this area that falls between Gura and Ero, but locally the name Ero is used to refer to a wider area. At Gura there is an artificial water pond which marks the *sabanco*, the boundary between the land reserved for cultivation and the savannah woodlands meant for honey production, hunting and gathering, as we shall see later.

The reason why this territorial section as a definite spatial unit acquires a social significance can be explained by the stability and continuity of settlements within their spatial limits. Although few households and individuals may move in and move out of them, settlements are permanent, in the sense that settlements and a territorial section the larger unit they form live longer than their members.

Inhabitants with a vested interest in the natural resources of their territorial section as they share the physical space not only have some sense of identification with it but also come together and act as a group against others on a number of occasions. As members of the same territorial section they are also identified by outsiders as a group. During rituals, for example, inhabitants of a territorial section are treated not as individuals but as a group. They are often offered food and drinks which they divide and share out according to age and gender amongst themselves. It was an apparent and ubiquitous phenomenon for me to observe inhabitants of this territorial section forming more or less an exclusive unit for participation in drinking and eating parties for rituals, and other public occasions. Historically territorial membership has also served as a basis for collective defense against external enemies and livestock raiders at one point or another in the past.

Ero is jointly controlled and managed by three adjacent territorial sections namely, Babo, Luqa and Oro; each section is represented by its council of elders when decisions as to the use of Ero woodland resources have to be made. The three councils of elders' are coequally responsible for the regulation of the use of Ero resources, but here I will only examine the issue of resource user rights in relation to Luqa and its residents.

The vegetation cover in Ero consists of a range of trees and shrubs. Some informants were able to identify more than sixty species of trees, shrubs and herbs, each of them with its own local name and its predominant use. This reveals the peoples' knowledge about which species of trees need to be managed and in what way, depending on the season and specific requirements of the tree. People tend mostly to identify plants by their distinct names and sometimes classify them on the basis of their uses and/or functions such as good honey barrel trees, fruit producing trees, fodder producing trees, trees as a leafy vegetable and trees that tolerate lopping and those trees which can be multiplied by means of budding. Ero is perceived as savannah woodland consisting of roughly six different categories of resources: the land itself, seed pod producing trees, leaf and fruit producing trees, medicinal plants and flowering plants and trees for situating beehives. Some of my informants considered the resources of Ero as linked directly or indirectly to honey

production, gathering supplementary source of wild food and items for sale, wood for house construction and agricultural tools, kitchen utensils, browsing for livestock, source of firewood, and grass for thatching purposes. In the next section first I describe hunting and gathering rights: wild food, fuel wood, and items for sale, and this will be followed by a description of tree felling rights.

Hunting and gathering rights

Control over savannah woodland resources is vested in communities and households and individuals in them hold use rights. Households and individual household members who live in Babo, Luqa and Oro have inalienable rights to hunting and gathering in Ero savannah woodlands. Historically, hunting and gathering practices are probably the oldest of the daily routines especially for women and children. Hunting is the special domain of men, whether the game animals are consumed or not. Successful hunters enjoy societal respect apart from the immediate benefit they obtain from the game animal's meat and skin. Rights to hunting have always in principle been open to all Tsamako but, in practice, only those who live in settlements adjacent to Ero are eligible. However, today, informants maintain that there are no longer big game animals and even the number of small ones is diminishing from time to time. Some of the reasons are associated with external intervention. For that reason the hunting of small game animals has become highly sporadic since the early 1990s (2009). Accordingly hunting has increasingly become a thing of the past.

Gathering wild food has been a commonly used major means of obtaining daily food supplements. Food processing and management are the prerogatives of women so, given the gender and age based division of labour, gathering is their role often assisted by children. With their rights to savannah woodland resources secured by virtue of residence, women and children gather a range of wild food and fuel wood almost everyday and sometimes other items for sale. Women and children normally carry a *halite* (half a gourd or calabash as a pannier) whenever they leave home. When asked about the purpose of carrying a *halite*, they often reply: 'Who knows what you might come across in the *wero*'. People tend to be always on the alert while walking in the *wero* and to gather wild food such as fruits, roots and leaves for supplementing the daily household diets. Sometimes gathered food, particularly fruits, were consumed outright and the leftover seed collected and taken back home and mixed with maize, then boiled and consumed. The availability and variety of gathered food is highly seasonal, for instance, *ediye* (a fruit collected from the *Balanites rotund folia* Blatter), is confined to the dry season. This temporal variability of fruits, roots and leaves, one supplementing or replacing the other, allows gathering to be the daily routine of women and children the year round. The intensity of gathering, however, varied not only spatially and temporally but also in relation to the gatherer's household economic status, in particular, and with the crop harvest year situation, in general.

In a more general sense, the intensity of gathering wild food and a household's degree of reliance at one point in time is an index of food availability and the grain

production situation in a territorial section in a given year. Women informants provided me with a list of ten different types of plant leaves and five types of fruits which they usually collect for human consumption from the community *wero*. Such leaves were largely collected for household consumption but fruits, and sometimes their seeds, apart from domestic consumption might also be sold at the local market. Although there are no secondary sources of information to compare the past with the present, today the amount and the range of roots, fruits and leaves collected by women and children for supplementing daily household food consumption is considerable⁵. In the lean months of the year almost all households must resort to the *wero*. I have argued elsewhere (Melese 1995), that such gathered food constitutes one third of household consumption, particularly during the rainy season, when most households have often run out of grain.

Apart from collecting wild food, women and children also gather certain herbs⁶ for treatment and items for sale. Women and children, particularly those from poor households, gather a flower called *deraytie* (used for making mattresses) and incense, which they sell at the local markets and earn some income. Incense, during the dry season, is collected from *Boswellia neglecta* and sold at the local market. Incense is also used to smoke beehives. In times of abundance, on average, an individual could collect eleven kilograms of incense per day. During the time of my field research (1998/99) incense fetched 2.25 *Birr* per kilogram in Luqa which was somewhat less than the prices at the other local markets such as Key Afer.

Although gathering incense is a means of generating income for the poor and incense is an essential element of honey production, the idea of carrying out the systematic tapping of trees for collecting resin is as yet unknown. Nor have incense producers moved towards establishing strong rights of claims over such trees. Incense trees remain under the category of territorial sections joint control and management of natural resources. But, unlike incense collectors, honey producers have moved from a joint territorial-based use of trees towards the formulation of tree tagging mechanisms, thereby establishing their primary user rights to them. I will return to this point shortly.

Of importance to the establishment of rights to trees and harvesting their products are: the eligibility rule which is based on membership in a residential circle and labour investment in trees which entail marking and protecting them. In general, rights to trees among the Tsamako can be distinguished between planted trees and wild trees, on the one hand, and, within the latter category those producing fruits and seed pods, and the spatial proximity of trees to houses and household farms on

⁵Calculating the exact amount of daily gathered wild food stuff is a daunting task. But in an area where people neither grow vegetables throughout the year, nor is there a permanent supply from outside, a *wero* means a lot to the local people.

⁶ Women informants were also able to list more than six types of herbs (note that these women are not herb specialists) which are used for treating certain human illnesses.

the other. In other words, labour investment, spatial proximity, and functional considerations affect rights to trees. Accordingly, three major components of rights in trees can be identified: rights in trees in farms whether planted or otherwise and those found around the home area; rights to wild trees for honey production; and rights to fell trees.

Trees in farms and around houses

A cultivator usually retains some wild trees in his cultivated fields. Such trees left during land clearance in the sense of opening up new fields, perennial and planted trees belong to those who hold the field. Mostly people plant the drought-tolerant perennial, *Moringa olifera*, whose leaves are used as a cabbage for human consumption. Moreover, sometimes branches of some species of plants which multiply through budding are cut and replanted around farms and kraals with the intention of reinforcing fences. These trees on household and/or individual farms are used entirely by the 'landholders'. These rights reside in the household and are retained by them even after a move to another settlement. Without the permission of the household nobody uses the products of such trees. Rights to planted perennials are normally transferred from one generation to another or given to a relative or a friend as a gift.

The second category of trees is those wild trees found around home areas. By virtue of proximity the household establishes primary user rights to fruits and seed pods of such trees, which include not only harvesting fruits, and collecting seed pods for fodder but also lopping and cutting branches for constructing fences. Since such rights are usually retained until the area is deserted, the right-holders might be termed as the guardians of the trees. In fact other people normally do not reoccupy such deserted residential places without the permission of the original settlers. Yet it must be said that applications for the reoccupation of deserted places are not likely to be denied. In that sense once the original settlers change their place of residence their rights to trees located around a previous home area is a fringe one. Another important distinction made about tree rights in and around home areas is rights to those wild trees that are located at a place that lies between houses, which might be called a buffer zone. Primary user rights to such buffer zone fruit producing trees are secured, at least for seasonal use, by leaving ashes under them. People collect dry leaves burn them and leave three to four dots of ashes around trees. Such dots are acknowledged as symbols marking primary user rights. Informants maintain that, apart from the symbolic importance, smoking trees also decreases fruit damage by insects.

Honey production and tree user rights

How do people gain access to big standing trees for beekeeping purposes? And how do people know whether a given tree is held by someone or not? In what follows I will try to answer these questions. It has been argued that changes in rights to trees, like other common-property regimes, are the product of commercialization and demographic pressure (Cernea 1988). The history of tree tenure goes with the increasing commercial and exchange values of honey. To put the discussion into context, before discussing the evolution of tree tenure rules in relation to honey

production, I will give a brief account of the local system of honey production and the increasing commercial value of honey, which has important implications for the shift in rights in some categories of trees from a widely shared group user rights to a primary user rights held by a household and/or an individual.

Oral narrative have it that in the past Luqa was the land of milk and, therefore, there was not a considerable demand for honey nor was it produced regularly in an organized way. The collection of wild honey for domestic consumption, instead of honey production both for domestic consumption and exchange, was the order of the day. Although I find it difficult to establish the exact date when wild honey collection was replaced by a systematic way of production, today there is ample evidence to suggest that the former has ceased to be the main form of obtaining honey. However, systematic honey production in the area entails relatively unsophisticated mechanisms. Beehives are carved out of wood or made of tree bark and are coated with cow dung and smoked with incense so as to attract bees. Two to six, depending on size and suitability, beehives are normally placed in a tree and remain there with and sometimes without bees-repaired and polished as time passes by. It is widely acknowledged that for many reasons beehives need to be kept at a reasonable distance from cattle kraals and settlement sites. This points to the importance of trees located in the savannah woodlands compared to those in and around settlements, a point that should be kept in mind.

One of the by-products of the shift from wild honey collection to systematic production is associated with the growing social and economic values of honey. Honey is widely brewed and drunk as mead (*horengo*). It is also the major constituent of bride wealth payments and one of the main sources of cash income which can also be directly exchanged for small stock and sometimes even for cattle. Furthermore, from the regional perspective, the Tsamako have become the main⁷ producers and suppliers of honey for the Key Afer and Hor local markets. It is important to decipher the growing productivity of some categories of trees and the growing interest in establishing primary user rights in them.

I pointed out earlier that in the past big standing trees were held by territorial sections with households and individuals within them holding more or less 'equal' user rights. The interests of people in such categories of trees were very sporadic. The reasons for this are twofold. First, informants stressed that within the reach of their living memory Luqa had more grass, and a wide range of species of wild animals, but there were fewer scattered standing trees during the first quarter of this

⁷ The production of honey is prohibited among some neighbors of the Tsamako, for instance, among the Hor. The Tsamako, the Hamar and to some extent the Watta Borana have been the chief honey suppliers for the region. Tadesse (1999:323) has this to say: "Hor desire honey and use it for ritual and to make honey wine but will not handle beehives. Indeed any Hor who does so would be punished by the Jal'aba elders".

century than today⁸. The question of establishing whether there were less trees and more grass in the 1920s than today or vice versa is impossible, for there is no recorded information on the subject. One point is beyond doubt, however, that is at the moment Luqa is well covered with trees but grass is a scarce resource when the dry season sets in. The second reason, already alluded to, is the absence of an organized way of honey production and the low demand for honey itself make the productivity of such trees low.

There is ample evidence to support the fact that the commercial value of honey was low during the establishment of Luqa as a permanent settlement in the 1940s. The region, for instance, was totally isolated from other regions and markets until the construction of all weather roads in the 1970s. Today, contrary to the past, following the emergence of a systematized and a regular production along with an increase in the commercial value of honey, almost all big standing trees suitable for honey production were, and still are, permanently held by either individuals and/or households. These social actors have primary user rights over others and such rights are handed down from generation to generation. Nevertheless, as we will see later, such rights do not include rights to fell such big trees.

Before I begin to describe the manner in which big standing trees are marked and reserved for individual or household uses, I shall point out a couple of findings that emerged from the 1997 house-to-house survey carried out in Luqa, which revealed that more than 70 percent of households were engaged in honey production as a side business. However, as to the degree of household involvement (measured in terms of number of beehives) in this economic sector, the same census showed that there is an inverse correlation between size of household livestock holdings and number of beehives. I found that livestock-poor households invest more labour and time in honey production than livestock-rich ones. Informants stress that this sector of the economy is an important pathway for livestock-poor households to rebuild family herds and to pay their bride wealth debts. This finding is in agreement with the assertion that trees are important particularly for the rural poor (Chambers and Leach 1987).

Finally, the exchange and commercial values of honey are increasing along with the emerging integration of the local economy into the region. This process is partly facilitated by a growing number of itinerant traders in the region that bridge the gap between the former and the latter. The growing economic value of honey and the expansion of this sector meant an increasing demand for trees. Primary user rights to trees for beekeeping purposes and the mechanisms of establishing and maintaining them are issues that I seek to describe below.

⁸ Most of my informants argued that the increase in the land covered with trees since the establishment of Luqa as a permanent settlement has been enhanced by livestock, particularly goats and sheep, who consume, for instance, acacia pods and spread seeds widely with their dung. (Often such seeds are not thoroughly consumed by goats and sheep).

Big standing trees, suitable for hanging beehives, display a set of marks denoting the fact that they were controlled by someone. Trees are often branded with one or a combination of three types of marks which are devised for the establishment of primary user rights over standing trees. I shall briefly describe these three tree tagging mechanisms one by one. The first, *hash'o*, is made by the removal of a patch of bark about ten centimeters by ten centimeters square. This easily detectable mark is usually made during the later stages of growth and, though it may gradually shrink, remains on the tree throughout its life. The second *hoko toro* (*toradie*, pl.) is a temporary mark made by banging pegs into the trunk to indicate it has been booked for a honey barrel. The third way of marking is by lopping (*likaso*), which may be done before a tree is grown enough to take a barrel. Lopping needs to be carried out by a knowledgeable man who knows a tree the right time of year and stage in the growth of the tree to carry it out; proper lopping may accelerate growth but bad lopping may threaten the tree's survival. A man who marks a tree should do it with a witness and also show neighbours and friends in case someone else challenges his claim. Marks may need to be remade from time to time so that they remain clearly visible. Once a honey barrel has been hoisted up a tree, the need to maintain marks ceases (2009).

The first person who made any one of the three marks secures his primary user rights over that tree which also includes the right to cut branches for fence construction. Once such a right is established, the right-holder has the right to transfer it to other individuals or groups at will. A right-holding unit can be either a household or an individual. The right-holder can also grant temporary or secondary user rights to others. The modal form of this tree right transmission is commonly governed by the general principle of property transmission-primogeniture. That is to say that often primary user rights are transferred from generation to generation through the prevalent form of property transmission from the father to his senior son and thereby to his younger sons (2009).

Secondary user right-holders, as the name implies, are those who hold the right of use for a certain period of time. This varies from case to case and from one condition to another. Members of the same generation-set and neighbours are most likely to offer secondary tree use rights to one another. Secondary rights can only be obtained from those individuals who made the first tree mark and consequently hold effective control. A secondary user right-holder can lose his rights at any moment when the primary user right-holder revokes his rights. Secondary use rights are not transferable.

Rights to fell trees

Individuals, independent of the type of use rights they hold, however, have public responsibility to protect and conserve trees and to use them in the best interests of themselves and their children. This public responsibility in trees which were controlled by individuals and household is expressed by communities as represented by the council of elders. As we shall see below, there are compelling reasons for the

public to keep an eye on standing trees in general. Every resident, irrespective of his status in the community and the existing forms of tree utilization, is prohibited from cutting down big standing trees of any species and all fruit producing trees of all sizes. Even when people used to clear woodland for cultivation they were expected to retain such trees. Every resident is expected to abide by this rule, independent of his/her utilization of the resource in question. This is simply because big standing trees, irrespective of their location, are meant to serve people just as they are. The list of the major purposes such trees serve includes, shade for both the human and animal population, for honey, for seed pods and fruit production.

Given this public vested interest in trees, the maximum limit of the use of trees, for other purposes, seems to be defined and governed by the satisfaction of 'essential needs' which have a great deal to do with the moral values of the society. Constructing houses, granaries, kraals and carving out honey barrels and some simple hand tools and tools handles are the main reasons that justify the need to fell some species of trees now and then, but few require big wood as the common house type is a small hut with a simple architectural design. "Their [Tsemako] houses are of the 'tukul' type with no plastering and partition. Typically a 'tukul' measuring 2x4 meters is used both for cooking⁹ and sleeping" (Halcrow-ULG 1982: Final Report Summary: 8). The most common kitchen utensils are, half-calabashes made from false pumpkins, clay pots and one or two iron and stone pans. The only wooden carved household utensils that require tree cutting are stools (a specially designed dual purpose stool to sit on and for use as a neck rest) such items per household is kept to the barest minimum. There was very little expressed need for more material possessions, according to oral tradition, when there was a relatively higher degree of dependence on the pastoral sector of the economy until some four decades ago.

Fruit and folder producing trees

People want to preserve the savannah woodland primarily due to its importance as browsing for their livestock and for beekeeping. How much inhabitants care for trees is demonstrated by the sheer volume of standing indigenous species of trees both in residential and savannah woodland areas. This does not mean that there are no contradictions and competition between different uses and among different users. Due to the tight communal control in Ero the felling of trees without an absolute need was, and still is, rare and if it happens is strongly sanctioned. A system of sanctions protects the trees; there is a general ban on cutting big standing trees, and areas are symbolically closed for some activities but open for others (e.g. beekeeping). In some areas, for instance Luqa, it is no longer possible for residents who want to remove savannah woodland at Ero to create arable land. The strict territorial divisions reflect the council of elders command.

To understand the present problems of savannah woodland control and management in Luqa one needs to look at changes occurring during at least two different stages:

⁹ Except during the wet season women often cook food in the court yards.

(1) the period when trees were relatively abundant in relation to the low demand and (2) when scarcity was becoming evident following the expansion of crop production since the 1970s. During the first period, almost all tree species could be used freely by residents and, since savannah woodland was relatively plentiful, people often cut trees to make room for fields. But this situation drastically changed following the increasing demand for agricultural land and resulted in the demarcation of land for cultivation and savannah woodlands for other purposes in the early 1990s. The boundary between Ero, the savannah woodland area, and arable land was delineated by the council of elders' at a general meeting held in Luqa in 1992. Since then the question of clearing savannah woodland for purposes of cultivating crops is no longer an option open for young men in general. As discussed in chapter four, at the moment almost all potential agricultural land is in the hands of people who have settled in the area since the early 1940s. Now new migrants have to beg land from relatives and friends. The following account shows how and why a resolution banning clearing of savannah woodland was passed in 1992.

Council of elders' resolution on clearing savannah woodlands for cultivation

Case 1: In January 1992, three Gewada men and two men from Luqa began clearing savannah woodlands at a place called Gura. Gura is about 3 km from Luqa proper. Some elders in Luqa were informed about the land clearance project in progress. This piece of information was disseminated across adjacent territorial sections and became a subject of discussion for two and a half days. In the meantime, some Luqa elders instructed those five men in question not to carry on with their land clearance project until they received permission from the elders' council. Soon elders from Babo, Oro and Luqa felt they needed to call for a general meeting to consider the cases. Most elders were gathered and also some young boys. The five men's savannah woodland clearance project was the main issue on the agenda. Those who advised the five men to stop clearing until the elders' council decided on the matter informed the meeting about what had happened. Some young boys who had also witnessed the land opening up project in progress put forward their own account of the situation. Then this was followed by a kind of court hearing of the five men's cases.

All of the five men presented their own objective in the land opening up project to the meeting in turn. The meeting found out that all of them are landless. The two Luqa residents are unmarried young boys-one lives with his father and the other with his elder brother. Also the meeting learnt that both of these young boys intended to open up new fields for cultivation. As people did in the past their aim was to produce grain, exchange it for livestock and begin to build their own family herd while the three Gewada migrants case was slightly different. All of them were married men but they had left their wives back home, over 60 km to the east of Luqa. They informed the meeting that they all do not have enough land at home. Their stated intentions were to clear savannah woodlands, establish fields and bring their wives and children here soon after the first harvest. These were all perfectly

acceptable cases from the elders' point of view as there were precedents where many Gewada migrants settled here.

All of the five cases were acknowledged and elders felt that these were legitimate reasons for clearing woodland as they all did in the past. But now the savannah woodland is diminishing, soon it is going to be converted into farms. Elders felt that honey production, browsing for livestock and gathering wild food are all at risk. Above all, their children will be left with no wood resources for constructing houses and making tools at all. Given this situation the meeting decided that there should be no further savannah woodland clearance. The council ordered all the five men to give up their plans to open up new fields. Instead they were advised to borrow a piece of land from those residents who have more land. Finally after a daylong deliberation the elders passed a resolution. This resolution bans clearing savannah woodland beyond Gura. Gura became a *sabanco*, boundary between farms and Erothe savannah woodlands. In the end one of the three Gewada migrants went back home, whilst the rest of them managed to get a piece of land each from their relatives, and friends (Interview with Surqa, July 1998).

It is interesting to note that two species of trees are often talked of and considered as standing crops one for people and the other for livestock. These are: *Acacia tortilis* (Forssk.) Hayne and *Balanites rotundifolia* Blatter locally known as *dataco* (plural, *datanie*) and *kuyato* (plural, *kuyanie*) respectively. Felling big standing acacia trees is prohibited though they may be lopped. This rule is imposed by the council of elders and is internalized by everybody in the community. The acacia tree is often talked about as, *mango-grain* for livestock, because the acacia produces seed pods that are very important fodder for sheep and goats during the dry season. Acacia seed pods are collected and stored from acacia trees around homesteads. Sick small stock and calves (and to fatten selected castrated ones) are fed such pods bit-by-bit to assist them in surviving the prolonged dry season. Being one of the most valued and conserved trees roughly half of the vegetation cover of grazing lands, including settlements, is composed of Acacia trees.

Next to acacia, *kuyato* (*Balanites rotundifolia* Blatter) trees are ubiquitous. Any cutting of *kuyato* trees is entirely banned. In principle no one has the right to cut this tree at all. The rule requires that this tree be treated, and often is talked of, as a grain, and people only have use rights to this species of tree which produces dry season fruit for human consumption. People consume the flesh of the fruit and the seed is boiled with maize and prepared for consumption too. Moreover, informants maintain that this seed, apart from its nutritional value, is also presumed to have a medicinal value used for treating stomach ache.

Social values attached to trees

Trees are valued for the multiple-uses and purposes they serve in day-to-day life. But the notion of their importance goes beyond their immediate material importance. Apart from the valuable welcome shade they offer during the dry season and being a means of meeting seasonal food shortages, they also have certain

ritual and ceremonial importance. The council of elders usually meets under the shade of big trees and makes important decisions and settles disputes. Important ceremonies and rituals are prepared and held under big trees. Above all green grass and/or a bundle of sticks symbolize peace, growth, good wishes and prosperity. As a result, whenever rituals of societal importance and ceremonies marking the rites of passages of individuals are prepared, those who take part in ceremonies should be blessed with green grass and/or a bundle of sticks.

Some of the symbolic values of trees and grass deserve mention here. Green leaves are believed to mediate relationships between human beings and supernatural powers. For instance, at times when there is no rain elders gather and pray for it holding green leaves in their hands. While mediating between the parents of marriage partners an elder holds a stick (not yet dried) with his hand so that he will be respected and succeed in the dispute resolution. When generation-set members are initiated and handed over the responsibility of maintaining law and order in the society, each member will receive a bundle of sticks from senior generation-set members wishing them success. If a person begs for something holding a handful of green leaves and grass he should be offered it.

When a person exchanges livestock for grain, the former will give a bundle of sticks to the latter symbolizing and/or wishing him/her to multiply *zeqitie* (blessing); when an individual performs the rite of passage to get married and bear legitimate children, s/he puts a strip of bark with baboon skin on her/his wrist. So does a man when he kills an animal for a *gilo* ritual. Among the Tsamako big trees are sacred. If, for instance, somebody beats his/her child who is found guilty of a misdeed, and if the child embraces a big tree with his hands that person has to stop beating him/her. Beating a person while s/he is holding a big tree is forbidden.

Monitoring and enforcement mechanisms

Infractions are sanctioned in the light of their seriousness as well as by the willingness of the accused to admit guilt and submit to penalties. For instance, individuals judged guilty of felling big trees will be flogged and fined *parshe*, local beer, small stock or even cattle. The animal will be slaughtered and the meat and the beer shared out or will be served to those who took part in the meeting as the following cases show.

Case 2: One day in the mid 1980s a man called Wado Geda cut two big trees for fencing his farm. Some elders talked to him and convinced him that what he did was wrong. They reprimanded him and left it at that. Some years after, he was also found to have cut all the branches of a big tree. Some months later the tree dried up. Then his case was brought before the elders' council. He tried his best to defend himself. He admitted that he had cut the branches of trees. But he had no intention of causing the tree to dry. The elders' council reached a consensus. He was found guilty. The council decided he should be fined a cow or a bull. Members of the *bibilco* generation-set, the then responsible age group for executing the council of

elders' decision, were ordered to *zaqaz*, pierce with spear, one of the best cattle of Wado's friend. Wado's friend's bull was killed and eaten by the entire community. Then Wado's friend appealed to the council of elders for compensation. Wado knows that he had to make up for the loss. The elders gathered and after a long discussion focused on weighing the value of the slaughtered bull against Wado's, they decided the bull was equivalent to a cow. Wado gave his friend a milking cow (Interview with Beni, February 1997).

Case 3: In 1988 Weraqie, then a young boy, in *Luqa* territorial section wanted to cut a tree for carving out a beehive. Weraqie thought that the tree was suitable for that purpose. The tree was located at *Luqa* but fell on the buffer zone between two homesteads and therefore belonged to the entire settlement. Late in the afternoon he made, with an axe, a mark on the tree and left, planning to come back the next day. Some people who saw him making the mark with a stated intention of cutting the tree reported it to the elders in the community.

The next morning he was approached by a couple of elders. After a brief discussion he was told that elders would not let him cut the tree. He was warned and instructed not to cut such a tree in the settlement in the future. This tree is still there carrying the scar of Weraqie's attempt (Interview with Weraqie, February 1997).

Case 4: In March 1997, members of a household, headed by an old man called Balla, were discovered to have fenced their farm with branches of *Kuyato* and *acacia* trees-trees producing fruits and pods respectively. Two elders Argo and Beni, members of the *biblico* group, went to Balla's household to approach them. It was early in the morning. They greeted the household head and his wife. They sat on each others' *kerie*, stools, next to each other, chit-chatting about the standing crop fields lying in front of them. Then they informed Balla and his wife about the purpose of their visit. Balla and his wife learnt that elders wanted to enquire about the reason why they had cut branches of those special trees. The wife started to make them coffee. While drinking coffee they carried on talking about it. Balla, as an older member of the *nelbasco* generation-set, stressed that he had not done it. The field was fenced by his two young sons. Balla himself acknowledged that his sons should have gone to the savannah woodland and brought branches of other species of trees. He was convinced because the elders had a lot of points to make. Some of the questions, among others, elders put to him were: Don't your goats and sheep eat pods? Don't members of your family collect and eat fruits? If you want to cut such trees you should drive your livestock away from here. Finally they told him that it is in the best interests of the community to care for such trees. If his sons were found doing that again they should be brought before the council of elders and be fined (Interview with Argo, April 1998).

As the above mentioned three cases show, punishments are not confined to those who have felled big standing trees but are also applicable to those who have cut a branch of a tree unwisely, that is in a way that affects the future growth of a tree. In