REPORT ON THE SYSTEM OF WATER ALLOCATION AND LAND TENURE IN WADI RIMA

WITH SOME NOTES ON THE LAND TENURE, WATER AND RELEVANT PROBLEMS IN THE MONTANE PLAINS

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Throughout the history of the town of Zabid, Wadi Rima was always regarded as the second wadi of the people of the town of Zabid. Up to date the southern part of the wadi and the majority of land and villages come under the local government of Zabid (Qada Zabid). This includes the land of al-Dumainah, which is part of the tribe of al-Jash, the land of al-Galamah, the land of al-Musawfah, the land of al-Qarashiah al-'uluyah (upper Qarashiah), the land of al-Badw, and the two sections of the wadi west of the Taiz-Hudaidah road, al-Mahat and al-Qarashiayh al-Suflah (lower Qarashiah) near the coast. The land outside the bed of the wadi above the northern bank, comes under the local government of the rival town of Bait al-Faqih. Originally this was the grazing land of the ancient Arab-Tihami tribe of the Zaraniq. Today its population is a mixture of Zarnuqi tribesmen and descendants of African slaves and landless labourers. Historical sources and documents made available to me by the people of the wadi, indicate that prior to 1348 A.H. (approximately 47 years ago), most of the villages now occupied by non-Zarnuqs were not existing as the area was covered by bush and growth. The Zaraniq dispute with Imam Yahya b. Hamid al-Din broke out into armed conflict, which ended with victory for the Imam, who declared the Zarnuqs outlaws and took their land as booty of war, "because he entered upon it 'unwah, i.e. by force'.

The Imam's commander and personal representative, Qadi Muhammad al-Hudaid, stationed himself in al-Husainiah, after capturing the Shaikh of the Zaraniq Ahmad Hassan Fasihq. Tempted by the riches of Tihamah, which was then enjoying good years, al-Hudaid secured the permission of the governor of Hudaidah, Saif al-Islam Muhammad al-Badr b. Yahya (not to be confused with the last king of Yemen al-Badr b. Ahmad), to reclaim part of the land near the northern bank of Wadi Rima and farm it on behalf of Bait al-Mal, the Public Treasury. In practice this meant the
Land’s revenue would go to the Imam’s family. At this time the waters of the two rivers were deflected to the farming lands of the people of the south bank. Al-Husayd persuaded (or as some say now, forced), the farmers of the south bank to allow him to dig a new shariq/sharqa to deflect water at a point near Mishrafa to the north of al-Dumainah. The water of this channel was meant to irrigate no more than 300 mā‘āda, the total area reclaimed on behalf of the Imam. In the beginning, the farmers of the south bank did not seem to object to this, mainly because the amount of water deflected was insignificant and the seasons were good with plenty of rain. Later, in 1349 A.H., a complaint was put forward to the Qa‘am of the Imam in Jana‘a, by the people of the south bank. In the complaint, the leader of the people of the south bank, the Shaikh of al-Badwah, stated that al-Garoubah (the term garaba means to cut clear), which became a Safiah of Bait al-Mal, was depriving the people of the wadi of their water rights. The case was referred to Saif al-Islam Ahmad (later Imam Ahmad). Ahmad wrote to his brother al-Badr, the governor of Hudaidah, the following letter, which was made available to me by Shaikh Muhammad Abdullah Abkar of the village of Basat, and of which I possess a photocopy:

قد أذننا لأهل البدوء بكسر مجرى العافية ما دام وكيل بيت المال لم يبرز إفاده في استحقاق العافية للمشرب وإذا ظهر صادق خري لبît المال في المشرب فله حكمه وهذا بيد أهل البدوء لمنع كل متعرض من وكيل بît المال عن أهل البدوء والمحط والقرا دينه أهل الوادئي في رمع فتا ظرين الآن لتعتليم بغير برها د 12 ربيع الأول 1350

We have permitted the people of al-Badwah
to break down the canal of al-Safiyyah (al-Jaroubah) so long as the Representative of Bait al-Mal (Public Treasury) is unable to produce proof of the entitlement of al-Safiyyah to the canal; though when a legal proof in favour of Bait al-Mal is made available it shall import a legal decision thereupon. This being in the hands of the people of al-Badwah to deter any of the Representatives of Bait al-Mal who may obstruct the people of al-Badwah, al-Nahat and al-Jarashish who inhabit the Wadi in Rima, who from now onwards shall not be interfered with without evidence.

This decision supported by the governor of Hudaidah was upheld for several years. During this period al-Jaroubah was allotted a small share without hindering the water rights of the other farms.

After 1948 when Ahmad became the Imam of Yemen, he appointed Salih al-Jabali of Bait al-Faqih as his representative in charge of al-Jaroubah. Copying the example of the British in Aden, he introduced cotton, built the house now occupied by the ma'mour, and expanded the cultivated area. He also dug another canal and named it - according to some sources - al-Mu'in, after one of the coasters owned by his brother and partner, Ali Muhammad al-Jabali. To sooth the feelings of other farmers in the wadi, and appear fair to his master, the Imam, he introduced a system hitherto unknown in Yemen. This required the farmers who previously benefited from the water by right, to pay a sum of 5 Maria Thresa Rials per each ma'ad (approx. 1 acre). The fee was of course not required when the flow of water exceeded the requirements of al-Jaroubah and the private farm of al-Jabali. The system remained in force until the Republic was announced. In the years following this event the people of the south bank of Rima, lead by the Shaikh of Basat, Muhammad Abdulla Abkar, who was later elected as the representative of the qada of Zabid in
the Consultative Assembly (Majlis al-Juma), made several attempts at securing a legal or administrative binding decision for the restoration of their rights, but each time they came near this target a change of government or an event takes place which puts them back to yet another beginning of a fresh attempt.

2. THE EXISTING SYSTEM OF WATER ALLOCATION

At present there are five canals which benefit from the water of the wadi. These are Al-Hudaïd and Al-Mu'in in the north bank. Both benefit freely from the perennial and flood flow throughout all four seasons, though understandably Al-Mu'in receives less quantity of water. Al-Ashraf and Farī' serve the land of Bani Sawadah in the south bank - not mentioned above as most land in this area is owned by two or more branches of the Wajih family. These two canals receive strong flood water freely, but pay as much as 40 Rials per ma'ad for water outside the flood seasons, (the current official rate is 15 Rials per ma'ad). Their share of water is considerably better than the others on the south bank, upstream, midstream or downstream. Even so, the supply of irrigation water is often supplemented by well water. Zurran serves the upstream lands of Salamah, but apart from seasons when the flow is strong, most water deflected to this canal is paid for at the actual cost of 40 Rials per ma'ad (official rate 15 Rials per ma'ad).

The above canals are upstream but their waters are also shared by three other smaller canals situated in the same section of the wadi. These are Maliki and Nadhal which deflect water to the lands of Dumainah (south bank), and Yousufi, which deflects water to the lands of Salamah. Once again these canals also pay for the water that flows into them outside strong flood seasons.

The lands of Husawifah were in the past served by the following canals in that order: Masfiyah

Muafi
The lands of upper Garashtah were in the past served by the following canals in that order:

   Jumariq
   Sulh
   Al-Ardban
   Al-Ra'ifi (considered a very important canal in view of size and area which benefit from its water)

       Al-Balash
       Al-Balash

The lands of al-Balash were in the past served by the following canals in that order:

   Al-Balash
   Al-Balash
   Al-Balash
   Al-Balash

Both al-Balash and al-Garashtah al-Sufla used the total deflection system by means of across the wall aquas (barrages).

Part of al-Balash and Balash and al-Garashtah al-Sufla are situated downstream while the remaining canals from Maslahi downstream are situated midstream. Experience and historical records often prove that midstream cultivators are the first settlers in the wadi. Movement upstream and downstream occurs afterwards. In the case of Wadi Kima this is proved by the somewhat complex administration of water rights. In each tribal division in the south bank I was shown lists of names of beneficiaries, plots of land and the order of water land, all put down on written records. Each major or minor canal which served several farms owned by different persons had an administrator or two: a muwshi or barrag. The latter often employed during the flood season to warn landowners and tenants of damages or thefts of water. The sheikh of the area acted as judge but often when he
was not able to act in this capacity disputants select arbitrators through his office and he enforces customary law either on his own, or if need be, through the local government in Zabid. He is also his area's representative when there is conflict with other beneficiaries in the wadi.

In the Jaroubah farm on the north bank, which is at present a state farm cultivated by tenants, no such lists are offered. It also appears that the water deflected through the canal of al-Hudaib is presently extended to lands outside the boundaries of the State property. All attempts made to interview the Ma'mour of the farm or the tenants and the cultivators outside the State boundary were shunned. In the same way no definite information was offered in al-Husainiah regarding al-Mu'in or some other plots of land which seemed to benefit from the water of Wadi Rima.

3. THE LAND TENURE SYSTEM

There are three types of landlord in Wadi Rima. The State, the big or major landlord, often from a rich family or a well-to-do shaikh, and the mid to small size landlords. Upstream lands are owned by the State and the rich in that order. Some mid-stream lands are owned by well-to-do shaikhs, while downstream lands and lands situated at a considerable distance from the banks of the wadi are owned by small landholders. Often the latter are rainfed farms. The State, the rich and some of the well-to-do shaikhs never till their own land; they offer it to share-croppers instead. These vary from poor deprived labourers, descendents of slaves and serfs, to well founded professional tenants. The poor tenants often till dry lands or rainfed farms for a return of two-thirds of the crop, after the deduction of the one-tenth from the ras gross yield for the tax collector. They provide labour and often pledge their harvest crop to the landlord himself, who provides advances for the purchase of seed and necessary expense. Wadi irrigated farms are held by better-
off tenants who receive one half of the gross crop but pay out of their share one-tenth to the (wukat) tax collector. These seem to do well when they are dealing with rich farmers but there is little information available on their relations with those who administer the State Farm.

Tenants hold the land on a seasonal basis and although some may continue to do so for many years, long term agreements are unknown and cash payments are unheard of, even in the few instances where cash crop is cultivated. But once again this information does not cover the State Farm where the actual situation is not exposed.

Shirk, that is share-cropping is seldom contracted with outsiders and more often the agreement is verbal and subject to al-urf al-sayid (prevailing practice).

4. RELATED PROBLEMS

One of the major problems of irrigation in Wadi Rima is the practice of basin to basin watering of land, which apart from its technical undesirability, is also the cause of much dispute and squabbles among the farmers. Main canals are badly maintained and although in places, such as the State farm, realignment of canals would not be resisted, private owners may find it unacceptable to give up part of their land for new canals unless this takes advantage of the bunds.

Much of the cultivation is dependent on cheap labour paid mostly in kind. Presently however landlords and tenants are facing unprecedented problems of shortage of labour. A great many of the local hands leave the villages for the rich oil countries and migrant workers are now hard to find. Labour needs are to some extent supplied by women, but even this may not remain a reliable source for much longer.
abandon wells where water seems to be available. In two instances, near Shanadhub, after tunnels were dug in order to place water pumps at the right elevation, the continuous sinking of the water surface finally forced the owners to abandon the wells.

7. PATTERN OF LAND OWNERSHIP

There are no large landholdings in the areas investigated marking individual or family dominance, though of course each village may be regarded as a series of families related through blood and marriage affinity. In the village of Tanadhub I counted no less than 36 landholders within an area extending less than 1/4 km. from the borehole and not exceeding one half of a circle from that point. Most landholders are close relatives. Shaikhs and merchants may have larger holdings but this is by no means as large as the holdings of some rich farmers in Tihama. In qa' al-Haql (56) some land is owned by rich merchants and shaikhs from outside the area, and it is also here that considerably large holdings are found to belong to the waqf.

8. TENANCIES

Most lands are tilled by their owners. Within each family there seems to be a system which allows for one member of the family to stand in for another, working in Saudi Arabia or the Gulf or elsewhere; his family thus is ensured of daily food and fodder for the animals. As such, tenure is limited but where it exists it is mostly seasonal and based on share-cropping. Thus, the notion of long term lease of land is totally unknown while the ratio of shares in the crops varies according to physical and climatic conditions. In productive areas the owner may receive a third or one half of the net crop. In less productive areas the share of the owner may not exceed one fourth of the net of the crop. Some areas attach no conditions to the agreement of share-cropping while in others conditions may be attached. This is clear where the area is dependent on well water (Shanadhub 59). Here the tenant under-
takes to till the land and provide labour etc., while the owner provides the water pumping devices, fuel and maintenance. In return he receives one half of the net crop. If, however, the tenant provides this, the landlords net share is cut down to one fourth. In the same village I was told that lands which are rented are let out on three-fifths to the tenant and two-fifths to the landlord. In al-Husayn, a village located in the heavy rain belt area of central Yemen, the villagers told me that if the landlord is a fellow villager the tenant will give back to him a net one half. If he is from elsewhere his returns will not exceed a net one third. However where the tenant receives two-thirds, he is along responsible for payment of zakat; otherwise the zakat falls upon the other party. In other places the zakat is deducted from the net product before the crop is divided between the sharing parties.

Land tenure would no doubt require to be thoroughly looked into, but apart from the village of al-Husayn (36) most villages studied seem to attach little or no significance to it and regard it as an internal matter, mostly the concern of one or two families in the village. Landownership, on the other hand, may require some attention and it is therefore recommended that a limited cadastral survey be carried out in the areas near E9, E2 and E7.