

THE EVOLUTION OF LEGAL PLURALISM IN THE LAND CONFLICT OF JEMNA OASIS, TUNISIA: TWO CENTURIES OF CO-EVOLVING LEGALITIES AND THE EMERGENCE OF SOCIAL AND SOLIDARITY ECONOMY AS NEW PARADIGM

Daniele Vico*

*Facultat d’Economia i Empresa - Universitat de Barcelona, danielevico.dv@gmail.com

Abstract

This paper analyses the evolution of the dynamics of power and legitimacy in the land conflict of Jemna Oasis (Tunisia) from pre-colonial times to present, with particular emphasis on the post-revolutionary phase of negotiation between the State and the locals. From a socio-legal perspective, it reflects on the interactions of the different “legalities” in play. It points out the role of “revolutionary rights” and of the principles of Social and Solidarity Economy in shaping the political discourse in favour of the collective experience. The paper relies mainly on journalistic sources, backed by semi-structured interviews to relevant stakeholders involved.

Questo articolo analizza l’evoluzione delle dinamiche di potere e legittimazione nel conflitto per la terra dell’oasi di Jemna, dall’epoca precoloniale a oggi, con particolare enfasi sui negoziati tra lo Stato e la comunità locale successivi alla rivoluzione. Attraverso un approccio socio-giuridico, l’articolo riflette sulle interazioni tra le diverse “legalità” in gioco, mostrando il ruolo della “legalità rivoluzionaria” e dei principi dell’Economia Sociale e Solidale nell’orientare il discorso politico in favore dell’esperienza collettiva di Jemna. L’articolo si basa principalmente su fonti giornalistiche, supportate da interviste semi-strutturate a attori rilevanti coinvolti nel conflitto.

Keywords

Land conflict, Jemna, Tunisia, Legal Pluralism, Social and Solidarity Economy

Introduction

In the centre-south of Tunisia, between the lake of *Chott El-Jerid* and the Sahara Desert, there is a small town called Jemna. Part of the *Gouvernorat de Kébili*, it is at the centre of the homonymous oasis. This oasis is surrounded by palm trees, producing dates of the variety *Deglet Nour*, one of the main productive activities of the local economy. In recent years, the Oasis gained national attention because of the tug-of-war between the Tunisian State and the inhabitants of Jemna over the property of the land and the right to exploit it. The local population has always had property claims over the lands surrounding the oasis and has occupied the palm plantation in the chaotic aftermath of the Revolution of 2011. On the other side, the State stresses that the land belong to it since its nationalisation after Tunisian independence¹. But the land conflict fought by Jemna’s locals has much older roots than the occupation of 2011, revealing many facets and socio-legal layers involving pre-

¹<https://habibayeb.wordpress.com/2016/10/03/jemna-ou-la-resistance-dune-communaute-deposedee-de-ses-terres-agricoles/>

colonial, colonial, State, customary and even revolutionary law. The aim of this paper is to investigate the evolution of the interaction between different sources of law in the context of the land conflict of Jemna's Oasis since the pre-colonial age, with particular attention to the post-revolutionary developments.

The case of Jemna is particularly relevant because it offers an additional perspective from the North of Africa to the literature on the legal pluralism, underlying concept of many land struggles in the continent. Furthermore, it provides an opportunity to develop an analysis that goes beyond the usual dichotomy between customary law and State law, through a complex network of interactions between several different types of legality, some older, some newer or “renewed” through modern practices of conflict. The case of Jemna, although it has been loudly covered by the press in recent times, lacks proper academic coverage, especially in the field of law and society and generally of social studies. This research paper aims to contribute to fill the gap in the literature by providing an interesting case study to animate the academic debate.

The conceptual core of this paper is the theory of legal pluralism as it has been applied to Africa by Berihun Gebeye (2017) in his “Decoding legal pluralism in Africa”. Additionally, the analysis made by Lund&Boone (2013) of land politics in Africa was of great help, especially their classification of different forms of tenure and transactions. As explained above, due to the lack of research on the specific issue (at least up to 2020), I exploited the academic literature mainly to draw information on the general context of Tunisia. To draw a picture of the more recent developments concerning the land conflict, I had to rely mainly on journalistic sources of different sorts, found on the web. It is important to note that most of the sources I found are ideologically/politically connotated: this forced me to pay more attention to the validity and to the variety of the sources. However, this helped me to better understand the socio-cultural instances behind the different positions involved in the conflict. Furthermore, my analysis is based on primary sources that I personally collected: to better frame the position of the different parties involved, I conducted two semi-structured interviews to two persons directly and deeply involved in the recent negotiations between the State and the locals.

The core of my contribution lies first of all in the attempt to take the *affaire* of Jemna out of the journalistic narrative, by providing a case study that attempts to systematically describe its historical evolution and the interaction of different legalities in the conflict. Secondly, it offers an example of the increasing complexity of legal pluralism in post-colonial Africa, beyond the reductionist dichotomic framing of customary law vs State law. Jemna struggle involves many other different legalities, sometimes coexisting, often conflicting.

The first section of the paper provides a brief overview on the recent history of Tunisia, focusing mainly on the Revolution of 2011. The second section outlines the history of the land of Jemna, starting from the first “expropriation” by the French coloniser until today’s negotiations between the State and the local community. The third section draws on the previous two to analyse the evolution of the interactions between different legalities over time in the conflict, introducing the concept of “revolutionary legality” and the role of Social and Solidarity Economy (SSE) in shaping the legal discourse at the national level in Tunisia.

The recent history of Tunisia (El Houssi 2018) and the Revolution of Dignity

The geographical area today corresponding to Tunisia had been under the influence of the Ottoman Empire since the end of XVI century, but the authority over the country was delegated to the local aristocracy of Tunis, who was expressing a *Bey* (king), via dynastic succession. After the disintegration of the Ottoman Empire, Tunisia became a French Protectorate in 1881. In 1956, it became independent through a pacific transition negotiated with the French *Metropole*. A year after, the country became a Republic, by deposing the *Bey* (still formally in charge during the colonial period). The first elected president was Habib Bourguiba, leader of the nationalist party *Néo-Destour*, that closely after Independence began to follow a socialist orientation and changed its name in Desturian Socialist Party in 1964. Bourguiba remained in power until 1984, when he was overthrown through a coup by Zine el-Abidine Ben Ali. Ben Ali, after implementing some minor political liberalisations, changed the Constitution to remain in power. He remained at the head of the country until 2011, developing what the Tunisian social geographer Habib Ayeub (2011, 468) calls “an absolute dictatorship with a modernist face”, built on “a real organised economic mafia”, a “very effectively performing and technically modern police system” and a “systematic and clientelistic policy of selective redistribution of resources”.

In 2011, the Arab Spring inflamed the whole north African region. The first episode happened precisely in Tunisia: on December 17th, 2010, the street vendor Mohamed Bouazizi sets himself on fire in Sidi Bouzid, a marginalised region of the country, after being prohibited to carry on his economic activity (Ibid). He, as thousands of other people in the country, was making a living out of its activity as street vendor. When he was prevented from doing this, he protested that the authorities should let him work and live honestly. Through his extreme gesture, “he showed everyone that his dignity was [...] a line that should not be crossed by others” (Ibid, 472). The protests lit in Sidi Bouzid and rapidly spread in the other small cities of the area. By the beginning of January, the whole centre of Tunisia was shaken by violent protests, that police tried to bloodily (and unsuccessfully) repress. Bouazizi’s claim for Dignity, heeded by the protestors, became an open challenge to the regime. The

protest movement spread all over the country, following two directions: from the centre to the south and to the north, “and in the small towns [...] peripheral to the coastal metropolis” (Ibid, 474), where most of the inhabitants came from poor or marginalised regions of Tunisia. When the protest reached the big cities of Sfax and Tunis, the student “elites” and the urban middle classes joined the movement, adding a claim for freedom and political participation. Ben Ali left the country on January 14th, and a process of democratisation of the country began.

Ayeb’s analysis of the revolution is very interesting. He identifies one of the major causes of the protest in the huge regional divide that there was (and still is) between the north-east and the south-west of the country. The first area, closer to the sea, has the largest concentration of infrastructures and investments and it presents very high levels of socio-economic development. The second is characterised by an extractive economic system focused on transferring resources to the north of the country and to international markets. This resulted, over the years, in the progressive depletion of the natural and human resources and therefore in the increasing marginalisation of the region (Ibid, 471-472). The Revolution started from a marginal area of the centre, and the identification with Bouazizi was immediate among the people of the south and the west and among the internal migrants living in peripheral areas of the big cities of the north. Named “Revolution of Dignity”, it implied the importance of a dignity based on basic socio-economic rights such as employment, food and end of marginalisation. Indeed, the main claim of the Revolution was for socio-economic rights, paired with a revendication for civil-political rights only in the final phases of the protest, through the involvement of the urban middle class (Ibid, 474). This interpretation is fundamental to understand the instances involved in the land conflict of Jemna.

The history of Jemna’s land

It was difficult to identify the owners of the lands surrounding Jemna before French colonisation. Some sources describe the oases of the desertic region of Jerid as composed of a multitude of gardens, owned in majority by a local elite, the *Šorfa* (Battesti 2013, 10). Another source generally underlines how a large part of the agricultural land of the country was considered “indivisible” and “community managed”.² According to Tahar Etahri, President of the *Association pour la Protection de l’Oasis de Jemna*³ (APOJ), there is a document dated 1856, signed by a notary of the *Bey* of Tunis, which proves that the land belonged to the tribe of *Hnaïen*.⁴ In 1886, the colonial authority imposed a land registry,

² <https://habibayeb.wordpress.com/2016/10/03/jemna-ou-la-resistance-dune-communaute-deposedee-de-ses-terres-agricoles/>

³ The association established in 2011 by the local community to manage the occupied land, which will be better describe later in the paragraph.

⁴ From my interview with T. Etahri, conducted in January 2020. All the citations of Etahri present in the paper come from this interview.

individualising the property of agricultural land to facilitate the access to settlers.⁵ In the region of Jerid, the best parcels of land were confiscated and assigned to French settlers or to people from Algeria (Battesti 2013, 10). This was the destiny of the land of Jemna, dispossessed in 1912.⁶ In 1937, the French family of Maus de Rolley settled in the town and set up a palm plantation. This expropriation, imposed without compensation, remained stuck in the collective memory of the population.⁷

With the advent of the independence, Bourguiba's socialist government nationalised the land (1964) (Ibid) and pursued a modernist model of intensive agriculture.⁸ Etahri explained that, in 1964 and 1965, the local population "sent two letters to the political authorities of the time, claiming the land back". In the same period, according to an officer of Ministry of Agriculture involved in the issue since 2016, that I interviewed, the people of Jemna made an agreement with the Tunisian Government, to get the land back and to purchase to the State the palm trees planted on the land since the French occupation. The government set the price at 80.000 dinars and many families of Jemna contributed to the first tranche of payment (half of the amount). However, the government did not fulfil its promise and gave to the families, instead, some shares in other public enterprises in the region, without any land property shift⁹. "We payed 40 thousand dinars with our money. The governor built a hotel in Gabès, launched an import-export company and a transport company. We are shareholders of these companies, willing or unwilling", told me Etahri. Furthermore, in 1980 they received an answer to their letters by the governor of the region, "refusing to give back the oasis". After the socialist developmentalist policies of the 60s/70s, when the plantation was managed through state-owned cooperatives, the 80s were characterised by progressive economic liberalisation and by Structural Adjustment Programs imposed by the International Monetary Fund¹⁰. The plantation was managed by the *Société Tunisienne des Industries Laitières* (led by two entrepreneurs close to Ben Ali), that went bankrupt in 2002. At the beginning of 2011, it was managed by a *société de mise en*

⁵ <https://habibayeb.wordpress.com/2016/10/03/jemna-ou-la-resistance-dune-communaute-deposedee-de-ses-terres-agricoles/>

⁶ <https://www.opendemocracy.net/en/north-africa-west-asia/jemna-in-tunisia-inspiring-land-struggle-in-north-africa/>

⁷ <https://habibayeb.wordpress.com/2016/10/03/jemna-ou-la-resistance-dune-communaute-deposedee-de-ses-terres-agricoles/>

⁸ <https://www.opendemocracy.net/en/north-africa-west-asia/jemna-in-tunisia-inspiring-land-struggle-in-north-africa/>

⁹ From my interview with the officer of the Ministry of Agriculture, conducted in January 2020. All the citations attributed to them present in the paper come from this interview.

¹⁰ <https://habibayeb.wordpress.com/2016/10/03/jemna-ou-la-resistance-dune-communaute-deposedee-de-ses-terres-agricoles/>

valeur et de développement agricole (SMVDA), a type of private sector organisation foreseen by the Tunisian law.

Then, the Revolution began, and it spread to Jemna.

During the Revolution, the institutions belonging to the State were occupied and sometimes set on fire by the young protesters. In Jemna, the police station was set on fire and in the same day, on the 12 of January 2011, the young people took back what they always considered the property of their ancestors. The palm plantation represents for them the power, the dispossession, the malversation, the corruption and also a form of tyranny experienced by their parents. They took back the land and expelled the keeper that was in that place, and from that moment on, the investors have never put their foot on our land anymore (Etahri).

The young people mentioned by Etahri in his chronicle of those days were part of the *Comité Revolutionnaire de Jemna*, one of the several local committees that were set up during the Revolution. On January 14th, Ben Ali fled the country. The first thing that the Committee did, in agreement with the local community, was to establish the *Association pour la Protection de l'Oasis de Jemna*, with the aim to manage the agricultural production in a collective way and for the benefit of the entire community¹¹. According to Etahri, since 2011 the economic situation of the plantation significantly improved: the number of locals hired rose, the increasing annual profits are entirely devolved to the local community through the construction of infrastructures and the implementation of social projects. Every decision is taken in assembly in the main square of Jemna, involving the whole community, and then implemented by the APOJ.¹² “Our activity fits in the framework of Social and Solidarity Economy”, proudly says Etahri.

Between 2011 and 2016, the APOJ carried on its activities smoothly, without interferences from the State.

[The] conflict was declared much after 2011, because the Tunisian State between 2011 and 2016 was not interested in proving its rights. This because it was a weak State [...] that wanted to avoid the confrontation, because [...] [it] did not consider Jemna as an important problem (Officer of the Ministry of Agriculture)

The government, laboriously established after the Revolution, was initially too focused on the constituent process of the renewed nation to take care of an occupied land at the periphery of the country. A new government was elected in 2016.

[The new government] was more stable. The Ministry of the State Properties [and of Land Affairs] was someone who knew the issue, and so he got interested in Jemna, also because Jemna was really starting to generate interest [...]. Economic interests, because it was starting

¹¹ <https://www.opendemocracy.net/en/north-africa-west-asia/jemna-in-tunisia-inspiring-land-struggle-in-north-africa/>

¹² <https://habibayeb.wordpress.com/2016/10/03/jemna-ou-la-resistance-dune-communaute-deposedee-des-terres-agricoles/>

to generate large sums of money. But also political interests, because the new government started to position itself in the south regions (Officer of the Ministry of Agriculture).

According to the officer, under the pressure of the former renters of the plantation, in 2016 the Ministry of the State Properties and of Land Affairs¹³ sent inspectors to Jemna to analyse the situation, and then notified to the APOJ to stop the exploitation of the oasis. The Association refused and, in Autumn 2016, it organised the annual public auction to sell the date harvest. The auction was initially blocked by the Ministry, but it was reorganised and carried out some days later. The Ministry reacted by asking the Central Bank to freeze the bank accounts of the Association and of the purchasers or the dates. The accounts got blocked, and this generated a huge wave of solidarity both in Tunisia and abroad¹⁴. Many inhabitants of Jemna, followed by other people from all around the country, threatened to withdraw their money from the bank and to shut down their bank accounts, putting a lot of pressure on the authorities.¹⁵

Eventually, the Ministry of State Properties outlined a proposal to the APOJ: they could continue to carry on the productive activities, but they had to set up an SMVDA, with participation of the state with 49% of the shares, and the remaining 51% owned by the Association. The property of the land was still not under discussion. The APOJ was not convinced, and it refused the proposal¹⁶. Then, the Government decided to appoint the Ministry of Agriculture to seek a solution.

We were not part of the conflict. [...] we deal with everything that concerns agricultural production. [...] So there was the intervention of the Ministry of Agriculture just because [the Government] adopted a more social, politically leftist, approach. [...] As it supported Social and Solidarity Economy (SSE), it reoriented toward this approach (Officer of the Ministry of Agriculture).

As the officer explained, in September 2017, they reached an agreement to make a transition toward a different organisational form of exploitation which can fulfil the State's demand for legality, while preserving the experience of SSE created by the Association. The agreement was built in the context the national debates on SSE, that later resulted in the adoption of the National Law on SSE in June 2020¹⁷. The agreement comprised four clauses.

- I. The Ministry of Agriculture is the guarantor of the transition phase toward the legalisation of the exploitation of the Oasis.

¹³ Hereinafter referred to as “the Ministry of State Properties”

¹⁴ <http://www.tunisiainred.org/tir/?p=6825>

¹⁵ Officer of the Ministry of Agriculture

¹⁶ *ibid*

¹⁷ https://www.ilo.org/global/topics/cooperatives/news/WCMS_749012/lang-en/index.htm#:~:text=The%20bill%20on%20social%20and,objections%20and%20only%20one%20abstention.&text=The%20adoption%20of%20this%20laws,long%20process%20of%20tripartite%20consultations

- II. The bank accounts of the purchasers and of the Association will be relieved.
- III. During the transition phase, the association will continue to manage the plantation, with the technical support of the Ministry of Agriculture.
- IV. There will be a revision of the law on UCPA¹⁸ of 1984, to add a clause that will put more power on the Committee of Control over the General Assembly of the cooperatives.

The agreement, that was still in force when I collected the interviews in early 2020, was expected to terminate in the moment of the release of the SSE law and of the emendation of 1984 Law on UCPA.

As explained by the officer, who was involved in the negotiations, the will of the parties was to meet the State demand to respect the Law while at the same time preserving the spirit of SSE of the experience of Jemna. The first proposal of the Ministry of Agriculture was to set up an UCPA, very common organisational structure among small farmers and very close to the collective management implemented by the APOJ. The APOJ refused this option because the main governing body of the UCPA is the General Assembly, which is formed by all the *cooperateurs* (the members of the cooperative). This means that, ultimately, they have the power to decide how to invest (or distribute) the profits of the cooperative: this did not guarantee that the experience of Jemna would remain fully collective and community-oriented. This is the *rationale* behind point IV of the agreement: the Committee of Control of the UCPA is a body formed by organisations and persons outside the cooperative (i.e. the APOJ, the Municipality or other local groups or individuals). Giving it more power can provide an effective tool to preserve the experience of Jemna. Still, this implies to create a new form of cooperative, option that can be discussed only within the framework of the SSE law. The SSE law proposal, advanced by Tunisian trade union UGTT in 2017¹⁹, has been revised by the Government and has been adopted by the Parliament in June 2020.²⁰ As of 2020, the agreement was, slowly, being implemented, and both the parties were committed to it. “I want to underline” Etahri said “that the contribution [...] of the Ministry of Agriculture is great and that they tried to find a fair solution to the problem”.

The different legalities in play

Retracing the different phases of the conflict for land in the history of Jemna reveals the enrooted presence of legal pluralism. According to Lund&Boone (2013, 2) “normative and institutional

¹⁸ The UCPA is the *Unité Cooperative de Production Agricole*

¹⁹ https://africanmanager.com/51_leconomie-sociale-et-solidaire-est-un-mecanisme-important-pour-lemploi-et-la-discrimination-positive-entre-les-regions/

²⁰ https://www.ilo.org/global/topics/cooperatives/news/WCMS_749012/lang-en/index.htm#:~:text=The%20bill%20on%20social%20and,objections%20and%20only%20one%20abstention.&text=The%20adoption%20of%20this%20laws,long%20process%20of%20tripartite%20consultations

pluralism” in land issues is “prevailing in [...] most African societies, [meaning] that people struggle and compete over access to land by referring to competing principles of tenure”. In this article, I refer to legal pluralism in the conception identified by Gebeye (2017, 2): “In Africa, legal pluralism is and has been the application of customary, religious and statutory laws in the same social field with either state recognition (weak legal pluralism) or without it (deep legal pluralism)”. In Jemna’s case, specifically, we can say that the most recurrent expression of legal pluralism has been the “deep” one, because in most of its history the relation between different legalities has been conflictual.

During the pre-colonial period, sources say that the land of Jemna belonged to the tribe of *Hnaien*, who was living in the region, according to what Lund and Boone (2013, 6) frame as “customary or communal rights”, namely ownership based on the membership to a community. This customary right was acknowledged and reinforced by the central authority of the time, the Bey, through the legal document of 1856.

With the advent of colonisation, the land was “expropriated” by the French authorities, in a perfectly legal fashion, thanks to the Berlin Conference, that “established the legal basis for the scramble for Africa” by setting European legal systems “as superior legal orders in colonial Africa” (Gebeye 2017, 238). The prevailing principle of tenure, in that period, was that of the “government allocation”, granting the land “to settlers who had no prior claim [...] on the basis of ancestry, use, established occupation of the land or sweat equity, or market principles” (Lund&Boone 2013, 8). The population of Jemna could only rely on the memory of customary property right which was completely unrecognised by the French.

The destiny of customary rights in post-colonial African states was varied and had mixed success (Gebeye 2017, 242). While many countries recognised them and relied on them to manage and control local jurisdictions, this was not the case of independent Tunisia. After independence, the customary-backed claim was ignored and, as sometimes happened in some African countries, “portrayed as an obstacle to agricultural modernisation” (Lund&Boone 2013, 6). The only valid principle under Bourguiba and Ben Ali was again “government allocation”, this time granting the land “to members of the political élite” (Ibid, 8). Despite the attempt to use the economic lever to re-purchase their land, the local population remained powerless until the beginning of 21st century.

The Revolution marked a turning point in the balance of power between the different legalities. The temporary impotence of the State allowed the customary claim to be effectively established, on the

basis of the claim of Jemna's families to be the descendants of the *Hnaien*²¹. In this context, the customary property right blurred with another legality, that was established through the Revolution:

The point of view of the APOJ is based on another legality, namely the 'revolutionary legality' of 2011, which says that the framework in which labour was organised before have to be changed, in order to answer to a need and to another dynamic of development (Officer of the Ministry of Agriculture).

This "revolutionary legality" answered the quest for dignity and socio-economic rights stemmed from the Revolution, and brought forward the idea that the production system of Jemna could be changed, and that it was right to do so (ethically but also legally speaking). This idea goes beyond the simple claim for ownership, also involving that of exploitation of the land. According to Ayeb²², the *Comité Révolutionnaire de Jemna* contacted the national revolutionary authorities in the immediate aftermath of the occupation, to get to solve the issue of the property (the revolutions are usually a factor of ceasing of the previous legal systems (Gebeye 2017, 242). However, they did not manage to resolve the issue in their favour²³. Instead, the new democratic State of Tunisia, after recovering the necessary stability, tried to reassess its authority over Jemna's land playing two legal "cards". One is that of the government allocation: the land is state-owned, and the occupation is therefore an illegal act. The second stems from government allocation principle, but it concerns the status of the APOJ: according to the Law 21 of 1995 on the exploitation of state-owned land by private organisations, an Association cannot legally carry on economic activities²⁴. Therefore, even if admitting the possibility to let the productive experience started in 2011 continue (which is the position of the State since the agreement of 2017), it must be put back on the tracks of legality through a change in the organisational status of the organisation. Additionally, it is worth noting that "jurisdiction over land is lodged in institutions, but perhaps not a single set of institutions. Central governments may claim overall control" (Lund&Boone 2013, 4), but within the State there can be different competing actors over the same jurisdiction. This is clearly our case, where we witness an initial strong intervention of the Ministry of Land Properties, seeking a confrontation backed by the government allocation principle, and then an orientation toward a compromise solution through the intervention of the Ministry of Agriculture. This strategy shift reflects the changed balance of power due to the effective national and international support to the cause, and the increased attention to social stability paid by the Government.

²¹ T. Etahri.

²² <https://habibayeb.wordpress.com/2016/10/03/jemna-ou-la-resistance-dune-communaute-deposedee-des-terres-agricoles/>

²³ <https://habibayeb.wordpress.com/2016/10/03/jemna-ou-la-resistance-dune-communaute-deposedee-des-terres-agricoles/>

²⁴ Officer of the Ministry of Agriculture.

Finally, it is worth analysing the role of the SSE “philosophy” in orienting the action of the actors involved in the issue. Based on the values of social equity, redistribution of profit and democratic management of the economic life (Borzaga&Galera 2014, 17), SSE perfectly matches with the quest for socio-economic rights, ultimately for dignity, rising from Revolution. Therefore, it provides an answer to the need for a change in the organisation of labour which is embedded in the “revolutionary legality” mentioned above. We could even talk about an “Sse legality” which is recognised, accepted and promoted by the community of Jemna, not reflected in the juridical system of the State until 2020. This caused the frictions occurred in 2016, but the balance of power leaned in favour of the SSE legality, which was increasingly recognised everywhere in the country. Therefore, it was not the people of Jemna that had to adapt to the State legality, but it was the State that had to catch up with something which is now considered to be right (again, ethically but also morally speaking). This new balance of power was reflected in the agreement of 2017: by adopting a law on SSE, the State reasserted its role, and only then it could compel the APOJ to align to a proper legal status to carry on the economy activity, within a framework that was created to legalise experiences such as Jemna’s.

Conclusion and final remarks

The land conflict of the Oasis of Jemna is a conflict that has ancient roots, but it took an unexpected turn only in recent years. Since the expropriation conducted by the French invaders during colonisation, the local community of Jemna had not been able to assert its customary right to own the land of its ancestors for almost a century. Then, the Revolution led to an acceleration of Jemna’s struggle, by giving them the opportunity to occupy the land and to enforce the never forgotten customary right. However, this paper shows how such right did not stand still in time, but it evolved through the years, and it was further reinforced by other sources of legality, coming from the national level and even from the international level. The “revolutionary legality” claiming socio-economic rights and dignity, arisen in Sidi Bouzid, and spread throughout the nation, was localised in Jemna through the claim to have a say in the management and exploitation of their lands for their benefit. Furthermore, the Social and Solidarity Economy, an ensemble of theories now internationally recognised, provided a good answer to the demands of Jemna’s citizens, and offered a framework perfectly in line with the quests of the Revolution, therefore spreading in the country as a new “SSE legality”. The sum of these factors overturned the balance of power in the conflict and put the State legality in a position of disadvantage, forcing the government to negotiate a softer resolution of the conflict, seeking for a compromise that will probably permit to the people of Jemna to preserve what they built, and to let it strive.

Before concluding, a final question must be posed: what about the property of the land? The agreement still does not question the ownership of the land itself, that remains property of the State. The APOJ accepted this compromise, and apparently they are not considering to continue with that battle at the moment.²⁵ This withdrawal probably happened because Jemna's community had to focus on preserving the experience that they built over the years, and to establish a legal framework to continue to exploit the land. Furthermore, in my opinion, there has been a shift in the focus of the conflict, from the ownership itself toward the exploitation rights, and toward the model of exploitation to be pursued on that land. After roughly 150 years of individualisation and profit-oriented commodisation of the land in Tunisia, in Jemna we observe an attempt to set up a model based on collective management and social impact. And this is probably the most important victory.

²⁵ Ibid.

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List of acronyms

Apoj	Association pour la Protection de l'Oasis de Jemna
Sse	Social and Solidarity Economy
Ucpa	Unité Cooperative de Production Agricole
Uggt	Union Générale Tunisienne du Travail