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Women's Right to and Control over Rural Land in Ethiopia: The Law and the Practice

Husen Ahmed Tura¹

Abstract

This Article critically analyzes the law and the practice on women's right to and control over rural land in Ethiopia. The study employed doctrinal legal research and empirical quantitative methods to collect and analyse data from primary and secondary sources. Tools such as law review and analysis, interviewer-assisted survey questionnaire, key informant interviews and focus group discussions were used in the process of data collection. It has been found that the existing laws adequately recognize a woman's right to equality with respect to access to and control of property (including land) in Ethiopia. However, harmful customary practices and stereotypes against women are still prevalent in the Wolaita community, which hinders an effective implementation of the legal rights of women to possess and control land. It is suggested that legal awareness education and effective legal aid should be made available for women to empower them to claim their property rights in general and a right to rural land use and administration in particular.

Keywords: women's rights; property control; common property; land law; Ethiopia

1. Introduction

Women are the most marginalized group of the society in relation to accessing and controlling rural land in Ethiopia. The main challenge for an effective implementation of women's right to rural land in the country is largely attributable to negative attitudes and harmful practices which deny women's right to own, administer property and control the rural land. Moreover, women do not have a customary right to inherit land from their family, and the control of land during marriage falls chiefly in the hands of husbands.

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Besides, a woman cannot control the fruits of the land as she does not successfully involve in a household decision making. Worst of all, after divorce, a woman has to leave her husband's home and look for another marriage without claiming her share from the matrimonial property.

On the other hand, the Federal Democratic Republic of Ethiopia (FDRE) Constitution recognizes gender equality (FDRE Constitution, Arts. 25, 34, 35 and 40). The revised family laws, adopted following the FDRE Constitution, also recognize the equality of men and women in all aspects particularly regarding the ownership and administration of personal and common property. Furthermore, the Ethiopian government has enacted rural land administration legislations which recognize a woman's right to the rural land. Land registration and titling, which are aimed, *inter alia*, at ensuring women's right to and control over rural land in the country have also been implemented in four regional States including Oromia region, Tigray region, the Southern Nations, Nationalities and Peoples Region (SNNPR) and Amhara region. Gender policies are also introduced both at the federal and States levels. Moreover, institutions responsible for the empowerment of women are established in the country.

Despite the commitment of the government in recognizing a woman's right to possess and use rural lands, the customary laws and practices, which deny women's equality with men, are still prevalent in several communities. Women generally lack the legal awareness on their right to and control over household lands. The government authorities at *Kebele* (lowest administrative unit) level are also highly hesitant to enforce the legal rights of women. Instead of the modern laws, the customary practices of dispute resolution are still prevailing in, for example, the Wolaita community. Thus, although there is a strong statutory recognition of a woman's right to rural land, this study finds that much remains untouched on the implementation of the law.

This Article critically assesses the law and the practice of women's right to and control over rural land in Ethiopia with a specific reference to a case study in the Wolaita community.

2. Objective of the Study

2.1 General objective

The overall objective of this study was to assess the extent to which the rural land use and administration law has been implemented with respect to women's equal access to and control over rural land with a focus on smallholder farmers' landholding system in the SNNPR, Wolaita zone.

2.2 Specific objectives

Specific objectives were to:

- examine the Ethiopian rural land use and administration laws in terms of women's right to the rural land, and
- assess the extent of enforcement of laws regarding women's access to and control over rural land in two rural districts of Wolaita zone, Southern Ethiopia.

3. Methodology

3.1 Research Design: this research employed survey research design to collect and analyse data.

3.2 Methods: The research applied both quantitative and qualitative methods to clarify concepts, characteristics, descriptions and measures to demonstrate implications of the issue under question.

3.3 Sources of Data

Data presented in this paper were obtained from primary and secondary sources.

Primary sources:

- 1) Legal documents, and
- 2) Interviewer guided survey questionnaire, key informant interviews and focus group discussions.

Secondary sources: textbooks, journal articles and reports

3.4 Sample Size Determination

The population for quantitative data collection for this study were women from rural households in randomly selected *kebeles* and villages in two purposefully selected *woredas* (districts) based on a large number of women residing there.

The sample size for collecting the quantitative data for this research was determined using Cochran's (1977) formula as indicated on Bartlett, Kotrlik and Higgins (2001). Thus, this study employed the following formula to calculate sample size:

$$n = \frac{N}{1+N(e)^2}$$

Where:

n designates the sample size the research uses;

N designates total number of households in both *woredas* assuming that women in all households are affected by the issue;

e designates maximum variability or margin of error 5% (.05); and

1 designates the probability of the event occurring.

Therefore:

$$n = \frac{N}{1+N(e)^2} = \frac{61745}{1+61745(.05)^2} = 397$$

The required sample size, thus, is 397 women (respondents).

3.5 Sampling Techniques

Quantitative data sample was taken from randomly selected households. Data were collected from women in 397 eligible households. Each household was selected

by picking every other household from a list of households in selected villages listed separately in *kebeles'* records to ensure randomness.

Key informant interviewees were purposely selected with respect to their roles in land administration process and their knowledge and experience on the subject of the study for the qualitative survey. *Woreda* (district) land administration experts and *Kebele* land administration committees are the implementers of the rural land policy. The role of women's affairs desk was also considered to be a significant input to the study in the context of the policies, the regional rural land administration and use laws relevant to women.

Focus group discussions with rural women were considered important to obtain information on their lived experiences and views on their rights to and control over land, household resources and equal decision-making power. Discussion participants were purposely selected exclusively from quantitative survey respondents. One case story participant was selected on the basis of relevance of issues she raised in the focus group discussion.

3.6 Ethical Considerations

Quantitative survey respondents and qualitative survey informants were provided with sufficient explanation about the overall objective of the study ahead of time. Interviews were administered on the free will of the respondents. They were informed that they may decline if they do not want to be interviewed. The case story is presented using a hypothetical name.

4. Legal Recognition of Women's Right to Land

4.1 International Legal Frameworks

Women's right to property includes the right 'to acquire, manage and dispose of any movable or immovable property obtained either through self-acquired means or inheritance' (UNECA, 2006). Several international and regional human rights instruments pay a particular attention to the protection of women's property rights in general and access to and control over land in particular. In this regard, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) stipulates gender equality and underlines the significance of access to land

and tenure security to sustain livelihoods of rural populations. It also pays a special attention to the implications for secure land rights to empower women to own property and to overcome gender-based discrimination.

Article 14(2) of the CEDAW enshrines that 'States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development.' Furthermore, sub-article (g) of Article 14(2), obliges State parties to facilitate for women 'to have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes.'

Given that discrimination against women is prevalent in most African communities, the African Union (Economic Commission for Africa) in collaboration with the African Development Bank (AU-ECA-AfDB) introduced the 'Land Policy Initiative (LPI)' in 2006. This comprehensive document explains a 'Framework and Guidelines on Land Policy in Africa (F&G)' and enshrines principles and good practices regarding 'how to track progress with the land reforms that are underway in Africa' (UNECA, 2006). The F&G also suggest that steps which the member States are expected to introduce to tackle problems related to gender inequality in land ownership and tenure security for women.

Most African customary laws and practices share similarities with respect to land governance because they do not take gender equality seriously and hardly tackle historical economic and social marginalisation of women regarding access to and control of productive resources and in relation to land management and decision-making on household agricultural products. A secure access to rural land and other natural resources has far-reaching implications on the enjoyment of several human rights of women including the right to food, the right to adequate housing, the right to work, the right to property, and even the right to life. In particular, access to and control over land is indispensable to ensure freedom from hunger and access to sufficient and nutritious food, which is essential for pregnant and lactating women and their children. Gender-based discriminations against women with respect to property rights in general and access to and control over farmland, in particular, have negative effects on rural women. Lack of a right to secure land rights exposes women not only to a systematic poverty but also to other related problems such as chronic hunger and malnutrition (UNECA, 2004).

4.2 Women's Rights in Ethiopia

A) Women's Rights under the FDRE Constitution

Ethiopia has adopted laws and policies to ensure gender equality since 1995. Taking the historical legacy of women's discrimination in the country and with a view to remedying the historical gender inequality, the FDRE Constitution specifically provides for women's rights under Articles 34 and 35. Regarding the right to marry and gender equality, Article 34 of the Constitution explicitly stipulates that:

'Men and women, without any distinction as to race, nation, nationality or religion, who have attained marriageable age as defined by law, have the right to marry and find a family. They have equal rights while entering into, during a marriage and at the time of divorce.'

Furthermore, the Constitution stipulates that 'Women shall, in the enjoyment of rights and protections provided for by this Constitution, have an equal right with men' (FDRE Constitution, Art. 35 (1)).

The same provision also prescribes that 'the historical legacy of inequality and discrimination suffered by women in Ethiopia taken into account, women, in order to remedy this legacy, are entitled to affirmative measures. The purpose of such measures shall be to provide special attention to women so as to enable them to compete and participate on the basis of equality with men in political, social and economic life as well as in public and private institutions' (Ibid, Art. 35 (3)). The government is duty-bound to enforce the right of women to eliminate the influences of harmful customs. Laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited (Ibid, Art. 35 (4)). The Constitution further stipulates that:

'Women have the right to acquire, administer, control, use and transfer property. In particular, they have equal rights with men with respect to use, transfer, administration and control of land. Women shall also enjoy equal treatment in the inheritance of property' (Ibid, Art. 35 (7)).

As can be discerned from these constitutional provisions, Ethiopia has shown a commitment to protect women's rights in general and the right to use and control land fruits on equal footing with men. As the problem of gender inequality is rooted in both attitudes and practices of the community, the FDRE Constitution entitles women to *affirmative action* in which they may be afforded with special and differential treatment in enjoying some rights. The Constitution also gives special emphasis to the protection of women's property rights including acquisition, administration, control, use and transfer. A particular attention is also paid to the importance of land to the empowerment of women. The law signifies the recognition and enforcement of women's right to use, transfer, administration and control of land. Considering gender inequality and discrimination in the country with respect to property inheritance, the law again stresses the recognition and enforcement of the principle of equality with respect to the inheritance of property. In addition, the Constitution lays down a duty of the Ethiopian government to enforce the right of women to eliminate the influences of harmful customs.

It is worth noting that the verbatim copies of Articles 34 and 35 of the FDRE Constitution are incorporated into the constitutions of all regional States. Furthermore, Article 9(4) of the FDRE Constitution stipulates that international treaties ratified by Ethiopia are the part and parcel of the law of the land.

B) Women's Right to Property under Family Codes

Ethiopia has also paid a due attention to the women's equality with men in all aspects of its family laws. The revised family codes of the federal and state governments, which are updated in line with the FDRE Constitution, recognize the pecuniary effects of marriage whose primary aim is to protect the women's right to property before marriage, during a marriage and upon its dissolution. Spouses have a right to own personal property in addition to their common property that they own jointly. Nevertheless, any property obtained in the form of income is always considered to be the common property of spouses although it is derived from the personal income of one of the spouses (see Arts. 57-73 of the Revised Federal Family Code (RFC), Arts. 73-89 of the Oromia Family Code, Arts. 80-94 of the Tigray Family Code, and Arts. 66-82 of the SNNPR Family Code).

Pursuant to Article 57 of the RFC, any property that is owned by a spouse on the day of marriage shall remain his/her personal property. In other words, any property owned by a spouse prior to marriage (if s/he is already the owner of such

property on the day of the marriage) will be her/his own property even after the conclusion of the marriage. This provision also enshrines that if one of the spouses acquires property by way of donation or succession (acquisition by not onerous title) during the marriage, such property shall belong to the spouse to whom the donation was made even if the property is acquired after the celebration of the marriage. Moreover, Article 59 of the RFC stipulates that each spouse shall administer her/his own personal property. It also prescribes that if this property generates an income, the owner spouse shall collect the income. An owner spouse can freely dispose of her/his personal property. Freely disposing of a property includes the power of selling or exchanging or donating the property to somebody else by one's free will and volition. This power shows a full ownership of a property.

The law also provides for another option on the administration of the personal property of spouses. As stipulated in Article 60(1) of the RFC, spouses may agree in their contract of marriage that the whole or part of the personal property of one spouse may be administered by another spouse. However, sub-article (2) of the same provision obliges the spouse to whom this power was given to submit a yearly report of accounts regarding the property at the request of her/his spouse.

In addition, Article 61 of the RFC states that one of the spouses may freely appoint the other spouse as an agent to administer her/his personal property. This is possible even in the absence of a contract of marriage.

In the family codes, the notion of *common property* is stipulated in a broader manner mainly to protect women's property rights which have been denied by men who work and generate income while most women are busy with domestic works and child rearing and bearing.

Thus, in Ethiopia, all property that is not specifically defined as personal property is a common property of spouses.

All incomes of the spouses that are derived by their efforts shall constitute the common property of the spouses. Salaries and wages of spouses are their incomes derived by their efforts. Moreover, any income from an income generating property is also a common property. This rule applies irrespective of whether the income generating property is personal or common property.

Article 62(2) of the RFC states that any property acquired by any of the spouses by onerous title shall be the common property of the spouses unless it is declared by a court of law to be the personal property of one of the spouses as specified in Article 58(2) of the RFC. When any change is made to a personally owned property (e.g., when it is sold, exchanged with another property or when a new property is purchased by money that is personally owned), this situation has to be reported to the court. Any property acquired through donation or inheritance during marriage shall be the personal property of one spouse if the donation or the will clearly indicate that it is made to one of the spouses exclusively. However, this rule will not apply if the act of the donation or will do not specify any of the spouses but generally made to them jointly.

The law generally presumes that any property found in the hands of the spouses is their common property. This rule applies even if the property is registered in the name of one of the spouses only. This rule is crucial in a country like Ethiopia where it is customary that almost all important properties are registered in the name of the husband. But this presumption is a rebuttable one. In other words, a spouse who claims that she/he owns a property personally can prove that he is the sole owner of that property. He can prove by showing one of the following pieces of evidence:

- By producing a document that shows she/he owned the property before the marriage;
- By producing an evidence that shows she/he acquired the property through donation or succession;
- By producing an evidence that shows she/he acquired the property by an onerous title (exchange, sale, etc. of her/his personal property) during the marriage. In this case, the spouse must also show that she/he has informed the court of this fact to obtain an approval.

Therefore, any property that is possessed by the spouses is assumed to be their common property unless otherwise proved by one of the ways mentioned above.

As far as the management of a common property is concerned, although salaries and wages of each of the spouses are common properties of both spouses, the law allows each spouse to collect or receive her/his incomes (RFC, Art. 64). Each

spouse must receive or collect her/his earning in person. She/he can also deposit her/his earnings in personal or joint bank accounts.

However, this does not mean that each spouse can dispose of her/his income freely. It is stated in Article 62(1) of the RFC that all incomes obtained from personal efforts of the spouses are considered as their common property. According to Article 64(3), each spouse is expected to show the other spouse the amount of her/his earnings and expenditures. Nonetheless, the law provides for an exception to Article 64(1).

As per Article 65(1), one of the spouses can officially permit the other spouse to collect her/his earnings. Accordingly, a husband may freely give the mandate to his wife to collect his earnings and vice versa. In addition, the court may order, at the request of one of the spouses, the earnings of one spouse to be received by the applicant spouse. This means that the court may, for example, order the wife to collect the husband's salary if she applies to the court and received such authorization. Similarly, the husband may apply to the court to be authorized to receive the salary of his wife. As stipulated in sub-article (1) of Article 66, both spouses must administer their common properties jointly. The same sub-article also stipulates that the spouses may modify this provision in their contract of marriage. That is, they may agree to their contract of marriage that a part or the whole of their common property will be administered only by one of the spouses. Such agreement will give the power of administering a common property either to a husband or wife only (See RFC, Art. 66).

Accordingly, if one of the spouses becomes incapable (sick, judicially interdicted, or is away from home, etc.) to involve in the administration of the common property, the other spouse alone shall take the responsibility of administering their common property.

The Ethiopian family law generally prohibits the disposal of a common property only by one spouse. In order to alienate a common property, both spouses should give their respective consents. However, the law does not tell us how each party should express her/his consent. Sometimes it may be difficult to know whether both spouses have given their consent.

One way to prove that both parties have given their consent is by requiring both parties to sign a document that transfers the property (RFC, Arts. 68 and 69).

Pursuant to Article 68 of the RFC, the agreement of both spouses is necessary to do one of the following tasks, even though only one of them is empowered to administer their common property:

- a. To sell, exchange, rent out, mortgage or alienate in any way a common immovable property to give a right to third parties on such property.
- b. One of the spouses alone has no power to sell, exchange, pledge or alienate in any other way, a common movable property or securities registered in the name of both spouses when the value of such properties is greater than Birr 500.
- c. One of the spouses is not allowed to give by way of donation any property the value of which is more than Birr 100 or cash that exceeds Birr 100.
- d. One of the spouses cannot borrow or lend money exceeding Birr 500 by his/her own unilateral decision. Nor can he/she stand surety for a debt of another person to such amount of money.

One may read from Article 69(1) the RFC that if one of the spouses enters into obligations in violation of the provision of Article 68, the court may, at the request of the other spouse, invalidate such obligations.

C) Women's Rights under Land Laws of Southern NNP Region of Ethiopia

The importance of protecting women's right to and control over rural land in Ethiopia is also reaffirmed in both federal and regional states land proclamations, regulations and directives. This section briefly reviews relevant provisions governing women's right to acquire, use, control and administer rural land particularly in the Southern Nations Nationalities and Peoples (NNP) Region, where the case area locates (i.e., Wolaita zone). The Southern NNP region's Land Administration and Use Proclamation No. 110/2007 recognizes women's right to acquire rural land free of charge and to use it equally with men. This law specifically stipulates that 'Women who want to engage in agriculture shall have the right to get and use rural land' (Southern NNP Regional State Proc. No. 110/2007, Art. 5(3)). This law protects women from the administrative discriminations with respect to the rural land acquisition. Moreover, it stresses that 'husband and wife have an equal use right on their common landholdings'. 'They do not lose their land holding because of their marriage that they possessed individually before' (Ibid, Art. 5(5)).

This provision is crucial as it entitles women to equally use a household land in marriage and, at the same time, it recognizes the possibility of maintaining personal landholding of one of the spouses acquired before the marriage. It is a matter of common knowledge that not all women live in marriage. Thus, the law states that ‘women household heads shall have a full use right on their land holdings’ (Ibid, Art. 5(6)). Besides, women whose husbands are engaged in government services or in any other activities shall have the right to use rural lands (Ibid, Art. 5(7)). This provision considers the marginalized status of most women who would live in rural areas while their husbands work as government employees. It guarantees them the right to have independent landholding right as long as they are interested in farming. Rural land can be obtained from a family by gift or inheritance or from the competent government authority (Art. 5 (11)). Additionally, women may acquire land by settlement (Art. 5(12)).

With respect to rural land registration and certification, Article 6 of the Proclamation prescribes the following:

1. Any holder of rural land shall be given land holding certificate prepared by the competent authority which describes the size of the land, land use type and cover, level of fertility and borders, as well as the obligation and right of the holders.
2. Where the land is jointly held by husband and wife or by other persons, the holding certificate shall be prepared in the name of all the joint holders.
3. A household headed by a woman shall be given a landholding and use the right certificate in her name.
4. A woman shall get a land use right certificate prepared in her name even where her husband engages in government services or in others services.
5. The possession by underage children or orphans can be measured and registered and the orphans shall be given landholding certificate in care of their guardians.

Land registration and certification practices have been introduced in Ethiopia with a view to ensuring tenure security. The law underlines the importance of preparation of landholding certificates jointly in the names of both husband and wife.

It further considers a special need of a female-headed family and entitles the women living out of marriage to a landholding certificate issued in their name. In

practice, the certificates are distributed to farmers in the Wolaita zone. It should be noted that the rural land use rights of peasant farmers, semi-pastoralists and pastoralists shall have no time limit. Women have also the right to transfer their rural land use rights through inheritance to members of their family, and they have the right to sell, lease, bequeath and pledge the property produced thereon (Art. 8(5) and (6)).

The law also enshrines guidelines regarding dispute resolution with respect to the use and administration of rural land (Ibid, Art. 12). Thus, if a dispute arises over the rural landholding right, the case shall be brought to *kebele* land administration committee. The committee is duty-bound to facilitate the resolution of disputes by negotiation and arbitration through local elders set by the choice of the two parties. In a case where one of the parties is dissatisfied with the decision rendered by elders s/he has a right to appeal to a *woreda* (district) court and then to a higher court. A party who may disagree with a decision made by the high court can again bring an appeal to the regional and federal Supreme Courts whose decision must be final. Even after this lengthy process, this law allows a person to bring the case before federal Supreme Court of cassation where s/he thinks that there is a fundamental error of law in the lower decisions.

In practice, women face challenges to protect their land rights through the dispute settlement mechanism. In the first place, the local land administration committees are very reluctant to resolve disputes in the best interest of women as they are highly influenced by local patriarchal customary practices. Secondly, the law provides for a demanding dispute settlement process, which disadvantages the poor women who cannot afford the cost of litigation throughout the trial stages.

D) Customary Land Rights in the Wolaita Community

Informal customary land rights, which constitute general knowledge of community members, influence the possession of land and other resources. The land is not considered as a good that can be bought or sold but it is managed according to family and lineage structures, marriage practices and religion. Generally, men control the land and women gain access to it mostly through their relationship with a male relative. The Woliata customary law limits women's rights to land and the longstanding practice is found on the patriarchal system of traditional authority to reinforce patriarchal values which disadvantage women and place them in a subordinate position in the society.

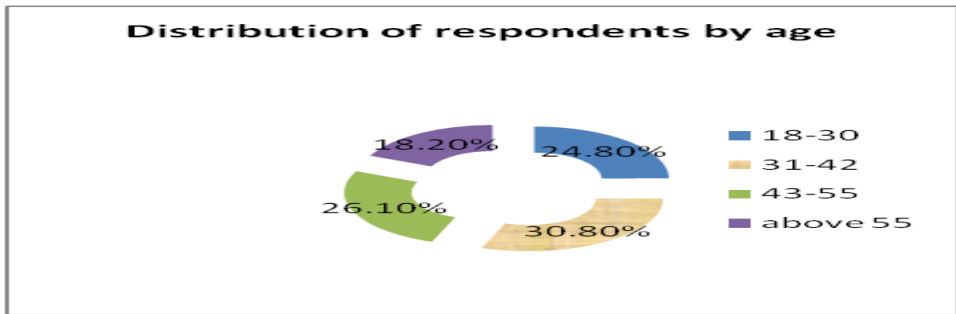
Unmarried women have a limited access to land because they have no property right to inherit in the Wolaita community and other peoples of southern Ethiopia. The customary law directly discriminates against women and provides them with few rights of control over land. Discriminatory practices do not provide a daughter with equal inheritance right to those of sons. The customary land rights in the Wolaita community tends to be the unwritten social rules and structures of the community derived from a shared value and based on the people's tradition.

Customary practices in the Wolaita zone are obstacles to women's right to land. The Woliata customary land rights of women are based on social relations between men and women. According to the customary law, women do not have right to land possession and property ownership. They cannot share and inherit the land. Women are expected depend on men to eat and dress for their entire life. They do not have a significant role in the administration of matrimonial properties. Male and female children are not treated equally regarding the right to inheritance. The land is normally given to male children. The customary laws discriminate against women have been in force for a long period of time and still constitute the basic obstacle to the realization of women's right to land, to use fruits of their labour and restrict their active participation in economic and social aspects of the society.

5. Women's Access to and Control over Rural Land in Wolaita, Southern Ethiopia

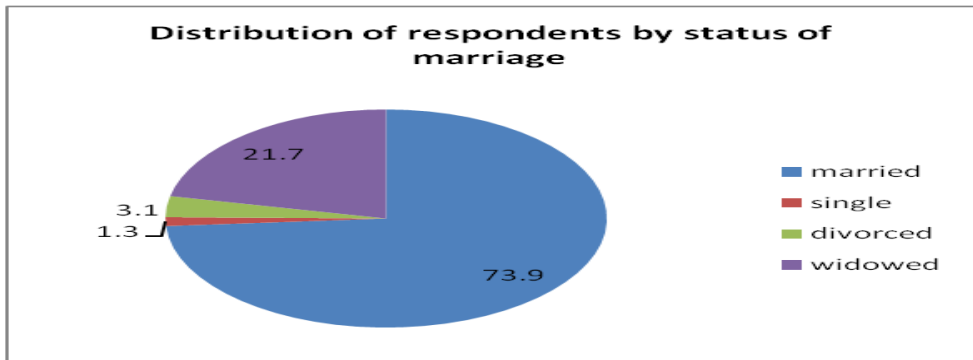
5.1 Demographic characteristics of the survey respondents

Quantitative data were collected and analyzed on demographic and social characteristics of survey respondents. Respondents were asked about their age, marital status and the type of marriage have been in (monogamous or polygamous), their ethnic and religious affiliations as well as educational backgrounds.



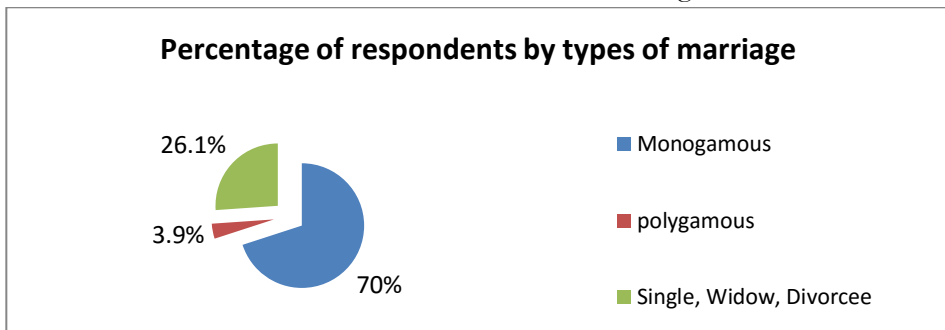
Source: Own survey, July 2013.

Data collected on the age of respondents shows that 30.8% of the respondents are in 31-42 age group, 26.1% are in 43-55 age group, 24.8% are in 18-30 age group and 18.2% are above 55 years of age.



Source: Own survey, July 2013.

With regard to marital status, 73.9% of the respondents were married, 21.7% were widowed, 3.1 % were divorced and 1.3% women were single/unmarried.

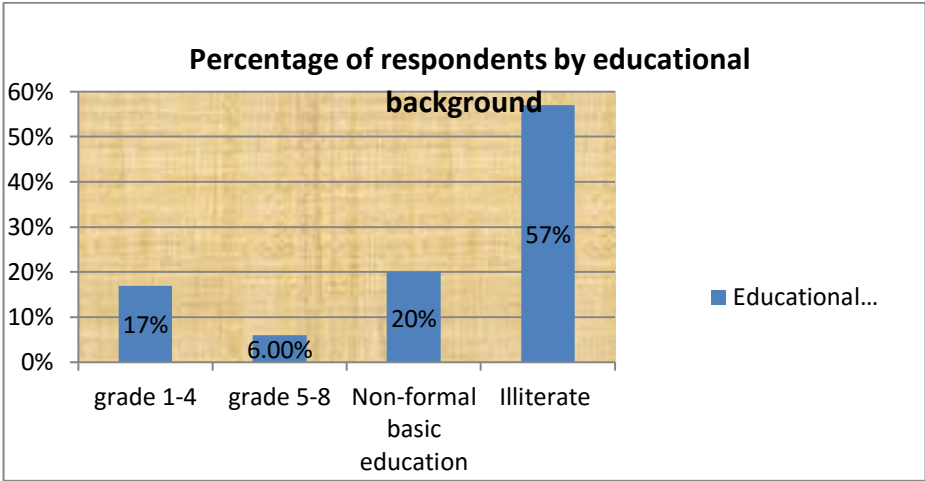


Source: Own survey, July 2013.

As far as the type of marriage is concerned, 70% were in a monogamous marriage (are the only spouses in their marriage) and 3.9% were in polygamous marriage. Hence, the study involves women from different age groups and marital status. Survey respondents were in 18-55 and above age groups. Almost three fourth of the respondents were married and most of them were in 18-42 age groups. There were widowers across all age groups although most of them were in the 43-55 and above age groups.

5.2 Socio-Economic Situation of Survey Respondents

Socio-economic characteristics of survey respondents were measured on educational background, annual household income and expenditure trends, household asset ownership, household food sufficiency, household gender division of labour and access to infrastructures and social services. These issues were also considered in the qualitative survey questions and observation checklists.



Source: Own survey, July 2013.

The above chart demonstrates the responses obtained on the educational background of the respondents. Out of total 397 respondents, 57% were illiterate, 20% had non-formal basic education, 17% had a formal first cycle academic education (grade 1-4) and 6% had second cycle (grade 5-8) level academic education. The survey findings on the educational status of respondents reflect a high illiteracy rate among women in the study area.

Quantitative data collected on the average annual income earned from sales of agricultural products reveals that 30.23% earn ETB 3000–5000, 28.71% earn ETB 1000–3000, 14.86% earn ETB 5000–7000, 10.83% earn over ETB 7000, 15.36% earn less than ETB 1000 from sales of agricultural products. Data collected on trends in income expenditure show that 55% of the respondents spend their incomes on other investments like buying cattle, leasing land, etc., 35% of the respondents spend their income on household need satisfaction, 8% use it for residential house construction and maintenance, and only 2% were spending their income to purchase farm inputs such as fertilizer, plough oxen, etc. On the other hand, qualitative information obtained from focus group discussions with rural women on their income and expenditure trends reveals that they give priority to loan repayments mainly related with the fertilizer they receive through credits from the local government administrations.

Trends in income and expenditure generally show that most respondents use their incomes for investments like leasing land, house construction and maintenance and purchase of cattle.

Table 1: Distribution of Respondents by Level of Income and Marital Status

Average Annual income (Ethiopian Birr)		Less than 1000	Birr 1000-3000	Birr 3000-5000	Birr 5000-7000	Over Birr 7000	Total	remark
Marital Status	Single	3						
	Married	41	82	99	43	28	293	
	Divorced	3	4	2	2	1	12	
	Widowed	14	27	18	13	14	86	
Total		61	114	120	59	43	397	
Percentage		15.36%	28.71%	30.23%	14.86%	10.83%	100%	

Source: Own survey, July 2013.

The above table demonstrates the data collected on the link between average annual income earned from agricultural products and marital status. The data on this issue reflects that out of the total 293 married women respondents, 99 earn ETB 3000–5000 from sales of agricultural products, 82 earn ETB 1000–3000, 43 earn ETB 5000–7000, 28 earn over ETB 7000 and other 41 did not earn income or only earn less than 1000 ETB from sales of the agricultural products.

Out of the total 86 widowed women respondents, 27 earn ETB 1000–3000 from sales of farm products, 18 earn ETB 3000–5000, 13 earn ETB 5000–7000, 14 earn over ETB 7000 and 14 earn only less than 1000 ETB from sales of the agricultural products. Out of 12 divorcees, 4 earn ETB 1000–3000, 2 earn ETB 3000–5000, 1 earns ETB 5000–7000 and 3 earn no income from sales of agricultural products at all.

Responses obtained from six (6) single/unmarried women reflects that 3 women each earn ETB 1000–3000, ETB 5000–7000 and over ETB 7000, respectively, from the sale of agricultural products while 3 of them earn less than ETB 1000 income from the sale of agricultural products. Findings demonstrate that an average annual income earned from the sale of agricultural products varies across marital status.

Out of the total 104 female-headed families (FHH) (considering a total number of single/unmarried divorced and widowed women), 20 (5%) earn less than 1000 ETB or they did not earn an income from the sale of agricultural products.

Quantitative data collected on asset ownership and control reflects that 62% of the total survey respondents own cattle, sheep, goats, poultry. Whereas 38% of them did not own these assets. Out of the total 62% respondents who own cattle, sheep, goats, poultry, etc., 21% own poultry and sell animal products and poultry; 16% own assets but did not have control over assets like cattle, sheep, goat; 10% did not own and control assets and 15% had equal ownership right and control over all assets including income obtained from sales.

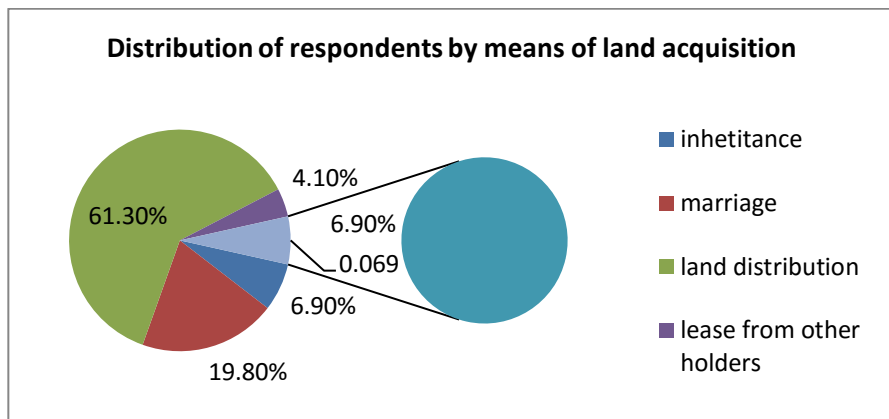
Qualitative information obtained from interviews with local land administration committee (LAC) members and focus group discussions with rural women on the ownership and control of assets indicates that women own poultry, use and sell hens, eggs and animal products including milk, butter and cheese. It is also found that cattle, sheep, goats and pack animals such as donkeys and horses belong to men and using pack animals was hard for women because of the cultural influences.

The survey findings generally show a prevalence of gender inequality or biases regarding asset ownership and control. Women in the study area own and manage assets that have less value. Women mostly own poultry and manage animal products.

Findings further reveal lack of women's rights not only on asset ownership but also the culture constrains women from using the household assets effectively.

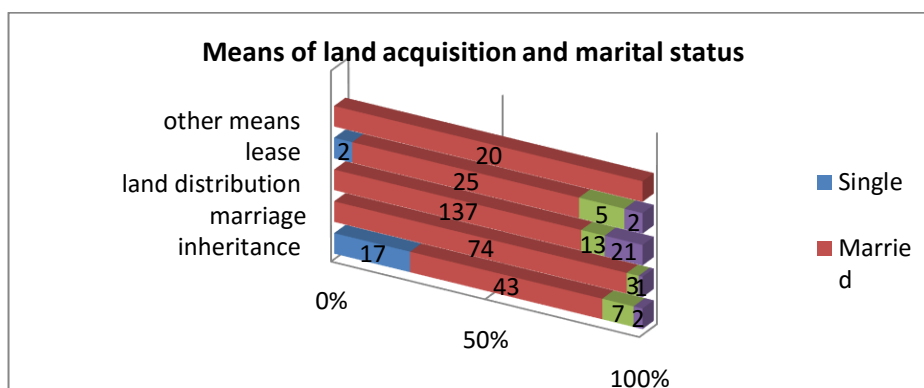
5.3 Women's Access to Rural Land

A number of questions were included in the survey questionnaire and qualitative survey tools to collect data on women's access to land. Questions were focused on as the means of land acquisition and the size of landholdings. Land access rights of a different group of women were also included in the survey questions.



Source: Own survey, July 2013.

Data collected on the means of land acquisition in the study area show that out of the total 397 respondents, 61.3% accessed land through land distribution, 19.8% accessed land through marriage, 6.9% accessed land through inheritance, other 6.9% get access to land through other means, and 4.1% leased land from other landholders.



Source: Own survey, July 2013.

Data displayed on the above figure shows the relationship between the means of land acquisition and the marital status in the study area. Out of 171 respondents who accessed land through land distribution, 137 were married, 21 were widows, and 13 were divorcees. Out of 105 respondents who accessed land through marriage, 74 were married and 31 were widows and divorcees. Out of 69 respondents who accessed land through inheritance, 43 were married, 2 were widows and 7 were divorcees.

20 respondents who accessed land by other means were all married. Out of 34 respondents who accessed land by lease, 25 were married, 2 were widows, 5 were divorcees and other 2 were single/unmarried.

The survey findings on the means of land acquisition in the study area reveal that most respondents (43%) acquired land through the government land distribution carried out during the Derg regime. However, most respondents (56%) were in the 18-42 age group did not able to acquire land through the land distribution process. Marriage has had a significant impact on women's access to land. Most the women got access to the land through marriage because they were married women at the time of the research and accessed their husbands' land. Widowed women accessed their deceased husbands' land. The literature on the subject reveals that women's access to their husbands' land provided them with secondary rights. This situation has seriously constrained the women's access to land because the rights of women who got access to land through marriage last only as long as the marriage lasts.

Qualitative information obtained from the focus group discussions with rural women in the study area demonstrates that respondents who accessed land by other means are custodians of lands of individuals residing out of the places where acres of lands are located. The information further shows that most women got land access rights through marriage who lost the access rights to their parent's land at the time of marriage.

The case story narrated below explains this fact.

Chuna is a middle-aged woman living in the Woalita zone, Sodo Zuria district (Dalbo kebele). She raised the issue in the focus group discussion. Her tears dropped while she was telling her story to the researcher.

'My parents had eight (8) children but only five of us survived (two men and women). I lost my father in 1992 and my mother in 1995. I was married and used to live with my husband and my five children when my mother died in 1995. I divorced nine years ago and left my home with my children. I did not get my share of the common property. I took only my clothes because my husband forced me to leave the home at the time of divorce. Although I requested my ex-husband to give me my share of our common property including the land through the community elders, he refused it persistently. He said, "the land belongs to me and you are not entitled to it at all." He got married another woman soon after I left the home.

"After the divorce, I returned to my parent's village and started to live in my deceased parents' house. I requested my brother who inherited our parents' land to give me my share as I badly needed it to raise up my children. Nonetheless, he refused. I insisted on asking him through the community elders but he said no.

"My brother also passed away two years ago. I started asking brother's children, my nephews, to give me my share. Unfortunately, their response was not different from their father's. They said the land belongs to them. They rather forced me to leave the house I used to live in. Like their father, they denied that I have a right to inherit the land of my parents.

"I received some advice from a student of law at the Wolaita Sodo University providing a legal aid to the poor persons like me. She told me that that I can inherit a share from my parent's land and that I have a right to claim a share from my matrimonial property that my ex-husband denied. I already applied to the kebele Social Court. Nevertheless, the Court could not help me. It decided in favour of the defendant.

“I generate some income by selling locally distilled beverages (tella and arake) although that was not enough to fulfil the basic needs of my children. I do not know how to access justice and getting out of this problem.”

Chuna was not still sure on how to get her share from her ex-husband's land and from that of her deceased parents' land. The burden of raising three children without sufficient income was not easy for Chuna. Her physical condition and facial expression speak louder than her words in telling her problems.

A breach of marriage and problems surrounding the division of marital common property cause negatively affect the life of women in Ethiopia. Societal attitudes related to divorce and women's right to property have serious implications for women's access to livelihood assets including land. Traditional dispute settlement means hardly take into account women's marital property rights since patriarchal attitudes and practices work against the women. Women also lack legal awareness about their rights and have limited capacity to access justice and enforce their rights in the courts. Divorced women bear the burden of single motherhood without having access to productive resources.

5.4 Access to Land by Different Groups of Women

Respondent women came from polygamous marriages, widows, divorcees or single/unmarried women in the study area. Access rights of these women are affected by community practices.

Information obtained on land rights of women in polygamous marriages reveal that polygamy is mostly attached to infertility and ageing of women and that wives themselves agree with their husbands' entering into second marriage in such cases.

Husbands share yields obtained from the land registered in his name to all spouses. However, there is a policy gap on women's land rights in polygamous marriages. The law does not stipulate a clear solution to property rights of women in polygamous marriage. The normative deficit exacerbates problems related to the enforcement of women's land rights. The land regulation does not allow women to possess the rural land if they reside out of the localities where the land is found or if they engage in other businesses.

Abandoned or unoccupied land is not distributed to single/unmarried women. Means of landholding for unmarried/single women is inheritance or government redistribution of abandoned or unoccupied land. The patrilineal

inheritance system disadvantages women in terms of land acquisition through inheritance because they are not considered as custodians of family property in the community practices.

The tradition in the study area gives inheritance right to male descents (grandsons) by denying the same right to daughters of their deceased parents' land.

Information obtained from focus group discussions with rural women on the land access right of widows confirm that their access to deceased husbands' land is attached to fertility. The informants further disclosed that brother-in-law would not allow a widow to live on the deceased relative's land if she does not have children born from the deceased.

Widows traditionally have rights to inherit their deceased husband's land which they, later on, pass to sons in the study area. However, this right is conditional on having a child from the deceased husband. Widows who have children are relatively secure to use their deceased husbands' land than widows without children. Widows with children usually continue farming their deceased husbands' lands as they continue to raise their children.

5.5 Control Over Land and Agricultural Products

Quantitative survey questions focused on women's control over land including rights to registration and certification, decision-making on land use and on the amount to be stocked for household consumption and the amount for sale and control of income and expenditure. Interviews and focus group discussions gave particular emphasis to the following issues.

5.5.1 Entitlement to Land Registration and Certification

As can be seen from the following table, out of 30,896 farmers who received landholding certificates in the Sodo Zuria district, 25,855 were registered in the names of both husband and wife; 4375 were registered only in the name of women (FHH) and 666 were registered in the name of tutor's who represent minor children whose parents died. In the same token, out of 30,849 of total landholding certificates given to farmers in the Bolosso Sore woreda, 23,641 were registered in the names of both husband and wife whereas 6,938 certificates were registered in the name of women only.

Only 270 certificates of landholding were registered in the names of tutors. This data shows that landholding certificates in the Wolaita zone are given to farmers in accordance with the relevant land Proclamation.

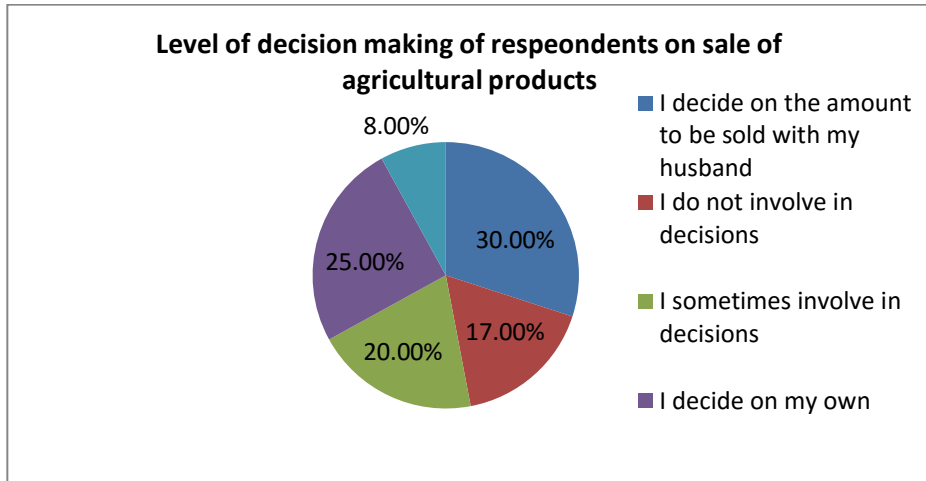
Table 2: Entitlement to Land Registration and Certification in Wolaita (1997-2004 E.C)²

No.	Name of district	No of landholder farmers				Farmers received landholding certificates during 1997-2004 E.C			
		MHF	FHF	Tutor	Total	MHF	FHF	Tutor	Total
1	Sodo zuria	25949	4393	666	31008	25855	4375	666	30896
2	B/Sore	23641	6938	270	30849	23641	6938	270	30849
3	B/ Bombe	14416	3526	49	17991	14416	3526	49	17991
4	D/Sore	14121	2189	175	16485	14121	2189	175	16485
5	K/Koysha	16611	1443	3	18057	16611	1443	3	18057
6	K/Didaye	15458	628	68	16154	15951	627	68	16646
7	Ofa	16788	2228	234	19250	16788	2228	234	19250
8	Humbo	20657	4761	456	25874	20434	4761	456	25651
9	D/Wayde	13636	2704	197	16537	13636	2704	197	16537
10	D/ Fango	15024	3624	280	18928	12735	2750	172	15657
11	D/Gale	21913	4000	279	26192	21913	4000	279	26192
12	D/ Pulasa	16433	2089	40	18562	16433	2089	40	18562
	Total	214647	38523	2717	255887	212284	37630	2609	

5.5.2 Women's Household Decision Making and Control over Income

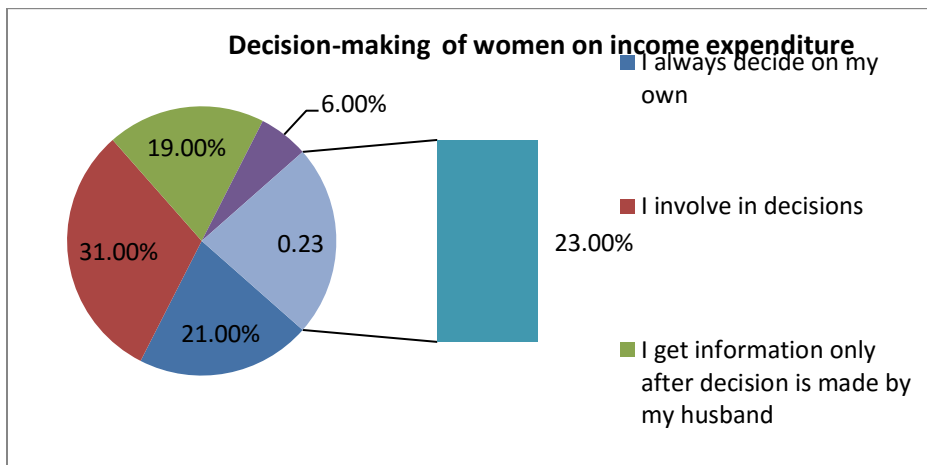
Figures 6 and 7 summarize the level of women's decision making on the sale of agricultural products and expenditures.

² Source: Archive of Wolaita zone Agriculture and Rural Development Bureau, May 2013.



Source: own survey, August 2013

The above figure displays the distribution of the respondents by their on decision-making with respect to the sale of agricultural products and control of income. Quantitative data collected on women’s involvement in decision-making on the number of agricultural products sold reveals that 30% of the respondents decided with their husbands, 17% did not involve in decision-making, 20% were getting involved sometimes, 8% decided by others and 25% decided on their own.



Source: own survey, June 2013

Data on women's decision-making on the income-expenditure reflects that 31% involve in the decision, 21% decide on their own, 23% have an equal say with their husbands on the income-expenditure, 19% of the husbands decided on their own and they were informed later and 6% sometimes decide on their own and their husbands decide on their own at other times.

Qualitative information obtained from focus group discussions with rural women on women's involvement in the decision-making on land and land-related issues reflect that women in male-headed households have little say on what crops to grow, on the amount to be stocked for household consumption and on the amount to be sold. Women explained that they usually need to grow crops they prefer to use for household consumption but are not mostly accepted by husbands. They stated that the land is mostly used to cultivate crops/grains that have good market prices. Information obtained from the interviews with the local land administrators disclose that wives were not regularly consulted on matters related to land and were not informed on serious issues like leasing out the land. Local land committees in Dalbo kebele referred to a specific case where the husband leased out the land without her knowledge.

6. Conclusion

The land is a lifeblood of the rural population in Ethiopia. It is the main source of livelihood and essential to realise several human rights. Ethiopia has afforded a constitutional and legal protection for woman's right to equality with men and equal protection before the law in the FDRE Constitution, regional States constitutions, family laws and land laws. Thus, in theory, Ethiopian women have a right to own, administer and control property under the existing laws. In particular, they have a right to get access to the rural land free of charge and to control it equally with men. The family codes of the country also uniformly recognize women's right to share a marital common property, including the land, upon divorce. Furthermore, women have a right to inherit property on equal foot with men.

However, this study shows that the laws have not been effectively enforced in the Wolaita community, one of the administrative zones in southern Ethiopia because of practical reasons. The main challenge to realise the women's right to rural land is the negative attitude of the community towards women.

The harmful practices are also prevalent among men who enforce laws in various government organs at different levels. Moreover, women generally lack a legal awareness of the extent of their right to the rural land. Therefore, a legal awareness education should be provided by concerned governmental and non-governmental bodies to the rural communities, and to law enforcing authorities at the federal and regional States government levels.

Women face critical challenges in the enforcement of their rights through the lengthy court procedures that start at the lowest administrative unit of the government and stay for years until a final decision is given by the Federal Supreme Court's Cassation Bench. The poor and vulnerable women cannot afford costs of litigation to enforce their legal rights. Thus, the government should facilitate free legal aid services, with a primary purpose of empowering the women to enjoy their rights to the property.

Women residing in rural Ethiopia are the most disadvantaged group of the society, who are both illiterate and poor, endure implausible obstacles stemming from the society's stereotypes and discrimination against them. Forced evictions from their landholding put them in a life-threatening situation that calls for an intervention of all concerned governmental and non-governmental bodies.

In addition to the practical problems, the southern regional state land law has a gap with respect to women in polygamous marriage. It does not specify how they can get their share from the matrimonial property. This legal gap could be filled by amending the existing law.

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