

**ADDIS ABABA UNIVERSITY**

**WOMEN'S ACCESS TO AND CONTROL OVER LAND IN  
THE CURRENT LAND ADMINISTRATION SYSTEM IN TWO  
RURAL KEBELES IN ADA'A WOREDA OF OROMIA  
REGION**

**BY:**

**ALMAZ WOLDETENSAYE**

**DECEMBER, 2007**

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REGION**

**A Thesis submitted to the Institute of Gender Studies, Addis Ababa  
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Gender Studies**

**By: Almaz Woldetensaye**

**DECEMBER, 2007**

**ADDIS ABABA UNIVERSITY  
SCHOOL OF GRADUATE STUDIES**

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**INSTITUTE OF GENDER STUDIES  
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## **Dedication**

**This thesis is dedicated to my father Woldetensaye Edetto to whom I pay tribute at every step in my life.**



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## List of Acronyms

CBO	Community Based Organization
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CSA	Central Statistics Agency
CSO	Civil Society Organization
EARO	Ethiopia Agriculture Research Organization
FAO	Food and Agriculture Organization of the United Nations
FDRE	Federal Democratic Republic of Ethiopia
FHH	Female Headed Household
GAD	Gender and Development
GDP	Gross Domestic Product
ILC	International Land Coalition
ILRI	International Livestock Research Institute
IPMS	Improving Productivity and Market Success
LAC	Land Administration Committee
NGO	Non-Governmental Organization
OAU	Organization of African Unity
PA	Peasant Association
SIDA	Swedish International Development Agency
UN	United Nations
UNDAW	United Nations Division for the Advancement of Women
UN/DESA/DAW	United Nations Department of Economic and Social Affairs, Division for the Advancement of Women)
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WID	Women in Development
WLSA	Women and Law in Southern Africa

## **Abstract**

*The study is designed to explore the status of rural women in access to and control over land in the current land administration system in two rural Kebeles in East Shewa Zone Ada'a Woreda of Oromia region on smallholder farmers' landholding registration. The Ormia National Regional State Rural Land Administration and Use Proclamation and its implementation procedure are examined from a gender perspective in terms of ensuring rural women's land holding rights and control they have over land.*

*Historical overview on the land question in Ethiopia revealed that tenure systems evolved through historical periods. Land remained under men's control throughout history and men's control over land was strengthened by the rural land reform carried out by the Derg. This tenure reform applied rural land distribution using households as unit for rural land allocation and women were disadvantaged as most rural households were headed by men. The Oromia rural land proclamation is not discriminatory on basis of sex. However, policy gaps are evident in addressing women specific issues such as issues of FHHs and women under polygamous marriages. Gaps also exist between policy and implementation. Customary laws and practices have serious impacts on women's land rights at the level of implementation.*

*The research applied both quantitative and qualitative methods in view of feminist research methodology to properly address issues from a gender perspective. Survey of 318 households was conducted administering questionnaires in the quantitative method. The qualitative method applied was interviews with relevant Woreda office and Kebele LACs, focus group discussions with rural women, case stories and observation. Triangulation method is applied in data collection, data presentation and in analysis of findings.*

*Study findings reveal that women's access rights to land is less equal than legally provided. This study evidences gaps between policy and implementation. Customary laws and traditional practices generally have impacts on land access rights of single/unmarried, divorced, widowed women and on access rights of women in polygamous marriages. Women's control over land is not efficiently addressed by the regional rural land policy. This is a significant policy drawback as women's equal rights on land could not be achieved without gaining control over land. The land administration system in general and the land registration process in particular has not considered women's participation in community activities and decision-making. Women are not represented in LACs and Sub-Committees in both Kebeles.*

*Study findings indicate absence of autonomous institution as gap in addressing women's issues in the land administration system. This study also revealed loose linkages between the rural land policy and other regional legislations like the regional family law which provides women's equal rights on land in marriage and on its abandonment.*

*This study forwards recommendation to address gender gaps identified to ensure women's equal access to and control over land in the study area. The Oromia rural land proclamation needs revision from a gender perspective to address women's specific issues and the land administration system should consider women's participation in the process, their contribution to the system as well as their equal benefits from policy outcomes.*

# 1. INTRODUCTION

## 3.4 Background

Women's access to and control over land is very critical as land is a major resource in women's livelihood. However, women are discriminated against in terms of realizing their rights to land. Over the past three decades women's issues and more recently gender issues have gained prominence on the development platform. International women's conferences held consecutively; in Mexico City in 1975, in Nairobi in 1985 and in Beijing in 1995 were measures towards realizing women's political, social and economic equality with men (UN Action for Women, 2003). Many gender issues which are very important to well-being of millions of women and girls around the world got public attention after these conferences.

Despite this progress women have remained disadvantaged in many ways. Gender equality has not been achieved and women do not enjoy equal rights with men in accessing and having control over land and other productive resources. Access to and control over resources and benefits is determined by socio-cultural norms which have significant impacts on gender relations. Social relations of production and consumption (access to and control over means and benefits of production) show constraints on women in many communities (Davison, 1988, World Bank, 2004). These inequalities of opportunities in access to and control over resources have made women more vulnerable to poverty than men in many parts of the world.

There is policy move towards provision of gender-equitable land reform in many countries (Lastarria-Cornhiel, 1995). Farming systems, customary laws on marital and inheritance rights, gender roles at households and on farms, household assets ownership and control, control over household income and expenditures, access to social resources, etc. have influences on women's access to and control over land. These factors should be seriously considered to enhance formulation of land policies and provision of implementation regulations that could effectively address gender inequalities. Significance of land reform policies depend on ensuring women's rights in practice not only in principle.

Policy makers and implementers should be gender sensitive so that women could benefit from land reform policies. Policy implementers' capacity and commitment to translate policy to

reality have significant impact at level of implementation. Women may not benefit even from gender sensitive rural land policies, if policy implementers lack commitment.

This study is carried out in one of the regions in the Federal Democratic Republic of Ethiopia (FDRE). FDRE is located in Sub-Saharan Africa, has a population of 75,067,000 (CSA, 2006 estimate) and a total land area of 1,104,300 square kilometers. Arable land accounts for 10.71% of the country's total land area. Land is the most significant livelihood-sustaining asset for a vast majority of the Ethiopian people.

Oromia National Regional State is one of the nine regions in FDRE with a large population, (constituting 35.4% of the country's population), occupying large area of land (353,006.81 square kilometers). The region has a population of 26,553,000; consisting of 13,249,999 male and 13,303,001 female. About 23,030,000 (86.7%) of the population live in rural areas (CSA, 2005).

The 1995 FDRE Constitution gives importance to improve socio-economic situation of women and there are provisions on equal rights of women to property ownership, particularly land (FDRE, 1995:40). Land policies have been issued at federal and regional levels consistent to the constitution. The FDRE rural land administration and use proclamation first issued in 1997 and revised in 2005 offer mandate to regional governments to issue land policies based on the federal rural land administration and use proclamation and consistent to region specific socio-economic situations (FDRE, 1997 and FDRE, 2005). Four regions, Tigray National Region, Amhara National Regional State, Oromia National Regional State and Southern Nations Nationalities and Peoples Region (SNNPR) issued proclamations on rural land administration and use subsequently. Rural land administration systems are established to implement issued proclamations and land administration programs are being carried out in these regions. The current Oromia rural land proclamation and its implementation process will be considered in this study with regards to women's access to and control over land.

### **3.5 Statement of the problem**

Women's equality in land rights is a global issue. Governments have entered commitments through ratifying various women's rights conventions and have issued national policies supporting women's access rights to land in many countries. In spite of these commitments, problems exist in ensuring women's equal landholding rights with that of men in many countries, mainly due to deep rooted patriarchal gender power relations in societies. Women's land rights issue has become more critical in developing countries like in Africa as land is a major resource for survival to the majority of the people. Access to and control over land and its products are critical to women because, women are responsible to ensure household food security by their community assigned gender roles.

Oromia National Regional State issued rural land policy in 2002 by Proclamation No. 56/2002 (ONRS, 2002) in realizing the FDRE constitutional mandate and mandate provided by the 1997 FDRE Rural Land Administration and Use Proclamation (FDRE, 1997). Rural land administration regulation is issued by Proclamation No. 39/2003 to give directives on detail implementation of the policy (ONRS, 2003). A new land administration system has been introduced and land administration programme is being implemented throughout the region. The rural land policy provides equal landholding rights to men and women. However, effectiveness of the rural land policy in addressing rural women's specific issues and challenging existing gender disparities in access to and control over land needs to be examined from a gender perspective.

Land is commonly allocated to households and is registered on names of household heads in the region. The rural land administration process applies spousal-joint land registration and certification in married households. Studies carried out on women's land rights revealed that women's access to their husband's land entitle them to secondary rights (Nizioki, 2002). Land rights acquired through marriage expose women to crisis especially when marital conflicts lead to divorce or separation or upon death of husbands. Besides, women's marital statuses and their status under different family structures affect women's access to and control over land. Women in male headed households and FHHs (single, widowed and divorced women) access to land and the control power they have over land, particularly decision-making on land

use and control of income earned from farm products is affected by their status in their households.

Community customs and traditions become major challenges in implementing policies that favor women in land acquisition. Traditionally rights to property pass through the male line in Ethiopia. This implies that women's status is generally inferior to that of men.

Researches carried out on rural land policy implementation in Amhara region revealed that policies favoring women's equal landholding rights didn't bring required changes at community level (Sida, 2003; Askale 2005). This study will examine underlying socio-cultural issues that hamper effective implementation of the regional rural land policy on women's access to and control over land in Ada'a Woreda of Oromia Region.

The FDRE and the Oromia rural land policies give emphasis to establishment of transparent land administration system and enhancement of community participation at the level of implementation. Studies carried out in other regions however, reflected women's low awareness on their land rights and low involvement in the land administration process (Askale, 2005; Deininger, Daniel, Holden and Zevenbergen, 2007). This study looks at problems that retarded women's involvement in the land administration process in Oromia region.

This study therefore, intends to find out the extent to which rural land policy of Oromia and its implementation process had effect on the stated problems on women's equal access to and control over land.

### **1.3 Objective of the study**

#### **1.3.1 General objective**

The overall objective of this study is to assess effects of the rural land use and administration policy implementation with respect to rural women's equal access to and control over land with focus on smallholder farmers' landholding registration in Oromia National Regional State, East Shewa Zone, Ada'a Woreda two rural Kebeles.

### **1.3.2 Specific objectives**

Specific objectives are:

- to find out gender gaps in the regional rural land use and administration proclamation in terms of women's access to and control over land;
- to assess the land administration system vis a vis landholding and administering rights of women;
- to explore impacts of customary landholding practices on women's access to and control over land in the two rural Kebeles;
- to analyze the practice of land registration and certification in terms of women's socio-economic benefits and decision-making power; and
- to comment on the regional land administration processes with respect to its contribution to women's empowerment in the study area.

### **1.4 Theoretical framework**

Gender is the sex role identity used to emphasize distinctions between males and females. It refers to behaviors associated with members of a given sex. There are set of attitudes and behaviors developed and perpetuated in society towards people that judge or belittle them on the basis of their gender (Parpart, 1989). Gender became a critical analytical tool in the discourse of women's rights and entitlements to social and material resources.

Developmental challenges faced by policy makers because of differences between the sexes in roles and statuses that hindered development, initiated upcoming of different policy approaches that link gender issues to development (Parpart, 1989). Women in Development (WID) was the first gender policy approach that focused on fulfilling practical gender needs<sup>1</sup>. Although the WID approach improved opportunities for women, it failed to address the empowerment aspect, the power sharing. So there was a need for the programs of gender and development to move further. Thus the second policy approach Gender and Development (GAD) emerged. The GAD approach commenced on integration of gender issues into the

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<sup>1</sup> Practical gender needs as needs that tend to be immediate and short-term, easily identifiable and can generally be addresses without changing traditional gender roles. (Food, housing, water provision, health care, employment, etc.)



design and implementation of development programs. The GAD approach was projected towards addressing strategic gender needs<sup>2</sup> which can empower women and transform gender relations. The overall goal of the GAD approach is women's empowerment. Empowerment entails increasing women's access to knowledge, resource and decision-making power to change their disadvantaged positions to the level of having control over their own lives (Parpart, 1989). This goal was not easy to achieve and gender inequality still persists. It is reflected in many aspects in women's lives including their acquisition of resources.

Women's struggle emerged to remove these inequalities and to bring change in women's lives hence, feminism was born. Feminism is an organized movement which aims to promote equality between men and women in political, economic and social spheres. Feminism is defined in a number of ways. I prefer this definition of feminism for it covers most of the underlying facts:

*Feminism is, "A belief that women universally face some form of oppression or exploitation; a commitment to uncover and understand what causes and sustains oppression in all its forms and a commitment to work individually and collectively in everyday life to end all forms of oppression" (Maguire, 1987: 79 cited on Brayton, 1997).*

In the 1970's women started developing theories to explain their oppression and feminism as an ideology emerged. Feminists started to raise different issues and feminism branched out into many theories by the 1980's (Brayton, 1997: 1). Feminist economic theory will be analyzed with respect to women's access to and control over land for the purpose of this study.

Feminist economists concern across the field of economics was based on its relation to gender and on firm rejection of gender marginalization in traditional economic theories. These feminists developed an economics that serve interests of large and different group of people (Strassman, 1999). Feminist economists contributed new insights to economic thought and

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<sup>2</sup> Strategic gender needs are long-term and are not easily identified, are common to almost all women and men enable women to become agents of change.

were creative in engaging in economics that resulted in positive difference in people's lives especially on that of women.

Feminist economists argued against traditional economics because traditional economics depicted women as dependent on fathers, husbands or male partners by considering the family as a basic economic unit. They affirmed that this assumption enforces women's dependence on men, women's secondary status within the family, the community and women's exclusion from decision-making.

Feminist economists insisted on economic indicators that measure people's well-being. They argued that economic growth which basically considered the amount of money flow in the country's economy has little concern to social well-being of people. They rationalized that economic growth didn't give emphasis to resource distribution within a country. Feminist economists have also evidenced that economic discourses had perpetuated masculinist biases in theoretical and empirical researches. Gender biased research outcomes create low status, low power and less rewards for women since economic theories and discourses influence political, economic and social policies. Feminist economists had contributed to economic theory and methodology and created alternative models such as the Capability Approach. Feminist economic methodology was categorized in to Domestic systems, Economic success, Human agency, Ethical judgments and Gender, race, class (Power Marilyn, 2004).

In the domestic system feminist economists asserted that the household should be treated as an important economic institution and unpaid work performed by men and women in a domestic setting ought to be valued. In addition feminist economists emphasized on issues of power relation and inequalities within families and households. Bina Agarwal and other feminist economists contributed to basic understanding of intra-household bargaining power (Edith and Jolande, 1995). In feminist economics methodology, economic success should consider individual needs and entitlements on top of production of goods, distribution of wealth or income. In respect of this feminist economists; Amartya Sen, Sakiko Fukuda-Parr and others had been forerunners in developing alternatives to the GDP such as the Human Development Index-HDI (Edith and Jolande, 1995).

A human agency methodology attempts to look at women's relationships within a given system, their relationship with people and institutions. It looks at where power in a system lies and who has unequal access to it. Women's limited access to institutions in a given system constrains their involvement in decision-making. According to these feminists, many decisions are not made on women's own free-will but rather out of the limited choices in their lives.

Ethical judgments methodology looks at systems from a specific moral position and viewpoint rather than from point of view of neutral observer (Folbre, 1994). Feminist economists emphasized on importance of considering societal norms in economic issues.

Feminist economics methodology asserted on the need for incorporating issues of different groups of people. Gender, race, class and caste were focuses of attention. A gendered perspective exposes that economic relations and actions are directly affected by gender roles. Feminist economists therefore, underscored that a gendered perspective is central to the study of economics to spell out gender aspect of the economy.

Feminist economists' major area of inquiry was development. They argued that economic development, particularly in developing countries largely depend on gender equitable laws on ownership and inheritance and provision of gender sensitive sectoral policies. Feminist economists asserted that cultural factors are very important in explaining women's issues in the agriculture sector in developing countries. Feminist economists gave due emphasis to the agriculture sector as major area of development. Their view on the agricultural sector revealed that agricultural economic concepts should consider effects of gender relations in the system. Feminist economists further underlined that economic approach in the agricultural sector and farming systems reflect gender ideologies in society. They affirmed that farm is seen as a purely economic unit managed by a male farmer, often considered active on the agricultural economic development. Women are associated with the domain of the family and the household hence, they are invisible in agricultural production regardless of their contribution to the sector and the rural economy. Feminist economists asserted that family farm should be conceptualized in a different way because of its characteristics. They explained family farm as a farm where capital, labor and management are mostly provided by the family who owns/uses

the land. Family farm is primarily based on family labor and there are interlinks of economic activity and family life. Furthermore they affirmed that existing economic concepts could not be applied to study gender relations on family farms. Underlying reasons for these feminists view was that family farm is an area where labor and property relations are based on marriage and kinship and that power relation between men and women in society are reflected on farm activities. Feminist economists' further emphasized that farm activities are outcomes of household decision-making processes although women and men farmers do not always have the same needs and interests. Women and men have different influences in the decision-making process. They underscored the need for more actor oriented approaches to incorporate women's roles in economic analysis and to address their issues effectively.

Feminist economic theory discussed so far is used as frame work and method of analysis in this study. It reflects feminists' standpoints that are considered useful for the study. Feminist economists' position reflected in theory, methodology and practice in the agricultural sector gives clear picture on gender aspect of the farming system. Their method of analysis of family farm and emphasis on socio-economic factors affecting the farming system will be considered to analyze situations in the study area.

## **1.5 Working definitions**

**1.5.1 Patriarchy:** From a gender perspective patriarchy is defined as a set of social relationships which cause domination of men over women. Patriarchy is a social system and societal structure that institutionalize male physical, social and economic power over women. Men are regarded as the authority within the family and the community and power and possessions are passed on from father to son. Feminists define patriarchy as:

*“A set of social relations between men which, have a material base and which, though hierarchical establish or create interdependence and solidarity among men that enable them to dominate women”*  
(Heidi, 2003: 211).

**1.5.2 Gender mainstreaming:** is defined as:

*“...the process of assessing the implications for women and men of any planned action including legislation, policies or programmes in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.” (ECOSOC, 1997:3).*

Gender mainstreaming is clearly established as global strategy for promoting gender equality through the Platform for Action at the United Nations Fourth World Conference on Women in Beijing, China in 1995 (UN DES DAW,1995). Reference was made to importance of the mainstreaming strategy for each strategic objective identified in the Beijing Platforms for Action. Systematic consideration of differences between situations and needs of women and men in all community policies and actions were set as basic features and principles in gender mainstreaming. Gender mainstreaming involves restructuring policies, programs and activities to make sure that needs of women and men are equally addressed and both women and men have equal participation and both gain equal benefits. Gender mainstreaming is a process which requires shift in organizational cultures and attitudes. The ultimate goal of gender mainstreaming is achieving women’s empowerment and gender equality.

**1.5.3 Power in gender relation:** Literatures reveal that power has different definitions in social and political theories. Feminists define power in terms of social relations of domination and subordination. Feminists’ understand power as power-over which is unjust and oppressive to those over whom it is exercised (Joan, 1979). Gender relation is a way in which, culture in a society prescribes rights, roles, responsibilities and identities of women and men in relation to one another. Men hold superior position in households and communities and women are put to inferior position. In women’s land rights issues power in gender relation implies men’s higher access to and control over land and women’s less access and low control over land.

**1.5.4 Access to land and other resources:** Resources are means and goods including those that are economic like household income, productive like land, equipments, agricultural inputs (including labor) and opportunity to leadership and decision-making, information,

organization and time. Access to resource implies to the ability to use resources and/or benefits and to make short-term decisions on these resources (Akuna Beatrice, 2004). Women's access to land has terms of use rights that imply getting opportunity to use and benefit from land. Access to land is a means to gain control over land.

**1.5.5 Control over land and other resources:** Control over resources implies the ability to use and even dispose a resource or benefit. Women's control over land means that women can access land (use it), can own land (can be legal title-holders) and can make decisions on selling or leasing out the land (Akuna Beatrice, 2004). Therefore, women's control over land implies that women get access to land and they make major decisions on land. Women's control over land is realizing equality.

**1.5.6 Decision-making:** In the context of land rights decision-making refers to decision on land use as an agricultural resource and its disposition. Decision-making related to land includes, land use and improvements, control of products harvested from land including incomes earned from sales of products and decisions on land transfer through bequeath, inheritance, sale or rent.

**1.5.7 Land rights:** Land rights are legally recognized claims on land enforced by legally established institutions. Women's land rights need deep understanding of the relationship between legal and social recognitions as well as the relationship between legal provisions and enforcements. Women's land rights should be recognized in terms of access and control in order to ensure security of rights (Akuna Beatrice, 2004). Women may have land rights recognized by law but such rights are meaningless unless those rights are socially recognized and effectively enforced.

**1.5.8 Land rights registration:** It is a recording procedure describing a parcel of land and identifying its current owner/holder and the form of ownership she/he or they had. It is a process of recording rights on land which provides safe and certain foundation of acquisition and disposal of rights on land (ELTAP, 2006:165). Landholding registration and issuing certificate to holders is a recent phenomenon in Ethiopia. Women's land rights registration and titling need to be defined explicitly in order to ensure their equal rights on land.

**1.5.9 Tenure system:** Is the way in which ownership of land or rights to land is organized. Tenure system may be determined by statute, agreed precedent or by customary practices. Tenure systems represent relations of people as individual and as group in society with respect to their access to and control over land (Moyo, 2002). It is culture-specific and dynamic, changing as social, economic and political situations change. In Ethiopia for example, different regimes followed different tenure systems.

## **1.6 Background of the study area**

The study is conducted in Ada'a Woreda, one of the 180 Woredas in Oromia Region located in East Shoa Zone. The capital of the Woreda is Debre Zeit located about 47 kilometers southeast of Addis Ababa. The Woreda covers an area of 1,750 square kilometers stretching east of the Bole international airport to northwest of the Koka Dam. Ada'a Woreda has 25 rural Kebeles with a total population of 133,205; out of which, 69,447 are male and 63,758 female (CSA, 2005). The total number of rural households is 20,362 out of which 18,450 are male headed and 1,912 are FHHs.

Agro-ecology of the Woreda is favorable for diverse agricultural production. Ada'a woreda is one of the regularly cultivated areas in East Shewa Zone. Cereal crops, grain legumes, oil crops, root crops and spices are grown in Ada'a. Most of the teff, wheat and legumes in East Shewa are produced in Ada'a Woreda<sup>3</sup> and Ada'a is well known for its high quality "magna"teff<sup>4</sup>.

The two research Kebeles, Dire Arerti and Koftu are located on two opposite directions from Debre Zeit town. Dire Arerti Kebele is located southwest of the town and Koftu Kebele is located to the northeast as shown on the map on page 13. Both Kebeles are located at 12 kilometers distance from Debre Zeit town. Dire Arerti Kebele has a land area of 3,367.5

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<sup>3</sup>Source: ILRI Document; Ada'a Liben Woreda Pilot Learning Site Diagnosis and Programme Design, 2005.

<sup>4</sup> Teff is a staple food and "magna" teff is the best quality and high priced teff. Farmers in Ada'a benefit from high demand from the surrounding cities and towns including Addis Ababa.

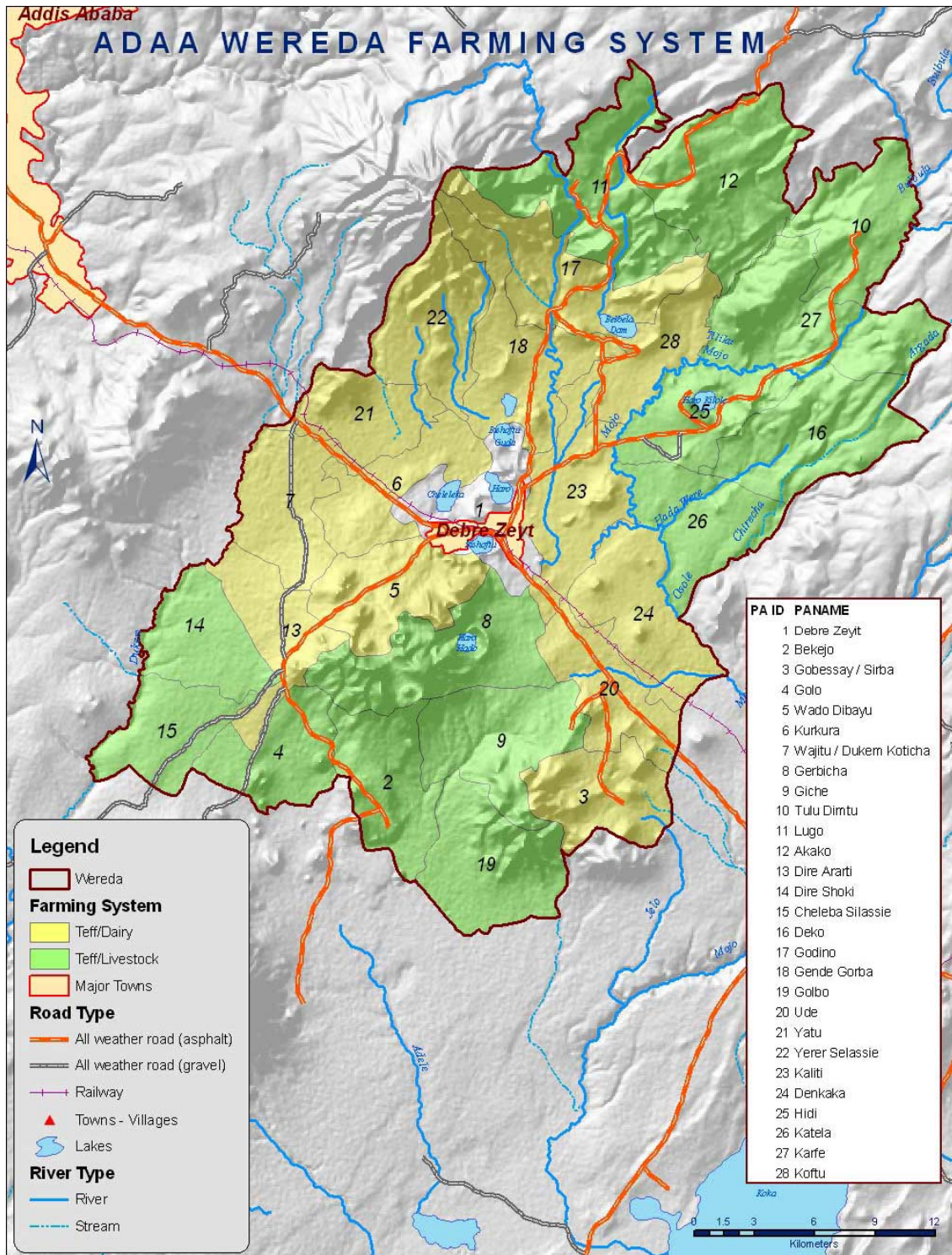
hectare and total population of 5,261; out of which, 2,595 are male and 2,666 are female.<sup>5</sup> There are 807, households in Dire Arerti out of which, 766 are male headed and 41 are FHHs. This Kebele has state owned forest land on 935 hectares. Koftu Kebele has a land area of 2,795.5 hectares and total population of 5,207; out of which, 2,247 are male and 2,960 are female. Number of households in Koftu is 741, consisting of 641 male headed and 100 FHHs. The total population of the two Kebeles is 10,468; out of which, 4,842 are male and 5626 are female. Female comprise 53.7% of the total population of the two Kebeles. Farmers in both Kebeles produce teff, cereals, chick pea, etc.

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<sup>5</sup>Source Ada'a Woreda Agriculture and Rural Development Office Record June, 2007.



## Map of the Woreda and Kebeles



## **1.7 Rationale of the Study**

This research is aimed to study women's access to and control over land in Ada'a Woreda of Oromia Region with respect to the current regional rural land use and administration proclamation implementation on small holder farmers' landholding registration. Women's access to and control over land is vital for rural livelihoods. However there are considerable social, economic, political and institutional challenges faced in ensuring women's access to and control over rural land.

Researches show significant relationship between women's land holding rights and women's key roles in rural development, poverty reduction and food security. It is also emphasized that gender issues are often overlooked in land policy and/or its implementation and gender discrepancies persists in access to and control over rural land. It is mostly difficult to realize women's equal access to and control over land even in cases where rural land policy demonstrates gender equality. Customary laws and traditional norms are different from statutory laws in most communities and women lack awareness that is needed to challenge customary and traditional practices that deny their equal land rights. Identifying and removing barriers which hamper realization of women's equal access to and control over land has to be a major concern to effect changes on the status of rural women.

In Ethiopia the land tenure system has undergone through various reforms under different regimes. In the current regime the FDRE Constitution states that land is property of the state and the people and land tenure system is based on land administration and use proclamations issued by FDRE and regional governments. In this respect Oromia National Regional State had issued land proclamation in 2002 and had started land administration programme implementation. This study is considered to be appropriate as the rural land policy issued introduced a new land tenure system and implementation started in 2006 in the research Kebeles. It will examine gender sensitivity of the policy and its implementation regulation as well as gender inclusiveness of the land administration process at the level of implementation. The study will help to identify gaps and barriers to women's equal access to and control over land in the study area which will give a general idea about other parts of the region.

## **1.8 Significance of the study**

Women's equal access and control over land is constrained by their social positions in society. Demographic information on Oromia Region reveals that women are over 50% of the regional population. Equal access to and control over rural land to women in this region obviously will have positive impact on the rural development. This study will be a bit of contribution to show significance of women's equal access to and control over land to the socio-economic well-being of women as well as the rural livelihood in the region.

Researches carried out on the current rural land policy implementation reveal that the current land administration system has not challenged pre-existing gender biases in actual implementation (Askale, 2005; Deininger, Daniel, Holden and Zevenbergen, 2007). This study will look at factors affecting women's equal access to and control over land in the land administration system in two rural Kebeles in Oromia. Study findings will give better insight to gender issues and significance of addressing these issues in rural land administration system to ensure women's equal access to and control over land. The study will come up with important recommendations on gender issues to be considered in the regional rural land administration policy which is under revision currently. This will help policy makers to give emphasis to important gender issues that need to be addressed at the level of policy formulation as well as at the level of implementation. The study will also serve as an entry point for further research undertakings in areas of women's land rights and rural development.

## **1.9 Delimitation of the study**

This study is limited to Ada'a Woreda two rural Kebeles located near Debre Zeit town. This will limit upcoming of some important gender issues existing in distant Woredas of the region. Finance was constraint to carry out research in distant Woredas. Nevertheless, this study will hopefully give insight to gender aspect of Oromia rural land policy and land administration system with regards to rural women's access to and control over land in the current land tenure system.

## **1.10 Organization of the report**

The thesis is structured as follows after the introduction part:

- I. Chapter two presents a condensed relevant literature review on gender and land policy issues in developing countries, Africa and Ethiopia;
- II. Methodology of the research is presented on chapter three;
- III. Chapter four focuses on data presentation, findings and analysis of major findings;
- IV. Chapter five presents summary of findings, conclusion and recommendation.

## **2. REVIEW OF RELATED LITERATURE**

This chapter will focus on review of relevant literature on women's access to and control over land and assessment of relevant policies and legislatives. Rural land policy of Oromia National Regional State is assessed and linkages with relevant sectoral policies and legislations are reflected in brief.

### **2.1. Women's land rights**

Land is recognized as primary source of wealth, social status and power throughout history to those who have access to and control over it. Arguments raised on women's land rights in the course of the 1990s that influenced international discourses on gender equality is well established as basic component of policy nowadays. Gender equality was included and promoted as a major goal in the Millennium Development Goals - MDGs (World Bank, 2001) and in country Sustainable Development and Poverty Reduction Program (MOFED, 2006). However, there is a persistent gender gap in landholding rights because, women's access to and control over land are affected by various factors in communities (FAO, 2002). Socio-economic, legal and institutional factors affect women's access to and control over land.

### **2.2. Why is gender an issue in access to and control over land?**

Gender inequalities are pervasive across many dimensions of societal life including households, social, economic and political institutions. The UN recognized that gender inequality resulting from women's low status persist in all societies although the extent of the gap varies across countries, cultures and time. The UN presented the burden of this inequality as follows: "*Women, who comprise half the world's population, do two thirds of the world's work, earn one tenth of the world's income and own one hundredth of the world's property*" (UN, 1980). A World Bank study on regional patterns of gender inequalities in basic rights and in access to and control of resources reflect that disparities exist all over the world and no woman in the developing regions has equal rights with man (World Bank, 2001). Gender inequality is difference in rights and privileges between women and men reflected in legal statutes, customary laws and community practices. These differences are reflected in marriage,

inheritance, property ownership and management, in household and community activities and decision-making. Deprivation of women's land right through customary practices regarding land inheritance and property distribution after divorce is challenge in patriarchal societies. Men remain central heirs and holders of land rights in patrilineal<sup>6</sup> communities.

Women's direct access to land is often limited in traditional societies. Women have indirect access to land in terms of use rights acquired through kinship relationships and their status as wives, mothers, sisters or daughters (Davison, 1988). However, these use rights may not grant enough security for women when family structures break due to various reasons. Breach in marriage is a serious issue in women's access to and control over land because, it results in vulnerable group of women, FHHs as single parents, widows or divorcees.

The gendered face of poverty makes gender an issue in women's access to and control over land. The outcome of a study carried out by UNDP in developing countries reflected that poverty has a gendered face and that women are poorer than men (UNDP, 2000). This UNDP study carried out on selected countries of Sub-Saharan Africa showed the GDP per capita figures for women were less than that of men. Comparative figures in 1998 were US\$1,142, per woman and US\$2,079, per man (UNDP, 2000: 162).

International human rights instruments related to women's property ownership and inheritance revealed that denial of these rights makes women's land rights a human rights issue. Gap exists between international human rights provisions and national legal provisions because national laws of property rights are influenced by customs, attitudes and perceptions (Benschop, 2002). The interaction of statutory laws and community customs and traditions will determine how women's legal rights on land are actually realized in practice. Gap between legal systems and customary practices is obvious and nature of the gap defines the extent to

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<sup>6</sup> Patrilineal communities are communities where lineage goes through male descents (from father to son) in which socio-economic gender relations are shaped in the patriarchal system and are manifested in different forms. For example property is inherited by male heirs and marriage is patri-local. In patrilineal communities, the bride is moved to the bridegrooms' residential area.

which women's rights are neglected or promoted in access to and control over land in communities. Therefore, women's equal right on land is a human rights issue.

Women's equal access to and control over land is an issue of equity, poverty reduction, food security, sustainable development and even human rights. Therefore, these issues as discussed above make gender a critical issue in access to and control over land.

### **2.3. International policy frameworks and institutions**

International law has framed gender equality as part of global concern on human rights and basic freedoms for social, economic and political rights. These include claims on access to and control over productive resources like land. Universal Declaration of Human Rights adopted in 1948 (UDHR, 1948) and international laws and conventions developed afterwards have a number of provisions to address gender equality. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) prohibits any distinction, exclusion or restriction on the basis of gender that harms or nullifies women's human rights and fundamental freedoms (UNCEDAW, 1979:3). It establishes women's rights on par with those of men to political, economic and social participation and benefit. Articles 7-8, 10-13 and 16 of CEDAW have comprehensive coverage and oblige signatory states to achieve these goals.

The Beijing Declaration on its Article 35 states that governments should ensure women's equal access to economic resources including land, credit, science and technology, vocational training, etc. as a means to further the advancement and empowerment of women (UN DES DAW, 1995: 35). Governments are required to incorporate gender perspective in all policies and programs to bring about political, economic and social development through women's empowerment and gender equality. Women and the economy and women and poverty are critical areas of concern in the Beijing Platform for Action (UN DES DAW, 1995: 41). These were considered critical areas of concern because feminization of poverty had become a significant problem in developing countries. Women's limited access to productive resources and inequitable decision-making power was put as major reason for feminization of poverty. Governments are required to re-formulate macro-economic policies that address gender disparities in economic power sharing to alleviate poverty and advance economic growth.

Gender mainstreaming was considered a major strategy to be followed by states to alleviate poverty especially among women living in rural households.

The United Nations Higher Commission on Human Rights passed resolution on women's equal ownership access to and control over property and land (UNHCR 2003/ 22). International conventions ratified by governments including international human rights instruments and women's equal rights conventions were bases for considering women's access to and control over land as human rights issue in the resolution. African Protocol to the African Charter on the Rights of Women in Africa adopted by the then OAU called upon all African states to eliminate discrimination against women and to ensure women's rights as set in international declarations and conventions (OAU, 2003). It demanded African governments to combat all forms of discrimination against women through appropriate legislative and institutional measures. The protocol includes a number of articles on women's social, economic and political equality and gives particular emphasis to the rights of widows and divorcees.

UN agencies and international organizations play significant roles in supporting women's equal rights on access to and control over land. FAO is the responsible UN agency to lead international efforts to overcome hunger. FAO draws special attention to rural development and facilitates debate forums on land policy issues. FAO established ILC that focuses on women's access to land and gender relations in land tenure. ILC runs 'Gender Relations in Tenure Project' on women's rights to land which focuses on key issues regarding women's access to land (ILC, 2007). Furthermore, the World Bank, USAID, SIDA, Oxfam GB, etc. are taking gender issues as major concern in land policy formulation in their land and agriculture related development programs in developing countries.

#### **2.4. National legal frameworks**

International laws had significant influence on national laws. Most countries around the world affirm principles of basic human rights and most national constitutions give explicit reference to equality between women and men. A country's legal system often incorporates national statutory law, international commitments entered and conventions ratified. Statutory law



affects all parts of the formal legal system from legislation issued by central governments to regulations and directives issued at different levels of administrations in government structures. Nevertheless, barriers exist to effective implementation of national commitments to gender equality because customary laws mostly deny women's equal rights to land to that of men.

## **2.5. Land policies and legislations**

Ascertaining gender equality in rights and using regulatory policies to address specific areas of gender inequalities are critical roles of the state since gender equality has been formally acknowledged as a goal by most governments (Lastarria-Cornhiel, 1995). Addressing women's particular disadvantages in relation to land ownership, access and control should be major focus in drafting new land policies. However, creating gender equality is a principal challenge for land policies and land administration systems. This is mainly because of lack of understanding on complex nature of property rights in existing gender relations in society. Regimes are not able to provide effective institutional structures that can protect and strengthen equitable access to land within the framework of a country's land policy goals. There are evidences where outcomes of land reforms and land administration systems resulted in different repercussions for men and women (Agarwal, 1994; Lastarria-Cornhiel, 1995). Disparities exist between land policy goals and implementation practices in many countries. In the face of these limitations land policies and land administration systems need to consider impacts of land reforms from a gender perspective. Policy makers should take gender equality as major component in land policy formulation. Progress achieved on issuing gender-equitable land policy became deficient at level of implementation in most African countries (Jacobs, 2001). Patriarchal norms prevail even where land legislation specifically recognizes women's equal rights on land. Constitutional and legislative provisions on women's equal access rights to land become quite worthless unless effectively enforced. Land policy implementation basically needs efficient land administration system and strategy to address gender inequality and to ensure gender equality.

Bina Agarwal provided explanation on why gender equality should be major component of land reform policies in her book *A Field of One's Own* (Agarwal, 1994). Agrarwal emphasized

on the need for land policy focus on women's access to and control over land. She particularly stressed on the need for policy to address women's control over land and identified four main reasons on the need for women's control over land in addition to getting access to it. Agarwal identified welfare, efficiency, equity and empowerment as major reasons for women's need in gaining access and control over land. With respects to welfare she stated that women's control over land improve their households' livelihood and thus, improves household food security. In terms of efficiency, women's control over land increases agricultural productivity. Equity is gaining justice for women so it is recognizing women's equal access to land. With regards to empowerment, she emphasized that gaining control over land strengthens women's ability to struggle for equality, dignity and additional economic rights. Agarwal justified and stressed on significance of women's access to and control over land to achieve economic, social and political equality with men.

In recent years land administration reforms have been projected in the notion of good governance focusing on decentralization and democratization of land administration institutions (Quan, 2000; Adams, 2001). This is practiced through initiating community participation at local levels and restructuring local land administration within the framework of statutory laws. Land administration system includes land ownership or holding rights registration and entitlements. In such documentation whose name(s) is/are registered on certificates or records will be an issue. Land titling is an area where most gender issues prevail in access to and control over land. Land titling tend to be vested on men either by legal condition or by socio-cultural norms (World Bank, 2001). Even where formal title is given jointly to husband and wife, women might lose decision-making power in management of household land (Rocheleau and E. David, 1997). In this regard unregistered marriages, divorces and polygamy have major impacts on women's rights to land. Polygamy is a significant complicating factor in issuing land titles.

Land administration institutions have got problems with respect to registering full information, documentation and updating. Land registers could not be reliable sources of information on all rights related to land because registers record limited set of rights in most cases (ELTAP, 2006). Such limitations could result in significant impacts on women's land rights. The

situation becomes more complex when documents or registers are not kept safely and in cases where registers are not updated. Updating is very important since changes in landholdings and entitlements could occur in course of time.

Moreover linkage of land tenure legislations with other relevant legislations is very important. Land tenure legislations may not cover whole issues that affect gender equality unless the remaining part is addressed by other relevant legislations. A major step is to establish basic equal rights in family laws for protection of equal rights on marital property within marriage or at divorce (Agarwal, 2001). Such targeted laws and regulations can address critical gender inequalities on rights to land if implemented effectively. Effective implementation of these laws depends on the degree of access to law enforcing institutions, ability to finance litigations and level of support provided by the family and the community (Ogendo, 2005). This is critical to rural women because they lack family and community support due to gender biases and their low economic status affect their capacity to finance litigations. Land policies should also explicitly address gender inequalities in inheritance to ensure equal landholding rights of women.

## **2.6. Women's access to and control over land**

### **2.6.1 Tenure systems and gender relation**

Land tenure refers to terms and conditions under which land and other related resources are held and used. A tenure system reflects who holds what land under what conditions. Land tenure systems vary from community to community and are influenced by historical development of each community. Terms and conditions under which rights to land are acquired, retained, used, disposed or transferred are influenced by gender relations (Shiviji, I.G, Moyo, S., Gunby, D. and Ncube.W., 1998). Gender disparities in rights constrain women's choices in many aspects of life and limit their opportunities to participate in economic activities of society. Access to land and land tenure relations are critical as most communities depend on land to ensure food security (FAO, 1997). Access to land is a means to access membership in agricultural associations, to access agricultural inputs, credit, etc. Lack of access to rural land is an obstacle to agricultural productivity and to increase rural

women's income as they cannot access these resources without holding land and securing tenure.

Gender power relation has serious influence on land tenure systems because it determines roles and statuses of women and men in society. Intra-household gender relations reveal gender power imbalances (Parpart Jane, 1989; Young, 1992; Peters, 1995). These relations are reflections of inequalities in access to resources, intra household distribution of income and decision-making power. These inequalities are directly related to level of household poverty and food insecurity. Ensuring property rights is considered as one mechanism to enhance women's bargaining power at household and community levels (Agarwal, 1994a). In Africa predominance of the patriarchal system induces gender power relations which downgrade women to inferior position. The patriarchal system influences socio-economic and political structures, government policies and strategies and this has impact on accessing, managing and controlling resources.

### **2.6.2 Women's land rights and customary systems**

In many communities access to land is governed by both statutory and customary laws. Customary laws emerge from unwritten social rules derived from shared community values and traditions. Customary laws limit women's rights on land to secondary rights mainly derived from their membership in patriarchal households. This law underpins patriarchal system of traditional authority to reinforce patriarchal values which disadvantage women and place them to subordinate position in society (WLSA, 2001; Walker, 2001a).

Marriage has been primary means of getting access to land under customary system of tenure. In Sub-Saharan Africa, unmarried women have little access to land because, they are not allowed to inherit property in most patrilineal societies while wives have better access to their husbands' land through marriage. Security of marriage thus becomes major requirement for security of tenure (Davison, 1988; Nizioki, 2002). On the other hand, studies revealed that marriage as an institution and family structures are becoming more and more unstable especially by impacts of HIV/AIDS in Sub-Saharan Africa (Nizioki, 2002).

Some customary laws give sons exclusive right to inherit land and other property whereas wives and unmarried daughters have the right to be maintained. Pre-existing customary norms in some patrilineal societies in Africa used to allow widows continued lifetime rights on their marital land which passes on to male heirs after their death (Sebina Zzwa, 1981; Davison, 1988; WLSA, 1998; Nizioki, 2002). But, this practice is not necessarily adhered to as land gained value. Widows are becoming vulnerable being forced off their deceased husbands' land by their in-laws or by their sons.

Customary laws generally sanction male authority over women. Men control household land because, community customs and traditions support land allocation to male. Under customary laws all property acquired by the spouses except, personal goods belong to the husband.

### **2.6.3 Land tenure reforms and women's right to land**

Adams M, S Sibanda defines land reform as:

*"...Generally accepted to mean the redistribution and/or confirmation of rights in land for the benefit of the poor; and as one major type of intervention by the state. A planned change in the terms and conditions on which land is held, used and transacted, e.g. through converting informal rights to formal rights, establishing mechanisms for managing common land rights, recognizing customary rights of occupation, etc."*  
(Adams, 2000:1-2).

Land tenure reforms have different purposes in African countries. Objectives of tenure reforms vary from an intention to address land question in view of equity and bringing change in rural livelihoods like in Ethiopia to stimulating land markets in countries such as Kenya and Uganda (Moyo, 2002; Nizioki, 2006).

In African cases most land tenure reforms are male dominated and patriarchal in focus (Moyo, 2002). The predominant male scholarship on land questions neglected gender issues and there were cases where land tenure reform programs promoted gender inequalities (Boserup, 1970; Rogers, 1980). Women's access to land was complicated by legal land tenure systems, traditions and social norms, and women were affected by it. It might not be possible for land reform laws to address wide diversity of traditional laws (accepted norms) within a country (Bruce J., Migot-Adholla, 1994). Socio- cultural factors act as barriers because customs and

traditions often fail to recognize women's enforceable rights to access and control land. Reconciling statutes and contradictory customary laws continue to be persistent challenge to land tenure reforms.

Gender issues are mostly over looked or misunderstood in land tenure measures. This results in long lasting negative impacts on development. Emerging social, economic and technological changes are requiring land administration programs and institutions to re-examine individual and group rights to land and other productive resources in order to effectively address gender issues (FAO, 2002; Moyo, 2003). Changes occurred with commoditization of land and the modern economy has resulted in change in roles and functions of households. Land is no longer a relatively abundant non-marketable resource now days, it is bounded, finite and has price (Moyo, 2003). Women often get marginalized when the value of land increases as a result of external investments. They can even lose benefits they gained before and miss opportunities to be accommodated in such situations.

Literatures reviewed so far give an overview on the international and regional context of women's access to and control over land. Most issues discussed are relevant to the Ethiopian context. The following part will reflect the Ethiopian context in general and that of Oromia Region in particular as this study focuses on Oromia region.

## **2.7 Land issue in Ethiopia**

### **2.7.1 Historical background**

The issue of rural land has been primarily a political and social question in previous and in contemporary Ethiopia. Rural land has been center of focus and land tenure system has a long history in the country. There were peasant uprisings and revolts during the imperial era against the regime starting from the 1950s (Bahru, 2002:192). The government faced serious challenges when it increased tributes in the aim of increasing income to modernize the country.

The first significant peasant uprising took place in the then Tigre province in 1943 (Bahru 2002:192). Peasants of the then Bale province took up arms against the Ethiopian state

between 1963 and 1970 as the imperial bureaucracy expropriated huge portion of cultivable land under the guise of tax default gradually turning peasants into landless tenants (ibid). The last rural uprising prior to the 1974 revolution took place in the province of Gojjam in 1968, where new agricultural income tax was introduced in 1967 (ibid).

Beginning of private land holding and introduction of large scale farming system in the country offered opportunity to the nobility residing in towns and cities to hold large areas of farm land in the southern and western parts of the country. Thus, a class of absentee land lords emerged (Haldon, 1993). This resulted in complex land tenure system with significant differences between the northern and the southern parts of the country. In the northern part the major form of land ownership was a type of communal system known as *rist*. *Rist* was hereditary, inalienable and inviolable and all descendants (both male and female) of an individual founder were entitled to share land (Bahru, 2002). In the southern and western parts of the country where Oromia National Regional State is located the major form of tenure was the *gult* system. *Gult* is ownership right to land acquired from the monarch or provincial rulers who were authorized to grant land. There were also other forms of tenures by which, land was granted to the Ethiopian Orthodox Church in perpetuity and land granted to government officials, war veterans and other patriots in substitute of pension or salary.

“*Land to the Tiller*” was the leading slogan of the popular Ethiopian Student’s Movement in the 1960s (Helland, 1999; Bahru, 2002:193). The land question of the 1960s or early 1970s was primarily a political question aimed to bring to an end the feudal form of exploitation of peasants by few landlords especially in the southern part of the country (Helland, 1999; Bahru, 2002). Eventually opportunity was created to mobilize peasants, workers and the middle class against the imperial regime. And finally the Emperor was overthrown by the Derg (military government) in 1974, and this ended the imperial land tenure system.

The land tenure system before the 1974 land reform was blamed for causing inequity, inefficiency and for being a major obstacle for development of the agricultural sector and the country as a whole (Desalegne, 1984).

Following the overthrow of the imperial regime a land reform was carried out by Marxist-Leninist rhetoric. The Derg government issued proclamation on rural land (PMAC, 1975). The

government proclaimed public ownership of rural land, nationalized rural land and abolished tenancy and private ownership of land. The proclamation granted each peasant family right to hold land up to ten hectares and outlawed any transfer of interest by sale, lease, mortgages or similar means on land. The objective of the Derg's land reform was addressing issues of inequity which was inherent in the feudal system by providing access to land to the farming population through distributing rural land to peasant farmers (Desalegn, 2005). However, the outcome of the 1974 land reform was tenure insecurity and decrease of farm size that hindered development of the agricultural sector (EEA, 2002).

In 1991 the Derg government was overthrown by the Ethiopian People's Revolutionary Democratic Front (EPRDF). Land policy is framed in the constitution in the current government. The FDRE rural land policy granted free access to land to every rural resident who wants to live on farming. The rural land policy grants women equal rights on land as women have constitutional right to acquire, administer, control, use and transfer property (FDRE, 1995:35). Women are particularly provided equal rights with men in respect to use, transfer, administer and control of land and to inherit land.

Rural land policy issues still continue to be agenda of scholarly debates in view of its impacts on rural livelihoods, the rural economy and that of the country as a whole. Moreover, women's land rights issue is becoming an aspect of rural land policy.

### **2.7. 2 History of land registration**

Historical records reveal that land registration started almost a century ago in Ethiopia. It began during Emperor Menelik's reign (Pankhrust, 1966). The emperor issued decree on land registration throughout the country and ordered land registration to include cadastral survey in Addis Ababa city. Land owners were issued certificates written in Amharic and French with a map showing boundaries of land owners attached in Addis Ababa.

An independent ministry was established during Emperor Haile Selassie's regime. Ministry of Land Reform and Administration was established to create free hold tenure system (Hoben, 1973). This ministry was responsible for measuring and registering rural land in collaboration



with the Mapping Agency and was functional until 1974. Land measurement was carried out using cadastral survey and individual title to land was registered. Land market system was institutionalized during Haile Selassie's regime.

The Derg rural land reform gave mandate to the newly established PAs to register land and to set boundaries in their respective areas. Land was registered on names of PA members entitled to use rights and the registry was used for tax collection (ELTAP, 2006). Land users do not hold any legal document on their landholdings except, receipt they get upon tax payments.

The current land administration system is based on land administration and use proclamations issued by regional governments that have provisions on land registration. The land registration process includes land measurement, boundary setting, collecting information on different parcels under individual holdings, etc. and data are kept in official records. Land holders are issued with a certificate or book of holdings carrying information about the landholder and landholdings registered under his/her name (FDRE, 1997, FDRE, 2005).

### **2.7.3 Rural land policy and legislations**

As stated on the first part of this chapter national legislations incorporate international conventions ratified and commitments entered by governments. In view of this the FDRE Constitution explicitly states that "*all international agreements ratified by the country are integral parts of the law of the land*" (FDRE, 1995: 9/4). Hence, all international conventions ratified on women's rights and commitments entered to implement the Beijing Platform for Action and to meet the MDGs are included in the constitution and government is obliged to implement these provisions.

Land policy measures taken by the current government affirm that land is public property. Land policy is embedded in the FDRE's Constitution and the constitution states:

*"The Right to ownership of urban and rural land, as well as of all natural resources is exclusively vested in the state and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subjected to sale or to other means of exchange"* (FDRE, 1995: 40/3).

The FDRE land policy confirms constitutional provisions. Rural Land Administration and Use Proclamations issued at different times, Proclamation No.89/1997 and Proclamation No.456/2005 affirm that every Ethiopian national without discrimination has right to use rural and urban land (FDRE, 1997, FDRE, 2005). Every rural resident who wants to make a livelihood from farming is entitled to use a plot of land free of charge and women have rights to access rural land (FDRE, 1997, FDRE, 2005)<sup>7</sup>. These proclamations include provisions on rural land administration. Accordingly rural land should be measured, registered and land holding certificate should be provided to users/holders. Rural landholding certificate should contain information on land size, land use type and cover, level of fertility and borders. Rural land use has no time limit and farmers are provided rights to lease transfer or inherit rural land use right to family members. Rural landholders are also entitled to compensation in case of eviction. The FDRE Rural Land Administration and Use Proclamation provides mandate to regional governments to enact their own rural land legislations. Four regions including Oromia Region issued land policies afterwards based on FDRE provisions.

#### **2.7.4 Rural land policy linkage with other sectors**

Land issue has strong touch on a wide range of issues in different thematic areas. Besides, gender issue is not a stand alone issue by its nature, it is a cross cutting issue and touches all aspects of social, economic and political activities. Rural land policy linkage with other sectors is basically the land tenure system in relation to other socio-economic sectors. These sectors include agriculture, environment and natural resources, gender, population, etc. Policies relating to these sectors have linkages with the land tenure system in one way or another. Thus, land policy should consider interlink with other sectors and sectoral policies should consider land policy to contribute to the over all socio-economic development of the country. The following part will focus on most relevant sectoral policies and legislations for the purpose of this study. Land policy linkages with agriculture and rural development, women's policy and family laws will be discussed in brief.

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<sup>7</sup> Proclamations 89/1997 and 456/ 2005 Article 5 (c) women who want to engage in agriculture shall have the right to get and use rural land.

**Land agriculture and rural development:** Land is basic resource for agricultural production in Ethiopia. Agriculture accounts for almost 41% of the GDP, 80% of exports and 80% of the labor force (CSA, 2005). Eighty five percent of the Ethiopian population is rural and agricultural based. Major agricultural development issues underlie on the existing land tenure system.

Women are affected by many issues related to land and agriculture. Women's right to land is affected by land scarcity. Women are marginalized from accessing land whenever land is scarce (Hadera, 2002; Tesfaye, 2003). Rural women do not have equitable access to land and agricultural resources. They have low involvement in development activities and have low decision-making power. Their labor contribution to the agricultural sector is invisible because of the gender division of labor in communities. The ox-plough farming system and cultural taboos on women ploughing and sowing had affected women's right on land particularly that of FHHs (Desalegn 1994; Zenebework 2000; Hadera, 2002). These households mostly end up in poverty because of lack of adult male labor which, the farming system requires. A study on FHHs in Highland Wollo and Waghambra reflected FHHs are poorer and more food insecure than male headed households (Devereux, S., Sharp, K. and Amare Y., 2003).

**Women's policy and women's rights to land:** The National Policy on Ethiopian Women was milestone for Article 35 of the FDRE Constitution. The policy affirms women's equal right with men in social, economic and political spheres. One of the major objectives is to facilitate conditions for rural women to access productive resources particularly land and basic social services (TGE, 1993:25). Contents of the policy further emphasize on ensuring women's equality through legal reforms, awareness creation, initiating women's participation in formulation of government policies and implementation of programs (TGE, 1993:26-28). Furthermore, government had developed and issued National Action Plan for Gender Equality (NAP-GE, 2006). Therefore women's policy and rural land policy have strong linkages because women's policy put rural women's equal access to productive resources, particularly land, as basic for women's equality.

**Family laws:** Family law relates to very basic issues of family life, the relationship between husband and wife and the rights each have over family resources. As pointed in the first part of this chapter, legislations addressing women’s specific issues are necessary to translate women’s legal rights to land to reality. Family laws are particularly important since control of marital property and equal share in divorce is the main area where women are mostly affected with regards to their rights to land. The FDRE issued family law that addresses a range of issues concerning marriage, administering individual and common properties in marriage and sharing property at divorce (FDRE, 2000). Women are provided equal rights with men in entering into marriage, within marriage and in divorce. Article 11 of the FDRE Family Law states that marriage is monogamous and Article 33 asserts that polygamy is illegal and the second marriage entered can be disbanded by law. Regions are provided rights to enact family laws within the framework of the FDRE family law.

Oromia National Regional State issued family law in 2003 and a revised family law in 2004 (የኦሮሚያ የቤተሰብ ሕግ አዋጅ ቁጥር 69/1995 እና 83/1996). The family law issued in 2003 was amended in 2004 basically because it required clarity on polygamy. Owing to the FDRE Family Law the revised family law of Oromia explicitly states that no one can enter into second marriage at the continuation of the first one and the second marriage could be disbanded upon claim by any concerned body or office of the prosecutor (የኦሮሚያ የቤተሰብ ሕግ አዋጅ ቁጥር 69/1995 አንቀጽ 30 እና 59). The law also gives substantial coverage on issues related to divorce. Common property including land will be shared equally by both spouses on divorce.

## **2.8. Rural land legislation of Oromia Region**

### **2.8.1 Legal framework**

Oromia Region issued Proclamation No. 56/2002, on rural land use and administration (ONRS, 2002) and Regulation No. 39/2003, the implementation regulation (ONRS, 2003), based on the mandate provided by FDRE rural land administration and use proclamation (FDRE, 1997). Women’s equal right with men in rural land use and administration was put as

an underlying principle in the Oromia rural land proclamation.<sup>8</sup> The proclamation affirmed free access to land to any resident of the region 18 years or above who wishes to live by farming. Land use right is for life and no one will be deprived of these rights unless, land is needed for investment by the regional state. The person will be fully compensated for investments she/he made on the land in this case.

Although land distribution was not carried out in the region after the Derg regime the rural land proclamation prohibits future land redistribution. Future land redistribution in the region is conditional to government's need to use land for irrigation schemes or lease for investment or distribution of unoccupied or abandoned land to the landless. Life long certificate of holding will be provided to every landholder to ensure tenure security. Spousal joint registration and certification will be applied in the land administration system of the region.<sup>9</sup> Land use right is not subject to permanent residence in Kebeles where land is located or will not be terminated if the land holder leaves his/her Kebele and resides elsewhere.<sup>10</sup> It specifically states that women will have rights to land on equal basis with men on divorce and that the family holding will be shared equally between the spouses.<sup>11</sup> The proclamation has provision on the rights of women under polygamous marriage.<sup>12</sup> The rural land administration and use regulation states that all spouses shall get holding right certificate with their husband and that all of them have equal access rights on the husband's land unless, the wife/ wives live far from the land holding area and get engaged in other businesses.<sup>13</sup> Land use right transfer

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<sup>8</sup> Proclamation 56/2002 Article 4/2: Women shall have equal right with men in all activities of rural land use and administration.

<sup>9</sup> Proclamation 56/2002 Article 15/2: Husband and wife shall be jointly certified to their common landholding.

<sup>10</sup> Proclamation 56/2002 Article 15/ 5: The use right of a family shall not be affected, if either of the husband or wife or both leave the area where the land is situated.

<sup>11</sup> Proclamation 56/2002 Article 6/6: upon divorce, husband and wife shall have equal right to share their land holding that was registered by their name.

<sup>12</sup> Proclamation 56/2002 Article 15/4: In the case of polygamous marriage, a husband is allowed to get a holding right certificate with only one of his wives and the others shall get separately based on the guideline made by the authority.

<sup>13</sup> Proclamation 39/2003 Article 10/1-2: In case of polygamous marriage a husband is allowed to get a holding right certificate with all his wives but a wife living far away or involved in other business has no right to get the holding right certificate. A husband having wives livings at different areas get a holding right certificate with only one of his wives. Article 3/8 states that land should be divided among the spouses maintaining the minimum

through inheritance to family members is endorsed by the proclamation.<sup>14</sup> Proclamation 56/2002, further had provisions on establishment of regional institution to implement the proclamation and on mechanisms for conflict and dispute resolution.

Regulation 39/2003 has provisions on rights and responsibilities of land users, minimum farm plot size, landholdings by new settlers, land sharing on divorce, control of land fragmentation, proportion of land allowed to lease, land distribution and redistribution, land registration and certification, transfer of land holding rights, land management, etc., on individual holdings. The regulation had provisions on management of communal lands, conservation of wet lands, dam sites and reservoirs and administration of protected areas. The regulation includes provisions on updating landholding certificates whenever changes appear in holding rights and measures to be taken on failure to comply with the regulation. Land sharing is not allowed at divorce or inheritance if individual share falls below minimum size of holding. Divorced spouses are required to enter into different arrangements to make common use of their land if their shares fall below minimum size. The regulation provided guidelines on the land administration process. Accordingly, Land Administration Committees (LACs) will be established at Kebele levels and Sub-committees will be established at village (*Gote/Ganda*) levels to carry out the land registration process. Guidelines on mechanisms of dispute and conflict resolution are also provided by the regulation.

### **2.8.2 The land administration system**

Land administration system is a means by which land policies are implemented at required levels. It requires establishment of formal institutions and provision of guidelines that determine roles and responsibilities of different bodies that take part in policy implementation. The regional land proclamation states that the region will establish an autonomous institution to carry out the land administration process. However, there is no evidence of establishment of

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plot size not less than 0.5 hectares for cereals and 0.25 hectares for perennials. They should enter into agreement on how to use the land either on sharing the product or renting to one of the parties or abandoning land use by informing the respective organ to shift the use right to one of the spouses.

<sup>14</sup> Proclamation 56/2002 Article 6/10: A peasant or pastoralist land holder has a right to transfer his land holding to his family members through inheritance.

such an institution in the region. A comparative study carried out in four current land policy implementing regions including Oromia revealed that the task is being carried out by Woreda Agriculture and Rural Development Office in Oromia whereas regions of Tigray, Amhara and SNNPR had already established institutions (Tesfaye, 2005).

### **2.8.3 The land administration process**

Two different researches focused on the land administration process being carried out in four regions of the country (Amhara, Tigray, Oromia and SNNPR) revealed that the process reflected a range of issues in regional similarities and differences (Tesfaye, 2005; Deininger, Daniel, Holden, and Zevenbergen, 2007). These studies reflected community participation at early stage of the land administration process and decentralization of the process was similar in the four regions. LACs are policy implementing bodies established at the lowest level of local government in Kebeles and Sub-Kebeles. LAC members constitute 92%, directly elected by vote and 8%, Kebele council appointees (Deininger, et al. 2007:8). LACs are required to include at least one female member out of five members. However, research findings reflected low female representation. Only 20% of LACs included a female member from all these regions and female representation was effected in only 8% of LACs established in Oromia (Deininger, et al. 2007:11). Provision of short-term training to LAC members, duties and responsibilities assigned and rendering free service to communities was similar across these regions. LACs' access to written materials was limited in all these regions. About two thirds of LACs received copies of the regional proclamation in Oromia (Deininger, et al. 2007:12).

LACs' duty is to collect data on individual holdings at field levels and to present data collected to Woredas. Field information obtained from LACs is put on a book of register kept by Woredas. Land users receive first stage certificates in form of passport-sized booklets that contain holders' pictures signed by Woreda level officials (Deininger, et al. 2007).

Rural land proclamations issued in Amhara, Oromia and SNNPR regions mandated joint-titling to spouses and land is registered on names of both spouses. Space is provided on the landholding certificates to put photos of both spouses in Amhara and SNNPR but, not in

Oromia (Deininger, et al. 2007). In Oromia the certificate had space to put photo of the landholder only even in spousal joint-registration. The comparative research reflected significant differences between regions that applied spousal joint-registration on number of certificates issued in the name of husbands. Number of certificates issued exclusively in names of husbands in Amhara was less than 9% of the total certificates issued in the region whereas it was 58% in Oromia (Deininger, et al. 2007:13).

In Oromia the land administration process started from calling community meetings to explain about the land administration programme and conducting election of LAC members (Tesfaye, 2005). LACs demarcate boundaries of communal lands and individual holdings, measure individual plots using traditional measurements and record information on formats provided by Woreda Offices of Agriculture and Rural Development. Field information is transferred to Woredas and is compiled in the registry book. The information is finally recorded on books of landholding (certificates). A landholding certificate carrying photo of the landholder is finally signed and handed to the land holder by Woreda offices.

This chapter gives highlight on the subject of the study in view of relevant literatures and assessment of international, national and regional policies, legal frameworks and institutions. These are considered to be useful in designing the methodology, carrying out the research and for analysis of study findings. Analysis, conclusion and recommendations will be based on themes in this chapter, theoretical frameworks of the study and survey findings on women's access to and control over land in the study area.



### **3. METHODOLOGY**

#### **3.1. Research questions**

The researcher focused on the following research questions in the process of the research to address study objectives and to achieve intended results from the study:

1. What provisions are in place in International, National and Regional policy and legislative frameworks with regards to women's rights to land?
2. How do the Oromia rural land proclamation and other relevant regional legislations address issues of women's access to and control over land?
3. Are there policy gaps? Are there gaps between policy and implementation on women's equal access to and control over rural land? If gaps exist, what are underlying factors for existing gaps?
4. How do the rural land administration system and particularly the land registration process affect women's access to and control over land?
5. What impacts does access to and control over rural land has on women's socio-economic status decision-making power and women's empowerment at household and community levels?
6. What benefits do rural women in Ada'a Woreda of Oromia Region get from the current rural land administration system in terms of access to and control over land?

#### **3.2. Research design**

The research design is summarized on the table below:

**Table 3.1 Summary of research design**

No	Method	Tools employed	Nature of sample	Sample size
1	Quantitative	Survey questionnaire	Women from households of two rural Kebeles	318 women
2	Qualitative	Interview questions	Woreda experts	6
			- 2 Male - 4 Female	
		Focus group discussion guides	Kebele LAC members	9
			- 9 Male	
Case story	Rural women	32 women		
Observation checklist	Land related issues in villages	2 women	2 villages	

The research design used in this study is descriptive survey. The research describes existing situations in the selected study area, analyzes major issues and forwards sound recommendations. Recommendations will address significant gender issues that could add to the principle of knowledge in the field of gender studies.

### 3.3. Method of the study

This study looks at the gender aspect of the rural land policy and the land administration system in general and the land registration process in particular with respect to women's access to and control over land. The study is based on feminist research methodology. It is framed on feminist theory as Reinharz stated: *"Empirical feminist research is guided by feminist theory"* (Reinharz, 1992:249). In respect of feminist research methodology women's issue is studied from their perspectives (Harding, 1987). The research undertakes feminist concerns in research by showing women's lived experiences.

The research applies both quantitative and qualitative methods to clarify concepts, characteristics, descriptions, counts and measures to demonstrate implications of the issue

under question. These multiple methods are applied in the theme of feminist research methodology as Reinharz put it: *“Just as feminist research draws on multiple disciplines, so too it often draws on multiple rather than a single method in a particular project”* (Reinharz, 1992:197).

Data presented in the study are obtained from primary and secondary sources. Primary data is collected directly from respondents using quantitative and qualitative methods. Secondary data is collected through review of relevant literatures on women’s access to and control over land in developing countries, Africa and Ethiopia. International policies on women’s land rights issues and land policies and legislatives of the FDRE and Oromia Region are thoroughly assessed. Research reports and publications on land and gender related issues are also consider to get clear understanding of women’s land rights issues. Background information on the research Woreda and Kebeles is obtained from ILRI documents and Woreda and Kebele Office records.

### **3.3.1 Quantitative method**

The quantitative research relies on field data collected using structured questionnaire that included questions on different issues on women’s access to and control over land. Basic information was collected on demographic and socio-economic situation of survey respondents. Imperative information was collected on women’s access to land and on women’s control over land and other household resources including incomes from agricultural products and on household decision-making. Data was also collected on women’s participation in community activities and decision-making, their contribution to farm activities and benefits they gained.

The questionnaire was coded by Kebele to distinguish the two Kebeles because, each Kebele comprises of independent population from which sample is considered for the study. Accordingly Dire Arerti Kebele was coded ‘1’ and Koftu Kebele was coded ‘2’ simply representing alphabetical order of their designations.

### **3.3.2 Qualitative method**

The qualitative research mainly focused on the rural land administration process being carried out in the two selected Kebeles. Survey was conducted using focused samples. Information is gathered through interviews and focus group discussions using interview and discussion guides. Key informants interviews are carried out with Woreda Offices of Agriculture and Rural Development, Women's Affairs and Kebele LACs. The discussion was planned to get information from relevant bodies involved on actual implementation of the land administration process using list of open and close-ended questions on issues to be covered. Focus group discussion was conducted with rural women, married women (wives in male headed households) and FHHs (unmarried/single widowed and divorced women) in two randomly selected villages. Women from two villages, *Turura* village in Dire Arerti Kebele and *Filtino* village in Koftu Kebele participated on the focus group discussion. The focus group discussion was unstructured thus leaving participants stimulated to open up and discuss freely. Useful information was gathered as a number of issues were raised from participants. The focus group discussion offered opportunity to capture case stories and to direct observation. Two case stories were captured on relevant issues raised on discussions from two women representing two villages. On top of this, the researcher's frequent visit to the Woreda Offices, the research Kebeles and villages offered opportunity to observe different activities and useful information was collected using observation check list that enriched research findings.

All interviews and focus group discussions were conducted using audio recorder. Community level interviews with LAC members, focus group discussions with rural women and case stories were carried out by employing a local language translator.

### **3.4. Site selection and field organization**

The research Woreda was selected for the following reasons:

- The researcher considered relevant to study the land administration process in Oromia Region two rural Kebeles because, Oromia is one of the four regions that have issued

rural land use and administration proclamations and started implementation under the current land tenure system.

- Oromia is a region with the largest female population in the country. Female population of the region is 13,303,001 (CSA, 2005 estimate). The researcher believes that research findings and recommendations on women's access to and control over land in one of the Woredas will benefit a large female population. Because, gender issues discovered in the land administration process in Ada'a Woreda could be considered in the rural land policy implementation in other parts of the region.
- Ada'a Woreda is nearer to Addis Ababa of all Woredas in Oromia hence, accessibility was the other reason for selecting the study site. and
- Support provided by ILRI for this study was extended to getting support from its project office IPMS located in Ada'a.

The two rural Kebeles Dire Arerti and Koftu are selected randomly for the land administration process is being carried out in the entire Woreda. A team leader from Woreda Office of Agriculture and Rural Development, an expert from Women's desk and assistant project coordinator from the IPMS office facilitated preliminary visit to the Kebeles. The situation on the field was assessed in both Kebeles and a total of 6 villages (locally called *Gote/Mendera*) are selected randomly, 3 villages from each Kebele. *Dire Arerti*, *Turura* and *Arerti Chelleba* villages were selected from Dire Arerti Kebele and *Filtino*, *Koftu* and *Balchii* villages were selected from Koftu Kebele. Basic information was obtained from Kebele records and was cross-checked with information on Woreda record to plan for data collection.

### **3.5. Sample size determination**

Population for quantitative data collection for this study is women from rural households in Dire Arerti and Koftu Kebeles in Ada'a Woreda. It is the total number of women from rural households in the two Kebeles each household represented by a woman. So, it is 1,548 women representing 807 households from Dire Arerti Kebele and 741 households from Koftu Kebele. The researcher deemed necessary to take independent sample for each Kebele to ensure equal representation of households as the two Kebeles have different number of households. Therefore, sample size is determined on the total number of households 1,548 and independent

sample is considered from households in each Kebele, 807 and 741 households from Dire Arerti and Koftu Kebeles respectively using random sampling method.

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

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

The following step is used to determine sample size derived from the above formula to collect quantitative data using questionnaire:

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

Where:

n designates the sample size the research uses;

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

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

1 designates the probability of the event occurring.

Therefore:

$$n = \frac{N}{1+N(e)^2} = \frac{1548}{1 + 1548(.05)^2} = 318$$

The required sample size is 318 women (respondents).

Sample size for each Kebele is calculated using proportion of number of households in each Kebele (Dire Arerti 807 and Koftu 741) to the total number of households of the two Kebeles (1548). Therefore

Sample size for Dire Arerti Kebele is:  $\frac{807 \times 318}{1548} = 166$

1548

Sample size for Koftu Kebele is:  $\frac{741 \times 318}{1548} = 152$

Sum of sample sizes taken from each Kebele = Survey sample.

$$166 + 152 = 318.$$

### **3.6. Sampling techniques**

#### **3.6.1 Sampling techniques for quantitative method**

Quantitative data collection sample is taken from six randomly selected villages of the two randomly selected Kebeles. Data was collected from women in 318 eligible households, 166 households from Dire Arerti Kebele and 152 households from Koftu Kebele using questionnaires. Each household is selected by picking every other household from list of households in six villages listed separately in both Kebele records to ensure randomness.

#### **3.6.2 Sampling techniques for qualitative method**

Survey respondents from Woreda Agriculture and Rural Development Office desks and Kebele LACs are selected purposely with respect to their roles in the land administration process and their knowledge and experience on the subject of the study for the qualitative survey. Woreda Office land administration experts and Kebele LACs are implementers of the land administration policy. Women's affairs desk is responsible for implementing the National Policy on Ethiopian Women in the agricultural sector at Woreda level. The role of this office is considered significant input to the study in the context of the two policies, the regional rural land administration and use policy and the national women's policy.

Focus group discussion with rural women is considered important to get information on their lived experiences and views on their access rights to land and control over land, household resources and equal decision-making power. Discussion participants were purposely selected exclusive of quantitative survey respondents. Sample size considered for quantitative data collection is used as a base to determine the number of focus group discussion participants. Ten percent of quantitative survey respondents were taken from each Kebele to make the size

manageable. A total of 32 rural women, 17, (10% of 166) from Dire Arerti Kebele and 15, (10% of 152) from Koftu Kebele participated on the focus group discussion. Two case story participants were selected on the basis of relevance of issues they raised on focus group discussions carried out in two sample villages selected from the two Kebeles.

### **3.7. Validity and reliability of tools used**

The overall goal of feminist research is to explain and accurately communicate the real experience of the target population. This study applied appropriate mechanisms to collect important information on the existing situation from survey respondents on women's access to and control over land. The research questionnaire was originally prepared in English. It was carefully articulated to ensure clarity, to avoid bias and to get reliable information. The questionnaire was translated to the local language *Afan Oromo*, so that language should not be barrier to respondents to spell out what they have in mind. The translated version of the questionnaire was carefully cross-checked with the initial English version and was similar in content and structure. This was done to avoid error during data entry.

A pre-test was conducted before actual data collection using small representative sample to find out whether the questions are measuring what is intended to be measured. Clarity of wordings in view of respondents' level of understanding was checked on the pre-test to avoid research bias. It was proved that respondents have good understanding of questions presented in the questionnaire. Pre-test survey respondents were not included in the main survey to avoid bias on responses. The main survey was conducted from May to June 2007.

### **3.8. Data collection procedures**

The researcher first identified Kebeles and villages and quantitative survey respondents were drawn from households of selected villages. Qualitative survey participants were drawn from Ada'a Woreda Office of Agriculture and Rural Development, Kebeles and rural households.

The quantitative data is collected by employing six enumerators, 3 women and 3 men. Fluency in the local language *Afan Oromo*, experience in data collection and good knowledge about



research Kebeles and villages was considered in recruiting enumerators. Three enumerators were assigned to each Kebele.

A male co-supervisor and a female local language interpreter were employed to assist the researcher on data collection. Both have good knowledge of the study area and experience in assisting research. The co-supervisor assisted the researcher on supervision of quantitative data collection and facilitated the qualitative data collection process. The interpreter assisted the researcher on interviews with Kebele LAC members, focus group discussions with rural women and on capturing case stories. The data collection activity was planned with the co-supervisor and the interpreter and it ran as planned.

The researcher provided two days training to enumerators assigned to each Kebele using well developed manual. Training was arranged separately for each Kebele and was completed in four days time. Training focused on purpose and outcome of the study, contents of the questionnaire, how to administer the questionnaire and on clarity and appropriateness of questions. *Afan Oromo* was used on training enumerators with assistance of the interpreter since enumerators administer the local language translated questionnaire. Training emphasized on situation of the target population because, understanding situation of respondents was necessary to collect reliable and valid information. For example, enumerators were trained on collecting demographic information in cases where women cannot tell their ages but, relate it to some events to calculate and cross check with respondents' physical conditions. Enumerators were also trained on how to repeat and clarify questions and to be careful not to offend respondents even if they know responses are incorrect.

The researcher carried out the qualitative data collection. Interviews with Woreda experts and Kebele LAC members and focus group discussions with rural women were arranged on respective participants' convenience and were conducted on places, dates and time of their choices.

### **3.9. Data processing and analysis**

Quantitative raw data collected using questionnaires was organized and pre-processing test was carried out right after the field data collection was completed. Method of data entry was

arranged categorically. Questionnaires were coded by Kebele to facilitate analysis of questions on which respondents were required to specify their opinions and to facilitate analysis of the open-ended question on the questionnaire. Responses on these questions were carefully collected and summarized. Outputs were categorized into different components relating relevant variables for convenient use in analysis of findings.

Qualitative data collected through interviews, focus group discussions and observations were put into different categorical variables. Major themes were identified and analyzed thematically in line with research questions and were summarized for use in descriptive analysis. Identified themes of the qualitative survey were related to categorical arrangements of the quantitative survey outputs.

Issues intended to be addressed by the research are analyzed using findings from both quantitative and qualitative surveys applying triangulation method. Survey findings are used to draw arguments on relevant issues with data collected from secondary sources and to draw conclusions and recommendations.

Data is presented using statistical techniques frequency distributions, tables, pie chart and simple measures of dispersion specifically ranges using percentiles and/or counts. Explanation is provided to clarify information on observed data.

### **3.10. Quality and ethical consideration**

The researcher received official permit from Oromia Region Agriculture and Rural Development Bureau to conduct this study on Ada'a Woreda. Ada'a Woreda Agriculture and Rural Development Office was willing to assist the researcher.

Quantitative survey respondents and qualitative survey informants were provided detail explanation about the overall objective of the study ahead of time. Interview is administered on free will of interviewees. Respondents were informed that they can decline if they don't want to be interviewed. Information provided by interviewees will not be transferred to a third party or will not be used for any other purpose apart from this study. Case stories are presented using hypothetical names.

## 4. DATA PRESENTATION AND ANALYSIS OF FINDINGS

### 4.1. Characteristics of survey respondents

Quantitative data is collected and analyzed on demographic and social characteristics of survey respondents. Respondents are asked about their age, marital status and type of marriage they are in (monogamous or polygamous), their ethnic and religious affiliations and educational background.

#### 4.1.1 Demographic characteristics of survey respondents

**Table 4.1: Distribution of respondents by age, marital status and type of marriage**

Demographic Characteristics	Frequency	Percentage
<b>Age Group</b>		
18-30	79	24.8
31-42	98	30.8
43-55	83	26.1
above55	58	18.2
Total	318	100.0
<b>Marital status</b>		
Married	235	73.9
Single	4	1.3
Divorced	10	3.1
Widowed	69	21.7
Total	318	100.0
<b>Type of marriage women are in</b>		
Monogamous	208	65.4
Polygamous	27	8.5
Single, Widows, Divorcees	79	24.8
Non-respondents	4	1.3
Total	318	100.0

Source: Own survey data Dire Arerti and Koftu Kebeles June, 2007

Data collected on age of respondents showed 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. With regards to marital status, 73.9% of the respondents are married, 21.7% are widowed, 3.1 % are divorced and 1.3% are single/unmarried. As to the type of marriage married respondents are in, 65.4% are in monogamous marriage (are the only spouses in their marriage) and 8.5% are in polygamous marriage. Table 4.1 above demonstrates demographic distribution of respondents in the quantitative survey.

Regarding qualitative survey participants, women comprise 67% of Woreda Office interviewees and there are no women from the Kebele LACs. All focus group discussion participants are women out of which, 19 are married and 13 are FHHs. Two women case story participants are among the 13 FHHs, one is a divorcee and the other one is a widow.

Hence, the study covers women from different age groups and marital statuses. Survey respondents are in 18-55 and above age groups. Almost three fourth of the respondents are married and most of them are in 18-42 age groups (Table 4.1 on page 48). There are widows across all age groups although most are in the 43-55 and above age groups.

#### **4.1.2 Ethnic and religious affiliation of survey respondents**

Out of 318 survey respondents 87.4% are from Oromo ethnic group, 11.6% are from Amhara ethnic group and 0.3% (1) respondent is from Tigray ethnic group. With regards to religious affiliation 92.1% of the respondents responded that they follow Orthodox Christianity, and 4.4% responded they are followers of other religion which, they specified as “*Waaqeffannaa*”<sup>15</sup> by the local language. Among the remaining respondents 2.2% responded that they are followers of Protestant religion and 1.3% responded that they are followers of Catholic religions (Table 1, Annex).

Community under this study comprises majority from the Oromo ethnic group and there are also community members from Amhara ethnic group. Different religious practices are

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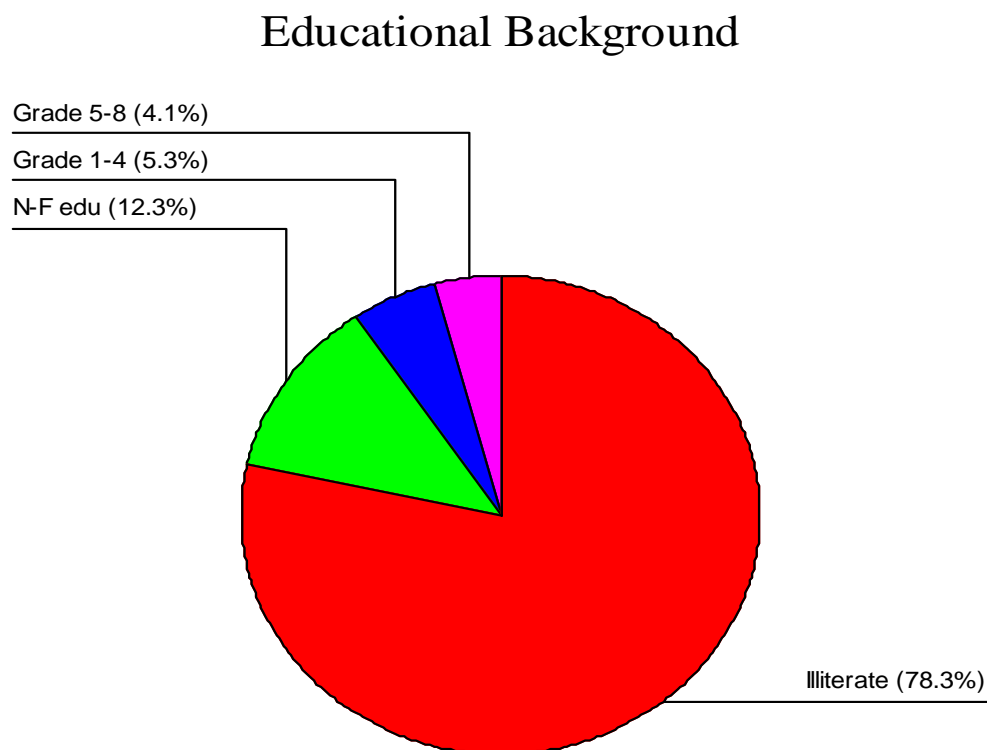
<sup>15</sup> Religion practiced by the Oromo ethnic group.

revealed in Christianity though Orthodox Christianity is the most common religion practiced. There is also religion practiced by the Oromo ethnic group in the study area.

#### 4.2. Socio-economic characteristics of survey respondents

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

**Pie Chart 1: Distribution of respondents by educational background**



Source: Own survey data Dire Arerti and Koftu Kebeles June, 2007

The pie chart above displays responses obtained on educational background of survey respondents. Out of the total 318 respondents 249(78.3%) are illiterate, 39 (12.3%) have non-formal basic education, 17 (5.3%) have formal first cycle academic education (grade 1-4) and 13 (4.1%) have second cycle (grade 5-8) level academic education. Survey findings on educational status of respondents reflects high illiteracy rate among women in the study area.

**Table 4.2: Distribution of respondents by income and expenditure trends**

Average earning per year from sale of crops and other farm products	Frequency	Percentage
1000-3000 birr	99	31.1
3000-5000 birr	106	33.3
5000-7000 birr	38	11.9
Over 7000 birr	20	6.3
None	31	9.7
Non respondents	24	7.6
Total	318	100.0
Trends in income expenditure		
For household need satisfaction	110	34.6
For purchase of farm inputs; fertilizer, plough oxen, ...	1	0.3
For house construction and maintenance	24	7.6
For other investment ; buying cattle, leasing land, etc.	173	54.4
Non respondents	10	3.1
Total	318	100.0

Source: Own survey data Dire Arerti and Koftu Kebeles June, 2007

Table 4.2 above displays distribution of respondents by income and expenditure trends. Quantitative data collected on average annual income earned from sales of agricultural products revealed that 33.3% responded they earn Birr 3000 – 5000, 31.3% responded they earn Birr 1000 – 3000, 11.9% responded they earn Birr 5000 – 7000, 6.3% responded they earn over Birr.7000, 9.7% responded they did not earn income from sales of agricultural products and 7.6% of survey respondents are not willing to respond to this question. Data collected on trends in income expenditure reflect that 54.4% responded that they spend incomes on other investments like buying cattle, leasing land etc., 34.6% responded they

spend income on household need satisfaction, 7.6% responded income is used for house construction and maintenance and 0.3% responded that income is spent on purchase of farm inputs like fertilizer, plough oxen, etc.

On the other hand, qualitative information obtained from focus group discussion with rural women on income and expenditure trends revealed that they give priority to loan payments mainly for fertilizer provided by Kebele Administration on credit basis in fear of measures on delay or failure.

Findings on average annual income revealed that 64.4% of the survey respondents earn Birr 1000 to 5000 average annual income from sales of agricultural products, 13.8% earn over Birr 5000 and 9.7% do not earn income from agricultural products (Table 4.2 on page 51). Trends on income and expenditure reveal that most respondents use their incomes for investment like leasing land, house construction and maintenance and purchase of cattle.

**Table 4. 3: Relationship between average annual income and marital status**

		Average annual income						Total
		None	Birr 1000-3000	Birr 3000-5000	Birr 5000-7000	Over Birr 7000	Non respondents	
Marital status	Married	16	70	83	33	16	17	235
	Single	1	1		1	1		4
	Divorced	3	3	2	1	1		10
	Widowed	10	25	21	3	3	7	69
Total		30	99	106	38	21	24	318

Source: Own survey data Dire Arerti and Koftu Kebeles June, 2007

Table 4.3 above displays data obtained on the relationship between average annual incomes earned from agricultural products with marital status. The data on this relationship reflect that out of the total 235 married respondents 83 responded they earn Birr 3000 – 5000 from sales of agricultural products, 70 responded they earn Birr 1000 – 3000, 33 responded they earn Birr 5000 – 7000, 16 responded they earn over Birr 7000 and other 16 responded they did not earn

income from sales of agricultural products. Out of the total 69 widowed respondents 25 responded that they earn Birr 1000 – 3000 from sales of farm products, 21 responded they earn Birr 3000 – 5000, 3 responded they earn Birr 5000 – 7000, 3 responded they earn over Birr 7000 and 10 responded they did not earn income from sales of agricultural products. Out of 10 divorcees, 3 responded that they earn Birr 1000 – 3000, 2 responded they earn Birr 3000 – 5000, 1 responded she earns Birr 5000 – 7000 and 3 responded they earn no income from sales of agricultural products. Responses obtained from 4 single/unmarried reflect that 3 responded each one of them earn Birr 1000 – 3000, Birr 5000 – 7000 and over Birr 7000 from sales of agricultural products and 1 responded that she did not earn income from sales of agricultural products. Seventeen married women and 7 widows didn't respond to this question.

Findings reflect average annual income earned from agricultural products varies across marital statuses. Out of the total 83 FHHs (considering total number of single/unmarried divorced and widowed women) 15 do not earn income from agricultural products (Table 4.3 on page 52).

Quantitative data collected on asset ownership and control reflects that 51.9% of the total survey respondents own cattle, sheep, goats, poultry and the like whereas, 46.9% of the respondents do not own these assets. Out of the 51.9% respondents who own cattle, sheep, goats, poultry, etc., 17 % responded that they own poultry and sell animal products and poultry, 15.7% responded they own assets but do not have control over assets like cattle, sheep, goat, etc., 9.4% responded that they do not own and control assets and 8.5% responded that they have equal ownership and control over all assets including income from sales (Table 2, Annex).

Qualitative information obtained from interviews with Kebele LAC members and focus group discussions with rural women on ownership and control of assets reflected that women own poultry, use and sell hens, eggs and animal products like milk, butter and cheese. It is also disclosed that cattle, sheep, goats and pack animals like donkeys and horses belong to men and using pack animals is constraint for women because of culture.

In contemplation to feminist theories applied for this study, survey findings reveal gender biases in assets 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 biases not only in asset ownership but also cultural constraints in women's using household assets.

**Table 4.4: Distribution of respondents by household food sufficiency and means of meeting household food needs**

Sufficiency of food grains stocked for household consumption	Frequency	Percentage
Yes	150	47.2
No	165	51.9
Non respondents	3	0.9
Total	318	100.0
<b>Means used to meet household food needs</b>		
Income generate by women from off farm activities	111	34.9
Financial support from other family members	8	2.5
Money or food grain borrowed from friends or/and relatives	35	11.0
Income generated by men from off-farm activities	8	2.5
Non respondents	3	0.9
No	156	49.1
Total	318	100.0

Source: Own survey data Dire Arerti and Koftu Kebeles June, 2007

Quantitative data collected on amount of food grain stocked for household consumption reflects that 51.9% of the respondents, responded that the amount stocked for household consumption is not enough to feed the family until the next harvest whereas, 47.2% responded they keep sufficient stock. Data obtained on how 51.9% of the respondents who do not stock sufficient food grain manage to feed their families reflect that 34.9% responded they generate other income to buy food grains, 11% responded they borrow money or food grain from friends and/or relatives, 2.5% responded their husbands generate income from off-farm activities and 2.5% responded that they get financial support from other family members. Table 4.4 above demonstrates distribution of respondents by household food sufficiency and means used to meet household food needs.

Qualitative survey information obtained from focus group discussions conducted with rural women on household food sufficiency reflects that most households in the study area face

seasonal food shortages and women engage in selling local drinks (*arekie* and *tella*)<sup>16</sup> and in petty trade to earn income for purchase of food grains.

Survey findings on household food sufficiency reflect that over half of the total survey respondents disclosed that they did not stock sufficient food grain to feed their families all the year round. These women experience problems in household food sufficiency mainly due to an increased trend in marketing agricultural products by husbands. Pertinent to literatures reviewed and feminist theories applied for this study, study findings reflect that household food shortage is mostly mitigated by women. Women engage in different activities to earn income in order to fulfill their community assigned gender roles and responsibilities.

Quantitative data collected on household gender division of labor reveals that 83% of the respondents responded fetching water, collecting fire wood, caring for children, cooking food, etc. are done by female family members, 8.2% responded female get support from male family members, 6.3% responded they do not get support from male family members and 2.2% responded both male and female family members engage in all household activities (Table 3, Annex).

Consistent to literature reflections and feminist theories on women's reproductive roles and responsibilities, survey findings on household gender division of labor reveal that female family members are responsible for household laborious tasks. On the other hand, findings show slight change in household gender division of labor since 8.2% survey respondents responded that male family members share some household activities and 2.2% responded male family members engage in all household activities.

Information collected using observation check list reveal that housing condition in both Kebeles is good at village level. Most households have more than one room and there are many tin roofed houses in both Kebeles. Households own at least one type of modern household assets like a table, chairs, a radio, etc. Most households have barracks for cattle, sheep, goats and pack animals in their compounds. Some households have gardens at their backyards but, vegetables are planted in very few of them. Dire Arerti village in Dire Aerti

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<sup>16</sup> Local drinks brewed by women.

Kebele has access to electric power. All villages in Koftu Kebele and other villages in Dire Arerti use kerosene for light. All households use animal dung and wood for fuel. Almost all households use plastic utensils. Clay jars previously used for fetching water are replaced by plastic containers. Households do not use traditional equipments for grain storage in both Kebeles. Grain is packed in polyethylene sacks and stored in living rooms.

Residents of Dire Arerti Kebele have near access to infrastructures and public services whereas residents of Koftu Kebele don't have near access. Informants from Koftu Kebele disclosed that Kebele residents have to travel 5-8 kilometers to market places and to get public services.

### 4.3. Women's access to 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 focused on women's access to land are means of land acquisition and size of landholdings. Land access rights of different group of women are also included in the survey questions.

#### 4.3.1 Means of land acquisition in the study area

**Table 4:5 Distribution of respondents by means of land acquisition**

Means of land acquisition	Frequency	Percent
By inheritance	22	6.9
Through marriage	63	19.8
Through land distribution	195	61.3
By leasing from other holders	13	4.1
Other means	22	6.9
Non respondents	3	0.9
Total	318	100

Source: Own survey data Dire Arerti and Koftu June, 2007

Data collected on means of land acquisition in the study area reflected that out of the total 318 respondents 61.3% responded that they accessed land through land distribution, 19.8% responded they accessed land through marriage, 6.9% responded they accessed land through inheritance, other 6.9% responded they get access to land through other means and 4.1%

responded that they lease land from land holders. Table 4:5 on page 56 reflects distribution of respondents by means of land acquisition.

**Table 4.6: Relationship between marital status and means of land acquisition**

		Means of land acquisition						
		By inheritance	Through marriage	Through land distribution	By lease	By other means	Non respondents	Total
Marital status	Married	15	41	152	9	16	2	235
	Single			1	1	2		4
	Divorced	2		5	1	2		10
	Widowed	5	22	37	2	2	1	69
Total		22	63	195	13	22	3	318

Source: Own survey data Dire Arerti and Koftu Kebeles June, 2007

Data displayed on the above table shows the relationship between means of land acquisition and marital status in the study area. Out of 195 respondents that responded they accessed land through land distribution, 152 are married, 37 are widows, 5 are divorcees and 1 is single/unmarried. Out of 63 respondents that responded they accessed land through marriage, 22 are married and 41 are widows. Out of 22 respondents that responded they accessed land through inheritance, 15 are married, 5 are widows and 2 are divorcees. Out of 22 respondents that responded they accessed land by other means, 16 are married, 2 are widows, 2 are divorcees and 2 are single/unmarried. Out of 13 respondents that responded they accessed land by lease, 9 are married 2 are widows 1 is a divorcee and another 1 is single/unmarried. Two married women and a widow did not give responses to this question.

Survey findings on means of land acquisition in the study area revealed that most respondents (61.3%) acquired land through state land distribution carried out by the Derg before 32 years. However, most respondents (55.6%) are in 18-42 age group and they might not be able to be of age to acquire land through the Derg land distribution. This study shows that marriage has impact on women's access rights to land. Most women get access to land through marriage,

because most survey respondents are married women who get access to their husbands' land and widowed women who get access to their deceased husbands' land. Literatures revealed that women's access to their husbands' land offers them secondary rights and this right is seriously constrained in reality because women's rights to their husbands' land is secured as long as the marriage lasts.

Qualitative information obtained from focus group discussions with rural women in both Kebeles reveal, respondents that responded they accessed land by other means are custodians of lands of individuals residing out of the Kebeles. Information obtained from the focus group discussion further reveal that most women get access rights to land through marriage but lost access rights to their natal land at the same time. The case story below explains this fact.

#### **Case story one:**

Abebech is a middle aged woman living in Dire Arerti Kebele Arerti Chelebo village. She raised the issue on the focus group discussion. She was willing when we approached her to tell us her story. Her tears drop as she tells multiple problems she faced in her life because she was denied access right to land.

*My parents had 11 children but only seven of us survived out of which, six are female. My father died in 1987 (EC) and my mother died three years later. I was married and was living with my husband and my three children when my parents died. I divorced seven years ago and left my home with my children. I didn't get my share from my marital property. I took only my clothes as I got out from my home at time of divorce. I asked my ex-husband several times to give me my share from our common property and land through community elders (Jarsolli Biyaa), but he refused. He said '...land is for our children'. He got married soon after I left home and had other children. I am also skeptical about my children's fate with my ex-husband entering into marriage and having other children. I came back to my village after divorce. I have nowhere to go with my three children. I am living in my deceased parents' house. I asked my only brother who inherited our parents' land to give me my share because I need income to raise my children. He refused. I kept on asking him through community elders but there was no way to convince him. My brother died three years ago. I again started asking his children, my nephews for my share, because, they are the ones who inherited my parents' land after my brother died. Their response was harsh! They started harassing me to the extent forcing me to leave the house I live in. I know that I have legal right to inherit my deceased parents' property but, I couldn't make it. I have already applied to Kebele Social Court. They give me appointment every time I appear to the court. I am leading a hard life. I live by selling tella and areki. The income is*

*not enough to raise my children. I am not quite sure about my getting justice and coming out of this problem.*

Abebech is not still sure about getting her share either from her husband's land or from her deceased parents' land. She is bearing the burden of raising three children without sufficient income. Her physical condition and her facial expression tell more than her words.

Breach in marriages and problems in ensuring marital property rights cause insecurity in women's land rights in the study area. Traditional divorce practices hamper women's rights to secure marital property including land. Traditional means used by communities hardly ensures women's marital property rights because patriarchal attitudes and practices are biased against women's landholding rights. Women also lack awareness and capacity to get justice through legal means and it is difficult for them to get justice. Thus divorced women bear the burden of single parenthood without getting share from their marital land.

#### **4.3.2 Access to land by different groups of women**

These different groups of women comprise women within polygamous marriages, widows, divorcees and single/unmarried women in the study area. Access rights of these women are affected by community practices in the study area.

Information obtained on land access rights of women in polygamous marriages from interviews conducted with Woreda land administration experts and Kebele LAC members in both Kebeles 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. As to rights of these women to land, these interviewees explained that the husband shares yields obtained from the land registered in his name to all wives. Kebele LAC members also stated that all wives get their share from the husband's land in case of divorce. However, assessment on the regional land policy makes evident existence of policy gaps on land access rights of women in polygamous marriages. There is discrepancy between the regional rural land use and administration proclamation (Proclamation 56/2002) and the implementation regulation (Proclamation 39/2003) on land rights of women in polygamous marriages. The

regional rural land proclamation (Proclamation 56/2002) provides joint registration right on land to the first wife in polygamous marriage and provides rights to hold land on their own to other wives. On the other hand, the regulation (Proclamation 39/2003) states that all wives within polygamous marriage should register jointly on the land registered on the husbands' name and share yields produced on the land.

Furthermore, the regional rural land proclamation affirms that land holding right is not subject to permanent residence in the area where land is located. This policy provision which allows free movement of landholders denies this right to women under polygamous marriages as stated on the land administration implementation regulation. The regulation doesn't allow these women to use land if they reside out of the Kebeles where land is located and if they engage in other businesses. These inconsistent provisions make difficult realization of land holding rights of women in polygamous marriages.

Information obtained on single/unmarried women's access to abandoned or unoccupied land from interviews with LAC members in both Kebeles reflect that abandoned or unoccupied land is not distributed to single/unmarried women. LAC members mentioned that single/unmarried women did not apply to get land when abandoned or unoccupied land is distributed in the Kebeles. Quantitative survey findings reflect that none of the single/unmarried women accessed land through inheritance (Table 4.6 on page 57). Means of landholding for unmarried/single women is through inheritance or government redistribution of abandoned or unoccupied land. Findings reflect single/unmarried women's access to abandoned or unoccupied land is not realized and none of them accessed land through inheritance in the study area. In confirmation to literatures assessed for this study, the patrilineal inheritance system disfavored women in terms of land acquisition through inheritance because women are not considered as custodians of family property in community practices. The tradition in the study area gives inheritance right to male descents (grandsons) denying inheritance right to daughters of their deceased parents' land.

Information obtained from focus group discussions with rural women on land access right of widows confirm that widows' access to deceased husbands' land is attached to fertility. These informants further disclosed in-laws would not allow a widow to live on their deceased

relative's land if a widow is childless from that marriage. The case story below reflects this fact.

### **Cases story two:**

Gadisse is a 40 years old widow the researcher met on the focus group discussion in Koftu Kebele. She lives in Filtino village. Gadisse is cute and even looks younger. She welcomed us with smile as we asked her to tell us her story. Gadisse started telling her story from her childhood. She told us that she was very much attached to her father. I wonder why her father didn't inherit her land and she explains the reason.

*My mother died when I was a child. My father reared me. I lived with him until I got married. I was married when I was 15 years old. My husband died shortly after our marriage. I left my home after he died. His relatives forced me to leave my home. I don't have a child. That was why his relatives didn't allow me to live there. I came back to my village and lived with my father. My father died 15 years ago. I still live in my deceased father's house. However, I didn't get my share from my deceased father's farm land. My nephews use my father's land and I live by selling tella. I didn't claim my share before because I was afraid of my nephews' antagonism, they might attack me. My father didn't leave with land inheritance. The situation was different in previous years. Daughters were not allowed to inherit land in our tradition. Some kind fathers allocate a plot of land to their daughters. However, this is not done by all fathers. Sons use the land since daughters move to other places when they get married. Daughters can claim the land if they come back to their villages because of marriage problems like divorce or on death of husbands like my case. I don't know why my father left me aside. He should have left me an inheritance. I lived with him most of the time and I was the one who cared for him in his old age and who looked after him when he was sick. I am aware that situations are changing these days. I know that there is legal support for female inheritance. I heard about this on a Kebele meeting and I heard over the radio. I am also advised by friends and relatives to claim my share of land. A year ago, I appealed to the Woreda Court to justify my inheritance right on my deceased father's land. I brought the document to the Kebele Social Court and I have already started the process. Ten months had already passed since I started the process in the Kebele. I am sure that I get my share of land sooner or later!*

Gadisse is aware now that she has equal inheritance right. She is also optimistic about getting her share from her deceased parents' land.

In contemplation of literature assessed survey findings reveal that 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 to having a child from the deceased husband. Widows with children are relatively secure to use their deceased husbands' land than widows without children. This case story reflects this practice in the study area. Widows with children usually continue farming in their deceased husbands' lands as they continue to raise their children. Literatures reflected that their right however is 'indirect' as they exercise these rights through their children; they use their children's land.

In addition, the researcher observed at the Woreda office land registration desk an elderly man from Dire Arerti Kebele asked by an expert to register his daughters on his book of land holding on the space provided to register inheritors saying, "*Daughters belong elsewhere. They inherit their husband's land. Mine is for my sons. If they were sons they could have inherited mine.*"

This view reflects strong affirmation of daughters belonging to their husband's place after marriage. Such beliefs detach daughters from their own line of descent and retard their access to parents' land.

#### **4.4. Control over land and agricultural products**

Quantitative survey questions focused on women's control over land include rights to land registration and certification, decision-making on land use and on the amount to be stocked for household consumption and amount for sale and control of income and expenditure. Interview and focus group discussion guide questions further gave emphasis to these issues.

##### **4.4.1 Entitlement to land registration and certification**

Quantitative data collected on survey respondents' entitlement to land registration and certification revealed that 51.6% out of the total 318, responded land is registered and certified in the name of husbands, 21.7% responded land is registered and certified in their own names, 16.7% responded land is registered and certified in the name of both spouses, 5% responded land is registered and certified in other persons names and 2.2% responded that land is registered and certified in leasers' names (Table 4, Annex).

**Table 4.7: Relationship between marital status and entitlement to land**

		Entitlement to land registration and certification						
		In my own name	In the name of husbands	In the name of both spouses	In the leaser's name	In the name of others	Non respondents	Total
Marital status	Married	12	154	53	4	11	1	235
	Single	1			1	2		4
	Divorced	9			1			10
	Widowed	47	10		1	3	8	69
Total		69	164	53	7	16	9	318

Source: Own survey data Dire Arerti and Koftu Kebeles June, 2007

Data obtained on the relationship between marital status and land registration and certification on own names reflect that out of 235 married respondents, 12 responded land is registered and certified in their own names, 154 responded land is registered in the name of their husbands, 53 responded land is registered in the name of both spouses, 4 responded land is registered in leaser's name and 11 responded that land is registered in the name of other persons. Out of 69 widows 47, responded that land is registered in their own names, 10 responded, land is registered in the name of husbands, 3 responded, land is registered in other person's names and 1 responded that land is registered in leaser's name. Out of the 10 divorcees, 9 responded that land is registered in their own names and 1 responded that land is registered in leaser's name. Out of the 4 single/unmarried women, 1 responded land is registered in her name, another 1 responded land is registered in leaser's name and 2 responded that land is registered in other person's names. One married woman and 8 widows did not respond to this question. Table 4.7 above displays the relationship between marital status and entitlement to land.

Findings on entitlement to land registration and certification reflect that 51.6% of the respondents responded that land is registered and certified in husbands' name and 16.7% responded that land is registered and certified in the name of both spouses. Data on the relationship between marital status and land entitlement (land registration in own names) on the above table reveals that only 69 (21.7%) respondents out of the total 318 have land registered and certified in their own names. Out of the total 235 married respondents only 12

(5%) have land registered in women's names and only 53 (22.5%) married respondents have registered land jointly with husbands. Most women confirm that they get access to land. However, few actually have control over it. Women's control over land has direct relationship with women's direct access to land. Women's direct access to land is related to marital status. Confirming to literatures reviewed in this study, control over land is less vested on women in the study area.

#### 4.4.2 Household decision-making and control over income

**Table 4.8: Distribution of respondents by decision-making on sales and control of income**

Decision-making on sales of agricultural products and incomes	Frequency	Percentage
Decision-making on sales of agricultural products		
I decide on the amount to be sold with my husband	100	31.4
I do not involve in decisions	63	19.8
I sometimes involve in decisions	58	18.2
I decide on my own	74	23.3
It is decided by others	7	2.2
Non respondents	16	5.0
Total	318	100
Decision-making on income expenditure		
I always decide on my own	79	24.8
I involve in decisions	90	28.3
I get information only after decision is made by my husband	69	21.7
I sometimes decide by my own and my husband decides by his own at other times	3	0.9
I have equal say on income expenditure	72	22.6
Non respondents	5	1.6
Total	318	100.0

Source: Own survey data Dire Arerti and Koftu Kebeles June, 2007

Table 4.8 above displays distribution of respondents by decision-making on sales of agricultural products and control of income. Quantitative data collected on women's involvement in decision-making on the amount of agricultural products to be sold reveals that 31.4% of the respondents responded that they decide with their husbands, 19.8% responded they do not involve in decisions, 18.2% responded they are involved sometimes, 2.2%

responded that it is decided by others and 5% are not willing to respond to this question. Data on women’s decision-making on income expenditure reflects that 28.3% involve in decision, 24.8% decide on their own, 22.6% have equal say with their husbands on income expenditure, 21.7% responded that their husbands decide on their own and they are informed later and 0.9% responded that they sometimes decide on their own and their husbands decide on their own at other times.

Qualitative information obtained from focus group discussion with rural women on women’s involvement in 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 land is mostly used to cultivate crops/grains that have good market prices. Information obtained from interviews with Kebele LAC members disclose that wives are not mostly consulted on matters related to land and are not informed on serious issues like leasing out land. LAC members in Koftu Kebele referred to specific case they handled with the Kebele Administration on a woman’s appeal to the Kebele because her husband leased out land without her knowledge and the family was in short of food as a result.

**Table 4.9: Relationship between marital status and control over income**

		Control over income						
		Women decide by their own	Women involve in decisions	Women are informed later on	Women sometimes decide by their own	Women have equal say	Non respondents	Total
Marital status	Married		90	67	3	72	3	235
	Single	3					1	4
	Divorced	10						10
	Widowed	66					3	69
Total		79	90	67	3	72	7	318

Source: Own survey data Dire Arerti and Koftu Kebeles June, 2007

The above table reflects the relationship between women’s marital status and control over incomes from sales of agricultural products. The data on the above table reveal that out of the

total 235 married respondents, 90 responded that they involve in decisions on income expenditure, 72 responded they have equal say, 67 responded that they are informed after decisions are made by their husbands, 3 responded they sometimes decide on their own and 3 married women did not respond to this question. Sixty six widowed respondents out of the total 69 responded that they decide on their own on income expenditure and 3 widows did not respond to this question. All divorced women responded that they decide on their own on income expenditure. Out of the 4 single/unmarried women, 3 responded that they decide on their own on income expenditure and 1 of them did not respond to this question.

Qualitative information obtained on women's involvement in marketing agricultural products from focus group discussion with rural women reflect that women in male headed households are allowed to sell small amount of crop/grain in markets. Income from sales is used to buy food items needed in households. All concerned discussion participants stated that money earned from allotted sales is not sufficient to buy what is needed in their households.

In view of literatures reviewed, women who gain control over land gain right to take major decisions on land like land use type, sales of proceedings and control of income and expenditure, etc. Survey findings on decision-making on land and land related matters reflect that decisions are not usually made in women's interests. In short of women's decision-making power on the amount of food grain to be allotted for household consumption over half of the households (51.9%) in the study area face food shortages (Table 4.4 on page 54).

Women's involvement in decision-making on income and expenditure reflect that 22.6% of the respondents have equal say in such decisions (Table 4.8 on page 64). The data on the relationship between marital status and control over income (Table 4.9 on page 65) reveals that women in male headed households exercise less decision-making power as compared to FHHs. Only 72 married women have equal decision-making power over income out of the total 235.

#### 4.4.3 Women's participation in community activities and decision-making

**Table 4.10: Distribution of respondents by knowledge and information on Kebele LACs election**

Women's knowledge and information on Kebele LACs' election	Frequency	Percentage
Kebeles & the Woreda facilitated the process and all community members elected LAC members	40	12.6
Kebeles & the Woreda facilitated the process and male community members elected LAC members	12	3.8
Kebeles & the Woreda facilitated the process and only household heads elected LAC members	8	2.5
Kebeles facilitated the process and all community members elected LAC members	6	1.9
I don't know how it was carried out	250	78.6
Non respondents	2	0.6
Total	318	100.0

Source: Own survey data Dire Arerti and Koftu Kebeles June, 2007

As displayed on Table 4.10 above quantitative data collected on women's knowledge and information on Kebele LACs election process reveal that 78.6% of the respondents, responded that they do not know how it was carried out, 12.6% responded it was initiated by Woreda Administration and all community members participated in the election process, 3.8% responded male community members elected LACs, 2.5% responded household heads elected LACs and 1.9% responded that Kebele Administration facilitated the process and all community members elected Kebele LACs.

Information obtained from interviews with Kebele LACs in both Kebeles reflects women's low participation in community activities and in community decision-making. LAC members explained that the trend in calling community meetings is using PA (Peasant Association) members list from Kebele Administration records. Names of those who had land registered in their own names are put in Kebele records. PA membership is also associated with household headship. Although, LAC members said that they are elected by all community members in both Kebeles, they confirmed that the need for women's participation was not mentioned at time of their election. They explained that they were not aware of it. On the other hand, information obtained from rural women on the focus group discussion in both Kebeles reflects

that most of them have no information about these meetings. They also mentioned that they usually do not attend community meetings. Few FHHs disclosed that they have information on Kebele LACs election and that they have attended those meetings.

Information obtained from focus group discussion with rural women on their participation in other community activities reflects that women's participation is generally low. Rural women explained women's associations are not established in both Kebeles. Interviews with Kebele LAC members on women's presence on the field when their plots are measured and registered disclosed that women seldom come to fields. They either send male household members/relatives or leave it to the LACs.

With regards to women's participation in community decision-making LAC members explained that no woman is represented in Kebele LACs and Kebele Sub-Committees in both Kebeles.

Women's low involvement in community activities and marginalization from community decision-making is a strong feature in community practices in the study area. Survey findings reveal that women have no participation in the land administration process including decision-making and leadership. Women's marginalization from governance of the land administration process reflects dominance of patriarchal cultures in community practices which put women to subordinate positions. Survey findings reveal that most participants (78.6%) do not even know how the LACs election process was carried out (Table 4.10 on page 67). Findings further reveal that trends followed in calling community meetings, women's low access to information and less experience in attending community meetings had contributed to women's marginalization from community activities. Furthermore, women are not encouraged to organize in women's associations.

#### 4.5. Other factors that affect women’s access to and control over land

Survey questions that focus on other factors that affected women’s access to and control over land in the study area include women’s participation on farm activities and women’s access to agricultural inputs.

##### 4.5.1 Participation in agricultural activities

**Table 4.11: Distribution of respondents by involvement in agricultural activities**

Women’s involvement in agricultural activities	Frequency	Percent
I involve in weeding and harvest field preparation	252	79.2
I involve in other farm activities in addition to weeding and harvest field preparation	21	6.6
I don’t involve on farm activities because, I've to look after children & I have to do household activities	6	1.9
I don’t work on the farm because my labor is not needed	11	3.5
I don’t work on the farm for other reasons	23	7.2
Non respondents	5	1.6
Total	318	100
Women’s involvement in ploughing		
I don’t plough, my husband ploughs the household land	188	59.1
I don’t plough, family members plough the land	29	9.1
I don’t plough, friends and relatives plough land for me	6	1.9
I don’t plough, I hire labor to plough my land	63	19.8
I don’t plough, I use other means	30	9.4
Non respondents	2	0.6
Total	318	100

Source: Own survey data Dire Arerti and Koftu Kebeles June, 2007

Quantitative data displayed on Table 4.12 above reflects rural women’s participation in agricultural activities. Responses obtained on rural women’s involvement on farm activities reveal 79.2% of the respondents responded that they are involved in weeding and harvest field preparation, 6.6% responded they involve in weeding, harvest field preparation and other farm activities, 7.2% responded that they do not involve in farm activities for other reasons, 3.5% responded that they are not involved in farm activities because their labor is not needed and



1.9% responded that they are not involved in farm activities because they have to look after children and do household activities. Responses obtained on household land ploughing reflect 59.1% of the respondents responded that their spouses plough household lands, 19.8% responded they hire labor, 9.4% responded they use other means, 9.1% responded that family members plough the land and 1.9% responded that friends and relatives plough land for them.

Study findings reveal that land is ploughed by husbands in most married households. FHHs face labor constraint in absence of adult male labor in their households and the cultural taboo in women’s ploughing. The ox-plough technology is female unfriendly. Women hardly manage to plough using those plough equipments even if they make up their minds to break the cultural taboo.

**Table 4:12 Relationship between marital status and involvement in agricultural activities**

		Involvement in agricultural activities					
		I always involve in farm activities	I sometimes involve in farm activities	I do not involve in farm activities because, I work at home	I do not involve on farm activities for different reasons	Non respondents	Total
Marital status	Married	197	12	5	17	4	235
	Single	2			2		4
	Divorced	9	1				10
	Widowed	44	8	1	15	1	69
Total		252	21	6	34	5	318

Source: Own survey data Dire Arerti and Koftu Kebeles June, 2007

The relationship between marital status and involvement in agricultural activities displayed on the above table reflects that out of the total 235 married respondents 197 responded that they always involve in farm activities, 12 responded that they sometimes involve on farm activities, 5 responded that they do not involve in farm activities because they work at home, 17 responded that they do not involve in farm activities for different reasons and 4 did not respond to this question. Out of the total 69 widowed respondents 44 responded that they always involve in farm activities, 8 responded that they sometimes involve on farm activities,

1 responded that she does not involve in farm activities because she works at home, 15 responded that they do not involve in farm activities for different reasons and 1 did not respond to this question. Out of the 10 divorcees 9 responded that they always involve in farm activities and 1 responded that she sometimes involve on farm activities. Out of the 4 single respondents 2 responded that they always involve in farm activities and the remaining 2 responded that they do not involve in farm activities for different reasons.

The findings reveal that most women always involve in farm activities although farm is considered as a male undertaking as reflected in literatures. Involvement of FHHs is high as compared with married women as out of 83 FHHs (considering the total number of widows, divorcees and single) 55 always involve in farm activities and 9 sometimes involve in farm activities. Women's contribution to farm activities and the benefit they gain the control power they exercise on agricultural products and income including decision-making power doesn't consider their labor input.

#### **4.5.2 Access to agricultural inputs**

Quantitative data collected on possession of plough oxen reveals that out of the total 318 survey respondents 47.5% responded that they own a pair of oxen, 22.3% responded that they do not have oxen, 15.4% responded that they own only one ox, 11.3% responded that they own two pairs of oxen and 2.8% responded that they own more than two pairs of oxen. Respondents who do not own a pair of oxen to plough with responded that 11% responded that they borrow ox/oxen from friends and/or relatives, 5% responded they lease out their lands and use the money, 4.7% responded they use other means, 3.5% responded they enter into sharecropping arrangements and 0.9% responded that they rent oxen to make use of their farm lands (Table 5, Annex).

Qualitative information obtained on access to other agricultural inputs such as labor, fertilizer, selected seeds, credit facilities etc. from rural women on focus group discussions reflected that FHHs have less access to agricultural inputs. Rural women asserted that FHHs do not get information on when inputs are distributed to farmers in their Kebeles. FHHs mentioned that they usually buy fertilizer from markets which is a disadvantage to them because Kebeles sell fertilizer at subsidized price and on credit basis. FHHs mentioned that they do not use fertilizer

when they can't afford and they explained that they get fewer yields when they farm without fertilizer because, their land produces fewer yields without fertilizer. Women disclosed that agricultural inputs such as selected seeds are distributed to male farmers only. Provision of such inputs is based on good track records on high yield per hectare. Information obtained on women's access to financial institutions and credit services reflected that women have limited access. Some women in Koftu Kebele have access to credit services provided by NGOs whereas service is not available in Dire Arerti Kebele.

Findings reflect that FHHs has limited access to agricultural inputs such as fertilizers, this is constraint as they couldn't make proper use of the input. Women's access to credit services is also limited in the study area. Literatures reflect that availability of credit services is essential to rural women as it could be used to fulfill agricultural input needs. In short of these inputs FHHs, particularly gain less benefits from their farm lands and this make them vulnerable to poverty.

Literatures reflect women's access to land doesn't make certain that they gain benefit out of it. Women have to get access to agricultural inputs to make proper use of their lands. Lack of access to agricultural inputs, the farming system and women's economic status affect their benefits from agricultural land.

#### **4.6. The land administration process**

Information obtained on the land administration process largely relies on the qualitative survey, mainly on interviews with Woreda Office of Agriculture and Rural Development, Kebele LAC members and the researcher's observation in the study area. Information obtained from interviews with Woreda Agriculture and Rural Development land administration experts and Kebele LAC members revealed that Woreda Administration was actively involved at early stage of the land administration system establishment. Involvement of Woreda Office of Agriculture and Rural Development was not recognized at the start. Awareness raising among community members and conducting election of Kebele LAC members was carried out by Ada'a Woreda Administration. Information about the land administration policy, benefit of proper land administration system and benefits of registering land holdings was communicated to community members on community meetings.

LAC members explained that personal attribute and educational background was requirement for LAC members' election. Five LAC members and 5 Sub-Committee members were elected in each Kebele. Sub-Committee members were elected from community elders and Kebele Administration officials. LAC members were trained at Debre Zeit on land measurement and field data recording skills and were oriented on the rural land proclamation of the region and its implementation procedures. Each Kebele LAC was provided with a copy of the rural land proclamation and land registration process guideline. LAC members disclosed that duties and responsibilities were not given in writings but they were told that their duty is measuring communal lands and individual holdings, collecting and registering information on individual holdings. Land is measured using traditional method (using ropes). Sub-committees established at village level were assigned to assist LACs in demarcating boundaries of land holders and settling disputes if dispute arises between land holders.

Information obtained in the land registration process carried out in the study area reflected that the process started from demarcating borders of Kebeles in collaboration with neighboring Kebeles. The second step was to identify and register communal lands like grazing lands, forest lands, lands used for social services (schools, churches, mosques, symmetries, market places, etc.) and water sources. Individual holdings are registered based on data obtained from Kebele Administrations and latest tax payment receipts landholders obtained on paying tax on their individual holdings. Households demarcate their own boundaries with LACs and community elders involved if disputes arise between landholders. LACs register individual land using the register slip 'Form 1' developed by Woreda Agriculture and Rural Development Office. The documentation process is carried out from Kebele to Woreda level. 'Form 1' (the field data register slip) is completed by Kebele LACs and field data is registered on 'Form 2' and on a big register book by the Woreda Office and was kept at Woreda office where formal documentation is completed. LAC members explained that they were supposed to keep 'Form1'. However, they preferred to keep it at the Woreda office for safety purpose. Observation at the Woreda Office of Agriculture and Rural Development land registration office offered opportunity to the researcher to look at different formats used to register individual landholding and the process being carried out at that level. Different formats used

in the land registration process are designed to carry detailed information about the land registered and the landholder. Spaces are provided on the different formats to register plot sizes, neighboring holders, land use type, etc. Married landholders are required to register spouses. The field data collection slip has space to register names of spouses (space is provided to register up to 4 spouses), other family members and legal inheritors. Field level information registered by Kebele LACs is transferred to 'Form 2' by Woreda experts at Woreda office and the same data is transferred to the book of register. All information in the book of register is put on book of landholding (certificate). Book of land holding has space to put photo of the landholder. The book of landholding which carries photo of the land holder is finally signed by Woreda Agriculture and Rural Development official and the landholder and is issued to the landholder. Book of land holding (certificate) also has a separate part for second registration which will take place on measuring land using modern measurement.

Data on the Woreda office record shows 5,200 books of land holdings had been issued to 1,283 female and 3,910 male land holders as of mid June 2007, on last date of this research at Woreda Office.

Information obtained on updating of books of landholdings in cases of marriage, inheritance, divorce or any other case that require changes reflected that LACs had no experience in this regard. LACs stated that this is because the land registration process started in 2006.

With regards to benefit gained by women from the current land administration system as compared with past experiences, information obtained from interviews with LAC members reflected that women are gaining equal rights with men in accessing land. On the other hand they disclosed that men control household assets and incomes. Information obtained from focus group discussion with rural women on the current land policy reflects optimism on their side. Women stated that their equal rights to land were not respected in the past and that there is no significant change at present also but, they affirmed that their situation will improve gradually and will change in the future.

## 5. SUMMARY, CONCLUSION AND RECOMMENDATION

### 5.1. Summary

Women's land rights issues had become prominent in women's equal rights in international conventions and international human rights instruments set by the UN. Gender inequalities persist regardless of these efforts because of gender power relations in communities. The patriarchal gender relation determines women's socio-economic status at household and community levels. Feminist economics concepts reflect that women's empowerment is affected by socio-economic factors in all societies.

Access to and control over land is critical for rural women's empowerment in terms of economic benefit and social status. Rural land reform policies affirming women's equal rights to land hardly bring intended changes in reality and bring about women's empowerment. Most land reforms institutionalize systems that usually fail to challenge existing community gender perspectives on women's access to and control over land. Rural women's access to land and control power they exercise on it is constrained by multiple interweaving factors. Major factors affecting women's access to and control over land are summarized below:

**Land tenure system:** Land tenure systems applied in the country had impacts on women's access to and control over land. Various reforms were observed in land tenure systems over the past four decades in Ethiopia which affected communities under this study. Land tenure system has evolved over many years in the country and could be analyzed from a historical perspective. The major form of land tenure in Oromia Region before the 1974 land reform was the *gult* system. In the *gult* system land ownership right was acquired through grants from the monarch or from provincial rulers to government officials, war veterans, etc. as referred in chapter two. The Ethiopian Orthodox Church was also granted a large share of land. These grants were offered on the basis of positions, government services and religious dedications. As women were not in a position to render such services to government (with exception of very few) and as were not allowed to involve in religious rituals control of land remained in hands of men. Following the overthrow of the imperial regime rural land reform carried out by the Derg considered households as unit of rural land allocation in the land distribution carried

out. Hence, granting use rights to household heads who were men in households wherever men are present i.e. unless the household is headed by a woman. It was during this time that males' control over rural land increased as men generally were household heads. The current rural land tenure system considered rights of individuals in households' even though, households are used as unit of land allocation. Women are entitled to spousal-joint land registration rights in the current system.

**Rural land policy and legislation:** The current land tenure system is based on land administration and use proclamations issued by FDRE and regional governments. Oromia Region issued proclamation on rural land use and administration and a regulation (ONRS, 2002, ONRS, 2003), based on mandate provided by FDRE rural land administration and use proclamation (FDRE, 1997). The proclamation affirmed free access to land to any resident of the region 18 years or above who wants to live by farming with out distinction on basis of sex.

Oromia National Regional State issued rural land use and administration proclamation in 2002. The policy entails elimination of gender discrimination with regards to use right on land and its transfer. This is a good policy move as compared with previous systems. However, this study makes evident existence of gaps in the policy and gaps between policy and implementation in women's access to and control overland. Assessment of the Oromia rural land proclamation and the implementation regulation from a gender perspective reveal gaps in policy provisions on women's access to and control over land. The regional land use and administration proclamation and the implementation regulation didn't give strong emphasis to landholding and administering rights of women. Using households as unit of rural land allocation had impact particularly on women's control over land. Literature revealed that women's control over land is more important as it ensures socio-economic empowerment of women and results in gender equality. Thus, this is significant policy drawback on the regional rural land administration. Further more the land administration implementation regulation which address a number of issues has no provision on issues of FHHs particularly on issues of widows and single/unmarried women.

The rural land registration process recognizes spousal-joint registration rights on land for married women. However, study findings reveal that number of women registered on spousal-

joint registration is low as compared to the number of married women considered in this study. Furthermore land is registered in the name of household heads and landholding certificate carrying photo of the landholder is issued to household heads in the study area. Secondary sources assessed for this study reflected that landholding certificates issued on spousal-joint registration carries photos of both spouses and are signed by both spouses in other current land policy implementing regions.

The regional rural land use and administration proclamation has no provision on promoting the policy and familiarizing communities with the land administration system. Knowledge of the regional rural land policy and the land administration system is low, particularly among women as information is communicated on community meetings. Information is less accessible to rural women given the high illiteracy rate, low access to information and low participation in community meetings. Knowledge of the regional rural land policy and relevant legislations affecting women's rights to land is also low in the study communities. Women's knowledge on other relevant policies such as the National Policy on Ethiopian Women and the Oromia Family Law is also very limited. In addition, the regional rural land policy and the implementation regulation had overlooked women's participation in the land administration process. There is no provision on women's participation in the land administration process at community level.

Regardless of policy provisions, implementation in the study area revealed discrimination against women in access to and control over land. Findings from assessment of the regional rural land policy and the survey conducted reveals gaps between policy provisions and actual implementation. Study findings reflect that single/unmarried women are not provided access rights to abandoned or unoccupied land. Survey findings on widows' access rights to land reveal that practice remains discriminatory to childless widows. In spite of policy provisions on equal rights on inheritance and divorce, survey findings reflect that women barely access land through inheritance and secure share of marital land at divorce. The two case stories reflect the reality on dominance of customary practices on land rights of women to marital land at divorce and to parents' land by inheritance. Survey findings on land access rights of women in polygamous marriage reflect that rights of these women is restricted to getting share of agricultural products from household land registered on husbands' name.



Updating of books of landholdings which is major aspect in rural land administration system is not considered so far in both Kebeles.

**Farming system:** As reflected on the literature review part the agricultural sector plays important role in the country's economy. This study confirms farming activities are main sources of income in Ada'a Woreda Dire Arerti and Koftu Kebeles. Each Kebele is noted for cultivating variety of food and cash crops. In respect of feminist theory used as framework in this study women have significant contribution on household farms. However, the existing gender division of labor in the farming system makes women's contribution invisible in the study area. Women's labor contribution on farm activities and their reproductive roles that support the farming system is not fairly considered. Agriculture is based on plough cultivation in the study area. The ox-plough farming system and cultural taboo on women's ploughing had affected particularly FHHs. These households lack adult male labor in their households to do the ploughing. Agricultural inputs like plough oxen, fertilizers, etc. are also less accessible to these households as compared to male headed households in the study area. FHHs are forced to enter into sharecropping arrangements or to lease out their lands for they can not make use of their farm lands with out sufficient input. As reflected in literatures FHHs are disadvantaged because, these households get less benefit from the land they hold. Male headed households have better access to farm inputs, earn more income and spend more on investment.

**Marriage:** Consistent to literatures reviewed for this study, marriage becomes a primary means to get access to land. Most survey respondents are married women and widows comprise the second large number. Married and widowed women get access to land through marriage as widows get access to land by inheriting their deceased husbands' land. The study reflects that unmarried women hardly access land through inheritance and divorced women hardly access land through marriage. Legal provisions on female land inheritance and the right of divorcees to marital land are not fairly recognized in the study area.

**Customary laws and practices:** Women's access to and control over land is affected by customary laws and practices in the study area. These practices not only affect women as a whole in these communities but, make differences among group of women under different

marital statuses. Study findings reflect that patrilineal inheritance system is the dominant inheritance system applied by communities. This system restricts daughters from inheriting land from their parents. Study finding on the relationship between marital status and means of land acquisition in the study area reflect that none of the unmarried women accessed land through inheritance and none of the divorced women accessed land through marriage (Table 4.5 on page 56). Regardless of the regional rural land policy commitment, women's lived experiences as reflected in the two case stories ( pages 58 & 61), reveals that women not only lose access to land they should get through inheritance but they also lose access to land which they get through marriage when marriage breaks because of divorce or death of a husband.

Study findings reflect that traditional practices in the study area make widows' access to their deceased husband's land conditional to having child/children from that specific marriage. Widows are allowed to live on their deceased husbands' land to raise their children and to farm on their children's land.

Polygamy has strong cultural bearing on women's access to land in the study area. Polygamy is an accepted norm by communities under this study including women themselves. It is attached to infertility and ageing of women. Survey findings on land access rights of women in polygamous marriages reflect that implementation of the regional rural land administration regulation is consistent to the pre-existing community practices. Women in polygamous marriage are affected by customary practices to the extent their access right to land through marriage become questionable. Because, right of these women is limited to sharing products obtained from the land registered on the husband's name while in marriage. Realization of marital property rights at divorce of women in polygamous marriage is also uncertain given community practices on ensuring marital land rights. Although the regulation provides joint registration rights on the husband's land to all wives study findings reflect that their individual right is hardly realized in practice.

**The land administration process:** The rural land administration process in the region is being carried out by Woreda Agriculture and Rural Development Office and an established local level committee, Kebele LAC. The gender aspect of the land administration process reflects pre-existing community biases. This is reflected on formats used, procedures followed

in the land registration process and on women's marginalization from participating in the land administration process. Realization of married women's right to joint registration and certification on household land is relatively low because only 53 women out of the total 235 married women have registered land jointly with their spouses (Table 4.8 on page 64). Besides, the land holding book carries photo of the landholder and is signed by the landholder only even on spousal-joint registration.

Updating of books of landholding is not considered in the land administration process. Although, findings reflect that reason for not considering updating of books is the short time passed since the start of the process in the study area, situations that require updating of books could occur in short time.

**Decision-making:** Secondary sources assessed for this study reflected that the land administration implementation programme was aimed at initiating community participation at local levels. Despite this policy commitment, practice in the study area reveals that women are mostly marginalized from participating in community activities and decision-making. Female participation is not considered in the land administration process from its early stage to final implementation. None of the Kebele LACs and Sub-committees has female members. The problem is not limited to women's marginalization from the process but, also their lack of information on how LACs election was carried out. Only 12.6% out of the total 318 survey respondents actually know how it was carried out in both Kebeles (Table 4.11 on page 69). Furthermore, the study reflects that women rarely participate in community activities and women are not organized and women's associations are not established in the study area.

At household level women have less influence on decisions on land and land related matters like on what crops to grow on the land, on sales of proceedings and control of income. Low decision-making power has become challenge to women's meeting their responsibilities in household food sufficiency. Women mostly involve on off-farm activities to fulfill family food needs. The relationship between decision-making power exercised by women, land registered in own names and their marital status are made evident by this study. Out of the total 318 households only 21.7% of the households have land registered in women's names

(Table 4, Annex). Women in male headed households have relatively less decision-making power because, men control land in most married households.

## **5.2 Conclusion**

Women's land rights issue has gained focus in the gender discourse and is considered as mechanism for enhancing women's empowerment at household and community levels. However, land tenure discourse is lagging behind in ensuring women's access to and control over land. Land tenure systems have not yet challenged gender power relations which have major impacts on land tenure relations. This study indicates clear gender differences in access to and control over rural land in Dire Arerti and Koftu Kebeles in Ada'a Woreda.

Literature reviewed in this study reflected women's access to and control over land has positive impacts on household food supply, household income and family welfare. Above all women's equal access to and control over land enable them to gain higher status in households and in communities. In spite of substantial global advancements and policy considerations in women's equal rights, their equal right to land is not ensured in most settings. Achievement is even less in ensuring women's control over land.

The Oromia National Regional State rural land use and administration proclamation is issued based on the current and land tenure system. It is non-discriminatory on the basis of sex owing to the FDRE constitutional commitment on gender equality. However, assessment on the rural land proclamation and the implementation regulation from a gender perspective discloses that the policy is not efficiently gender sensitive<sup>17</sup> to address existing community gender biases on women's access to and control over land. Rural land administration system should pay attention to gender power relations in households and communities. Because it affects women's involvement in community activities including decision-making and their access to and control over agricultural resources. Therefore gender aspect of rural land policy as well as its implementation should consider gender power relations, particularly intra-household gender power relations to ensure women's equal access to and control over land.

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<sup>17</sup> Being gender sensitive is being aware of differences between women's and men's needs, roles, responsibilities and constraints, and trying to induce change.

Moreover, using households as unit of rural land allocation in the land administration system has impacts particularly on women's control over land. Women's access to land should not be deemed as an overall policy goal although it is a means to women's control over land. This is a significant policy drawback as rural women cannot get empowered and achieve equality without gaining control over land. Control over land therefore is very important for ensuring gender equality in land rights as rural women's empowerment brings about sustainable rural development, alleviates poverty and ensures food security.

As per findings of this study, implementation of the land administration process has not fully achieved policy aims in women's access to and control over land. This is reflected on policy limitations to address competing factors that hinder women's equal access to and control over land in the study area. Rural land policy should apply effective implementation strategy to address women specific issues that affect their equal rights to land. Gender mainstreaming strategy should be applied in the rural land administration system to remove existing barriers that retard women's equal access to and control over land. The rural land administration system needs to be gender inclusive and gender responsive to ensure women's equal access to and control over land.

This study reveals that the regional rural land administration system lacks an autonomous institution to implement the policy regardless of policy commitment. This is a significant gap because policy implementation requires institutional mechanism with clear duties and responsibilities at all levels. Support from a well established institution at Woreda level will facilitate policy implementation at Kebele levels.

Knowledge and awareness on women's equal land holding rights is critical to all concerned bodies including women themselves to realize women's rights on land. Knowledge and information on the regional land administration and use proclamation and other relevant legislations is limited among women in the study area. Knowledge and information is essential for women because most women hold secondary rights. They have to be aware of the rules and their legal rights to raise claims and to challenge denial of opportunities and rights. As reflected in the two case stories, women's awareness on their land rights plays vital role in breaking traditional barriers to women's access to and control over land. Those women in the

two case stories started challenging community traditions on land acquisition as they get aware of their rights.

Linkages between rural land policy and other laws such as family law that recognizes women's rights to own administer and control property in marriage and equal share at divorce is important to ensure women's equal rights on land. Therefore, linkages between rural land policy and relevant legislations should be strengthened and the laws should be promoted to ensure women's equal rights on access to and control over land.

The study reveals that customs and traditions affect women's access to and control over land in the study area. Land acquisition by unmarried, divorced, widowed and women in polygamous marriages are affected by community customs and traditions. Rural land policy needs to address issues of these different groups of women to make sure that rural women get equal right to land as well as equal benefits from land. Access to land has become challenge to single/unmarried women. Daughters are not protected by customary laws on inheritance and statutory law has not yet challenged community customs and traditions. As per the study findings type of marriage women entered into determines women's land rights in addition to marital status in the study area. Situation of women in polygamous marriage is an area where gap exists between policy and the implementation regulation in the regional land administration system. Implementation of the rural land proclamation did not show significant difference with community customs and traditions on land rights of women in polygamous marriages. This study further reflects that community practices deny childless widows' access rights to deceased husbands' land. Since widows mostly get hold of land by inheriting their deceased husbands' land this practice will result in landlessness on widows. Divorced women's access to marital land at divorce is hardly realized in the studied communities. Customary divorce law allows women to take only their clothes as they leave their homes on divorce. Divorced women hardly get justice through community dispute settlement procedures and they have no easy access to legal systems thus, their legal right to share of marital land is not effected in reality.

Therefore, the land administration system should consider issues of unmarried, divorced, widowed and women in polygamous marriages and should design strategy to bring attitudinal

change on the deep-rooted gender prejudices that hamper women's equal rights to land and to ensure women's equal rights to access land in these communities.

Plough cultivation is the dominant practice in the study area. There is cultural taboo against women ploughing and sowing. With exception of these two tasks however, women participate in every aspect of agricultural production. The farming system particularly the technology is female unfriendly even if, women opt to challenge the cultural taboo. Therefore, rural land policy should assert on challenging gender-based division of labor in the farming system through applying different mechanisms including technological innovations.

Women are marginalized from participating in community activities including leadership and decision-making. Community practices in the study area provoke to question on whether community meant men because, there is no single woman in LACs and in Sub-committees in both Kebeles. The study makes evident that patriarchal perception down play women's important community roles. This is directly related to gender power relation in community and is a major contributing factor for gender inequality. Changing this deep rooted negative attitude is necessary to advance women's leadership roles.

The land registration process is being carried out at community level by LACs who give voluntary services. Besides, LAC members' knowledge and awareness on women's rights issues is limited. Bringing change in attitudes and raising awareness of LAC members on gender and women's rights issues can improve women's access to and control over land. LAC members will realize policy commitments and consider women's issues in the land administration process when they get aware on gender and women's rights issues.

The landholding book (certificate) is signed by the landholder only and carries photo of the landholder even on spousal joint-registration. Although wives are registered on the land holding certificate their equal landholding rights is hardly proved by the document. Even though it is not easy to comprehend what consequences it brings, it will have negative consequences on women's land rights given existing gender biases in the study area. Therefore, formats used in the land registration process should be free from gender biases to reflect women's equal landholding rights.

The study reflects that updating of books of landholdings is overlooked in the land administration process in the study area. Updating of books of landholdings is important for women's access to and control overland for it affects their rights as changes on landholding rights need to be documented at divorce, inheritance or other factors that require changes in women's landholding rights.

### **5.3 Recommendations**

This study clearly points out existence of gender disparity in access to and control over land in two rural Kebeles in Ada'a Woreda of Oromia Region. Contributing factors to women's inequalities need to be addressed effectively to ensure women's access to and control over land in the study area. This can be achieved by reviewing the regional rural land policy, establishing autonomous land administration institution, mainstreaming gender in the land administration system, carrying out advocacy and awareness creation activities on women's land rights, establishing strong women's organizations, networking and experience sharing, initiating women's involvement in community activities and decision-making, introducing female friendly plough technology and by carrying out further research in the subject area. Recommendations are to be implemented by the regional government, development organizations, research institutes, donors, NGOs, CSOs, CBOs and local communities.

**Reviewing regional rural land policy:** Gaps within the policy and between policy and implementation made evident in this study should be addressed by issuing rural land policy that explicitly focuses on region specific socio-economic issues. This will avoid ambiguities and enhance better understanding and interpretation of the law. Therefore, the current rural land policy should be revised in a gender sensitive manner to address existing gaps and factors that retarded women's equal access to and control over land.

**Establishing autonomous land administration institution:** Existence of governance structures and local institutions is necessary to carry out women's land related activities. Therefore land administration institutions should be established at regional and Woreda levels to translate policy commitments on women's equal land rights to reality.



**Mainstreaming gender in the land administration system:** Gender mainstreaming strategy should be applied in the land administration system in order to address women specific needs, to initiate their equal participation in the process and to ensure women's equal benefit from the system.

**Carrying out advocacy and awareness creation programmes:** Promoting women's equal access to and control over land requires addressing socio-economic issues particularly customs and traditions that affect realization of women's equal rights to land. Therefore the regional land administration system should design strategies to address these issues through advocacy and awareness creation programmes to change community attitudes and practices.

**Establishing strong women's organizations:** Women's organizing has an aspect of empowerment and women's associations could serve as forum to women focused interventions. Thus rural women should be initiated to organize and struggle for their equal landholding and administering rights.

**Networking and experience sharing:** Networking and experience sharing can facilitate change in people's way of thinking and can bring about change in attitudes and practices in the land administration process. Differences observed between Oromia and other land administration program implementing regions of Tigray, Amhara and SNNPR, particularly on spousal-joint land rights registration and certification can be addresses by networking and experience sharing with these regions. Experience sharing with Amhara and SNNPR will help Oromia to understand the differences and to reconsider implementation procedures. Further more, Oromia can get useful experience from SNNPR about landholding rights of women in polygamous marriages.

**Initiating women's involvement in community activities and decision-making:** Women should be involved in the land administration programme implementation process including in dispute settlement and should be empowered to assume leadership positions in LACs. Therefore the land administration system should design strategies to initiate active involvement of women in the land administration process including at decision-making levels.

**Introducing female friendly plough technology:** The ox-plough farming technology applied in the study area enforces women's dependence on male labor for ploughing which is not available in some households. Hence the plough technology should be innovated using local capacity to initiate women's participation in ploughing.

**Further research:** Researches on region specific rural land issue will help to point out problems on women's land rights. Therefore, in depth research on women's access to and control over land should be carried out to come up with sound implications on the regional rural land policy and its implementation.

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## Annex

### Tables

**Table 1: Distribution of respondents by ethnic and religious affiliation**

Ethnic group	Frequency	Percent
Amhara	37	11.6
Oromo	278	87.4
Tigrai	1	0.3
Non respondents	2	0.6
Total	318	100
Religion		
Orthodox Christian	293	92.1
Protestant	7	2.2
Catholic	4	1.3
Others	14	4.4
Total	318	100

Source: Own survey data Dire Arerti and Koftu June, 2007

**Table 2: Distribution of respondents by asset ownership and control**

Asset ownership by women	Frequency	Percent
Yes, my I own assets like cattle, sheep, goat, poultry	165	51.9
No, I do not own assets like cattle, sheep, goat, poultry	149	46.9
Non respondents	4	1.3
Total	318	100
Asset ownership and control by women		
Women have equal ownership but, do not have control over assets like cattle, sheep, goat, etc.	50	15.7
Women own poultry and use and sell animal products	54	17
Women have equal ownership and control over these assets including income from sales	27	8.5
Women do not own and control household assets	30	9.4
Non respondents	4	1.3
	149	46.9
Total	318	100

Source: Own survey data Dire Arerti and Koftu June, 2007

**Table 3: Distribution of respondents by household gender division of labor**

Responsibility for household activities (household gender division of labor)	Frequency	Percent
Fetching water, collecting fire wood, caring for children, cooking food, etc. are female's duties	264	83.0
Female get support from male family members in some activities	26	8.2
Female do not get any support from male family members	20	6.3
Both female and male family members participate in all activities	7	2.2
Non respondents	1	0.3
Total	318	100

Source: Own survey data Dire Arerti and Koftu June, 2007

**Table 4: Distribution of respondents by entitlement to land**

Entitlement to land registration and certification	Frequency	Percent
Land is registered and certified on my own name	69	21.7
Land is registered and certified in the name of my husband	164	51.6
Land is registered and certified in the name of both spouses	53	16.7
Land is registered and certified on leaser's name	7	2.2
Land is registered and certified on names of other persons	16	5.0
Non respondents	9	2.8
Total	318	100

Source: Own survey data Dire Arerti and Koftu June, 2007

**Table 5: Distribution of respondents by possession of plough oxen and means used to make use of land**

Possession of plough oxen	Frequency	Percent
I have one ox	49	15.4
I have a pair of oxen	151	47.5
I have two pairs of oxen	36	11.3
I have more than two pairs of oxen	9	2.8
None	71	22.3
Non respondents	2	0.6
Total	318	100
Means used to make use of land by households who do not own a pair of oxen		
I rent oxen	3	0.9
I lease out my land and use the money	16	5.0
I enter in to sharecropping arrangement	11	3.5
I borrow oxen from friends and/or relatives	35	11.0
I use other means	15	4.7
Non respondents	42	13.2
own one or more pairs of oxen	196	61.6
Total	318	100

Source: Own survey data Dire Arerti and Koftu June, 2007

## Declaration

I the undersigned declare that this thesis is my original work, has not been presented for the degree in other university and that all sources of materials used in this thesis have been duly acknowledged.

Name: Almaz Woldetensaye

Signature \_\_\_\_\_

Date \_\_\_\_\_

This thesis has been submitted for examination with my approval as a university advisor.

Name of Advisor: Dr. Vijaya Subramaniyam

Signature \_\_\_\_\_

Date of approval \_\_\_\_\_