

Tackling Gender Gaps in the Ethiopian Rural Land Administration

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1. Background

Throughout history, land has been recognized as a primary source of wealth, social status, and power. It is the basis for shelter, food, and economic activities; it is the most significant provider of employment opportunities in rural areas (FAO, 2002). Numerous studies have identified that the rights to land and natural resources increase a woman's bargaining power within the household, which results in increased allocation of household resources to children and women as well as increased household welfare (WB, 2009).

Women in Ethiopia constitute half of the country's population and the majority of them live in rural areas. Most of them lack independent access to productive resources, particularly land (EDHS, 2011). As elsewhere in Africa, women's contribution to agricultural production and household food security is very significant though not valued in economic terms. According to a Participatory Rural Appraisal (PRA) conducted by the World Bank (WB) and WAO (Women's Aid Organization) in April 1998 in five regions of the country, including Oromiya, more and more women are cultivating and using land as well as natural resources and yet they are denied equitable utilization rights. The majorities of women in Ethiopia are also illiterate and lack marketable skills (EASSI, 2002).

Land policy reform in the modern context is about equitable land redistribution and guaranteeing land rights and tenure security to enable economic growth and poverty reduction. Since land is a primary means of subsistence and income generation in rural economies, access to land, equitable land redistribution and tenure security are of primary concerns in eradicating poverty.

Recognizing the importance of women's land rights to inclusive development, women's rights to land is included in the United Nations Sustainable Development Goals (SDG). The SDGs aims to ensure equal rights to economic resources including land to all men and women by 2030. It also aims to create sound policy framework at the national, regional, and international levels, based on pro-poor and gender-sensitive development strategies, to support accelerate investment in poverty eradication action. The African Union also calls on its Member States to allocate 30 percent of land in women's name. Similarly, the Ethiopia government has made commitments and taken significant steps. Since 1993, it has adopted international and regional legal instruments with the aim of protecting women's rights such as; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) the protocol to the African Charter on Human and Peoples' Rights of Women in Africa (UNWOMEN, 2014).

This paper discusses the objective, activities, achievements and challenges of the WLRTF in the exercise of its mandate. It provides practical recommendations drawing from experience and lessons learned to date.

2. Women's Land Rights in Ethiopia

In Ethiopia, the right to ownership of land is vested in the state and the public. Hence, it is impossible to transfer the land holding to other in sale or in exchange for another property. Ethiopia possesses progressive constitutional provisions on women's rights. The Constitution calls for affirmative action under Article 35. The purpose of such measures is to provide preferential treatment for women to enable them to compete and participate on the basis of equality with men in political, social, and economic life. Women also have a constitutional right to acquire, administer and control land on an equal basis with men. In line with the Constitution, federal and regional rural land laws incorporate provisions that explicitly grant women equal rights to acquire, inherit, administer and transfer land. They also mandate joint ownership of land by husband and wife (Constitution, 1995).

According to the Ethiopian legal system matrimonial property is indivisible for the time being the marriage stayed intact. Division of property will come to picture when the marriage ends due to divorce or death of one of the partners. The rule in partition, as is reflected under article 90 the Revised Family Code (RFC) is that common property shall be divided equally between spouses. This is a reflection of the Constitutional provision which gives both spouses equal right in respect of property at the time of entering, during and at the end of marriage. However, if the property is inherited by a spouse or acquired prior to marriage, it is considered the personal property of that spouse unless a marriage contract states otherwise, (Revised Family Code, art. 57). This restriction places most women at disadvantage, as it is the man who will inherit valuable properties in almost all cases (RFC, 2000).

In addition to the policies and formal laws, customs and norm heavily influence women's rights to land. As the Ethiopian rural society is traditional and patriarchal men generally control most facets of rural life – social, economic, and political. They have used and administered nearly all the natural resources, including land. Men also possess greater rights to land because prevailing inheritance and marital norms and practices favor men. For instance, land is traditionally inherited by the sons (patrilineal system) who marry and stay on the farm while daughters typically marry and move to the husband's village. A wife's right to land is often mediated through husbands. Although the Ethiopian land laws grant equal land acquisition and use rights to male and female citizens, parents, who are the main source of land, are the ones who decide the actual outcome. A study conducted on this issue, has found out that three-fourth of the household heads in the sample admit that none of their daughters will ever inherit land from them (GTLN, 2014). One of the justifications for the discrimination is; there is a belief that once they are married, they belong to their husbands' places and families. In reality, women do not get a fair share of land at divorce and hence have to either go back to their relatives or run away to other places to look for means of survival (EASSI, 2002).

While the Government of Ethiopia has put in place gender sensitive policies and proclamations, the process of enabling women to access land is still vested with slowness and lack of enthusiasm to implement and disseminate the contents of these policies to the public for its benefit (EASSI, 2002).

In most rural communities have a long waiting list of individuals that have applied to get land from the land administration office. Social status and economic resources are important in influencing the pattern of land distribution, which disadvantages female headed households given the lower social status of women and their minimal economic resources (GTLN, 2014). The severity of land scarcity coupled with discriminatory traditional practices harshly affects the probability that female children will access land from their parents (GTLN, 2014). For this reason, most of Ethiopian women are resource-poor and dependent on men.

The Ethiopian Rural Land Proclamation is currently being amended, following an examination of the gaps identified during implementation. The failure to adequately and systematically include the concerns of women, elderly, orphan children and other marginalized groups have been identified as one of the gaps that required revision. In Ethiopia, the amendment and drafting of legislation passes through various phases of consultation. Ordinarily, women organizations would be involved in such a process. However, there is currently no women's group working on policy issues related to women and vulnerable groups land rights in Ethiopia. Without an active civil society, it is challenging to advocate for women's land rights (GAAP, 2015).

3. Women Land Rights Task Force

The Land Administration to Nurture Development (LAND) project, the Ethiopian the Ministry of Agriculture and Natural Resource, in collaboration with the LAND team, established a federal Women's Land Right Task Force (WLRTF) in February 2015. The WLRTF is composed of governmental and non-governmental institutions that work on rural land issues and who can contribute positively to the advancement of women's land rights. Members include the Ministry of Agriculture, Ministry of Women's, Children and Youth Affairs; the Ministry of Justice; the Ministry of Federal Affairs; Ministry of Labor and Social Affairs; the Federal Supreme Court, and project staff from USAID/Land Administration to Nurture Development (LAND) Project, USAID/Pastoralists' Areas Resilience Improvement through Market Expansion RIME Project, DFID/Land Investment for Transformation (LIFT) Programme and UNWOMEN

The Task Force is chaired by the Women's Affairs Directorate, and Land Administration and Use Directorate under the Ministry of Agriculture and Natural Resources (Vice chair). The objective of WLRTF is to consult women and deliberate on women's land rights issues in order to inform formulation and implementation of gender responsive land policy and legislation in Ethiopia. The specific objectives of the WLRTF is to identify persistent legal, regulatory and social constraints impeding women's rights to land and providing policy and legal

recommendations on how they should be addressed. The federal WLRTF members were trained by the Land and Gender experts that conducted the GAAP following the establishment of the Task Force.

4. Mechanisms for Addressing Women's Land Rights

The leading government institution that is responsible for ensuring the right of women in all aspects of the State's intervention is the Ethiopian Ministry of Women and Children's Affairs. Among other things, the institution is responsible for creating awareness on the issues of women, children and youth, and ensuring opportunities are created for women and the youth to actively participate in political, economic and social affairs of the country. It is also tasked with designing strategies to monitor and evaluate the formulation of policies, legislations, programs and projects by federal government organs and to ensure that they give due consideration to women and youth issues (MOWACA, 2017).

The Ministry of Women and Children's Affairs (MOWACA) have representatives in each sector, region, zone and at woreda levels. However, the institution have limited human resources, skills, as well as and tools to identify and mainstream gender issues in all areas and sectors. For instance, there is a specific directorate responsible for overseeing the mainstreaming of gender issues in all the activities of the ministry within the Ethiopian Ministry of Agriculture and Natural Resource Management (MOANRM). However, as the Gender Directorate is responsible to monitor the activities of 29 directorates in the ministry; it is very challenging for the Gender Directorate to fulfill its mandate given the capacity and human constraints.

Moreover, the percentage of women and their ability to influence within the House of Peoples Representatives matter, as they are at the ultimate power to decide on laws and policies. Currently out of 547 seats, in the House of Peoples Representatives 38.8% is occupied by women. Though, the percentage of women within the House of Peoples Representatives is fair, their power to advocate, influence and convince the decision of the house is questionable. This in turn has led to inadequate attention to gender and development issues from being successfully mainstreamed in the policy, legal and programmatic interventions and reforms in the country (UNWOMEN, 2014).

Besides the government structure, in Ethiopia, civil society organizations (CSOs) have played a role in addressing and promoting issues of public interest. Especially, since the beginning of the 1990s, they have been involved in service delivery and increasingly in advocacy on various issues, including in the areas of women and vulnerable groups land rights and development. However, the 2009 Ethiopian Charities and Societies Proclamation provide numerous limitations on CSO work in the country. The restriction especially affected CSOs that work on human rights and governance and those which advocate for rights-based development (Proclamation 621/2009).

The incapacity of government institutions and the harsh restriction against CSOs puts the issue of gender at risk. Since, there are no institutions that advocate for the rights of women and vulnerable groups as a whole and particularly on important subjects as that of land rights, this required organizing a platform for institutions that can provide technical support and advocate on the matter.

Within this context, Land Administration and Use Directorate (LAUD) and LAND relied on the LAND GAAP, the Women's Land Rights training, and the subsequent consultations undertaken by the WLRTF to identify gender gaps and propose solutions for redressing the identified gaps in the Rural Land proclamation.

The main roles and functions of the WLRTF are; as follows (1) review and comment on legislations; (2) draft policy briefs on women's land rights issues; (3) participate in drafting process; (4) lobby on women's land rights issues to influence the drafting process, (5) facilitate and enhance the capacity of stakeholders; (6) organize annual conference, public lectures, seminars, symposia and workshops on women's land and property rights, land tenure and administration issues and (6) disseminate information through publications of newsletters, reports, policy briefs.

To date, it has engaged in numerous activities including deliberating on the draft rural land administration law, providing technical assistance to the drafting committee, supporting the establishment of regional task forces.

Some of the major successes of the federal WLRTF are as follows:

- Building on the gender analysis of the Rural Land Administration Proclamation No. 456/2005 undertaken as part of the GAAP and subsequent consultations, the WLRTF advocated for gender sensitive and responsive provisions. For instance, the WLRTF proposed a provision that protects first and subsequent wives in polygamous unions. This is consistent with the approach taken in some regional states with higher incidents of polygamy. Another proposed provision grants married women without land (solely or jointly registered), the right to request for land.
- It has raised awareness among gender networks and at different platforms
- The WLRTF worked with universities and researchers to strengthen women's tenure security. For instance, it provided three- day training for Bahir Dar University students on gender issues in land administration. It also identified and encouraged researchers to conduct studies on gender issues by proposing topics that needs further investigation. The WLRTF also compiled laws and research papers on gender issues in land administration system.
- More recently, the WLRTF developed a fact sheet in Amharic outlining gender issues in land administration and explaining the laws, practices and challenges around securing land rights for women. It has suggested recommendations for strengthening the rights of

women and vulnerable groups during the development of the new National Land Administration Information System.

- The federal WLRTF is also in the process of establishing WLRTF in four regions (Oromia, Tigray, SNNPR and Amhara). To this end, it supported the four regional WLRTF in the identification, proposing solutions and documentation of gender gaps in their respective rural land administration laws.

While the WLRTF has successfully exercised its mandate, the Task Force has also encountered some challenges since its inception two years ago. The following are a few examples of key challenges.

- Limited awareness and commitment to addressing gender issues among key stakeholders is a significant impediment to the WLRTF work.
- High turnover of experts particularly in government institutions has created a challenge, as it calls for a continuous awareness raising on the part of the task force.
- While the WLRTF at the federal level is functioning well, regional task forces are experiencing considerable operations challenges. . This is primarily due to lack of financial resources, competing demand for members time and limited commitment..

5. Lesson Learnt

Coordination: - the WLRTF consists of various institutions that work directly and indirectly on rural land issues and gender. The diversity of institutions has contributed positively to the work of the task force as these institutions identify the gender gaps from different perspectives as well as influence and advocate for issues employing different approaches.

Sustainability – The WLRTF is designed to ensure ownership and leadership by the relevant ministry. The WLRTF is chaired by the Ministry of Agriculture and Natural Resource Women’s Affairs Directorate, and the Vice-Chaired by Land Administration and Use Directorate from the outset, this shows that from the beginning the WLRTF is lead and owned by the government and not dependent on projects and programs.

Use of Platforms: - Members of the WLRTF are using different platforms they have to disseminate and advocate for gender issues in land administration system. For instance, the National Gender Equality in the Agriculture sector is one of the big platforms in Ethiopia that consists of almost all organizations, projects and Programs that work in the agriculture sector. The task force has shared its experience about gender gaps in the rural land administration system and it was able to raise awareness and advocate about the issue.

Awareness Raising-members of the WLRTF to raise awareness about gender issues in rural land administration targeting land related professionals- administrators, judges, prosecutors, and researchers. This has resulted in active deliberations on issues of women's land rights.

6. Conclusion and Recommendation

Securing the land rights of women and vulnerable groups in accordance with the Constitution requires the effort of various institutions that work at different levels. The Women's Land Rights Task Force has created an important platform for key institutions to collaborate towards a shared objective. The federal Task Force was able to influence and advocate for the rights of women and vulnerable groups through targeted and continues awareness raising featuring the gender gaps, areas that need further investigation and proposing practical solutions. Continued success of the federal WLRTF is contingent on strong financial and political support from government institutions and established mechanisms for strengthening and monitoring the recently established regional task force across Ethiopia.

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