

WOMEN'S LAND RIGHTS AGENDA



PEACE, PROSPERITY AND REGIONAL INTEGRATION

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PEACE, PROSPERITY AND
REGIONAL INTEGRATION

ETHIOPIA WOMEN'S LAND RIGHTS AGENDA

Developed by: The Ethiopian National Women's Land Rights Task Force¹

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Addis Ababa, Ethiopia

¹ Member organization include, but not limited to: MoA, MoUDC, MoWCYA, OAG, Supreme Court, Ministry of Labor and Social Affairs, LIFT project, LGA-USAID project, UN-Women, Oxfam, etc.



TABLE OF CONTENTS

| | |
|--|-----------|
| Acronyms | 6 |
| 1. Introduction and Background..... | 7 |
| 1.1. Introduction..... | 7 |
| 1.2. Background | 7 |
| 1.3. Country context | 8 |
| 1.4. Objectives, methodology and Limitation | 8 |
| 1.4.1. Objectives..... | 8 |
| 1.4.2. Methodology | 8 |
| 1.4.3. Limitation | 10 |
| 2. The Prioritized Gender Issues in the land Sector | 11 |
| 2.1. Legal and policy gaps | 11 |
| 2.1.1. Gender neutral provisions and customary practices..... | 11 |
| 2.1.2. Inconsistency of legal instruments | 12 |
| 2.1.3. Weak enforcement of the legal instruments..... | 13 |
| 2.1.4. Weak institutional set up and lack of coordination | 13 |
| 2.1.5. Weak justice machineries and lack of accountability | 13 |
| 2.2. Urban women housing, Land Titling, Access to Workspace &Investment..... | 14 |
| 2.2.1. Certification and Residence..... | 14 |
| 2.2.2. Micro-Business | 15 |
| 2.2.3. Urban Land Lease..... | 15 |
| 2.2.4. Urban Agriculture..... | 15 |
| 2.3. Pastoral Context: Women’s Unequal Access and Benefit from Land..... | 16 |
| 2.3.1. Lack of Legal Framework to Protect the Rights of Women in Communal Landholding..... | 16 |
| 2.3.2. Property Rights of Communal Landholders and Compensation | 16 |
| 2.3.3. Women and Vulnerable Groups and Customary Land Administration System..... | 17 |
| 2.3.4. Converting Communal Land to Individual Holding and Title Deeds | 17 |
| 2.4. Women and land-based investment | 18 |
| 2.4.1. Non - Respecting of International and Regional Standards | 18 |
| 2.4.2. Very low and Narrowly Defined Compensation Package..... | 19 |
| 2.4.3. Unfair Resettlement and Relocation Package and Bad Governance in Administering the Process..... | 19 |
| 2.5. Representation and Participation of women | 19 |
| 2.5.1. Some reasons for limited participation of women in land governance | 19 |
| 2.5.2. Women’s underrepresentation in customary institutions on land related issues | 20 |
| 2.5.3. Women under representations in staffing and leadership | 20 |

| | |
|---|-----------|
| 3. Recommended Strategies and Action Plan | 21 |
| 3.1. Strategies to overcome legal and policy gaps..... | 21 |
| 3.1.1. Review and amend laws and policies..... | 21 |
| 3.1.2. Ensure women are benefiting from the law of the land..... | 21 |
| 3.1.3. Establish an independent and gender budgeted land institution..... | 21 |
| 3.1.4. Improve efficiency of the justice machinery | 21 |
| 3.1.5. Improve coordination and accountability. | 22 |
| 3.2. Strategies for Urban women housing, access to workspace & investment | 22 |
| 3.3. Strategies for Pastoral Context: Women’s Unequal Access and Benefit from Land | 22 |
| 3.3.1. Enacting Policies and Laws responsive to Women and Vulnerable Groups..... | 22 |
| 3.3.2. Multidimensional and multi-sectoral Engagement with Customary and religious leaders..... | 22 |
| 3.3.3. Training and Awareness creation Activities | 23 |
| 3.3.4. Support Context based, and community-led research | 23 |
| 3.3.5. Participatory and Inclusive Certification of land | 23 |
| 3.4. Recommended Strategies for Women and land-based investment | 23 |
| 3.4.1. Gender responsive policies, laws, and guideline..... | 23 |
| 3.4.2. Participation and Awareness..... | 23 |
| 3.4.3. Capacity Building | 23 |
| 3.4.4. Accountability and monitoring mechanism..... | 24 |
| 3.4.5. Gender, Social and Environmental Impact Assessment..... | 24 |
| 3.5. The proposed strategies for Representation and Participation of women..... | 24 |
| 4. Monitoring and Tracking of Implementation..... | 25 |
| 5. References..... | 36 |
| Participant List..... | 38 |

ACRONYMS

| | |
|----------------|--|
| AfDB | African Development Bank |
| AUC | African Union Commission |
| CSA | Central Statistics Agency |
| CSO | Civil Society Organization |
| CEDAW | Convention on the Elimination of All Forms of Discrimination Against Women |
| ECA | Economic Commission for Africa |
| ECCSA | Ethiopian Chamber of Commerce and Sectorial Association |
| EIA | Environmental Impact Assessment |
| ESIA | Environmental and Social Impact Assessment |
| FAO | Food and Agriculture Organization |
| FDRE | Federal Democratic Republic of Ethiopia |
| FLLC | First Level Land Certification |
| FUJCFSA | Federal Urban Job Creation and Food Security Agency |
| GDP | Gross Domestic Product |
| HPR | House of Peoples Representatives |
| IGAD | Intergovernmental Authority on Development |
| KLAUC | Kebele Land Administration and Use Committee |
| RLALU | Rural Land Administration and Land Use |
| RLALU | Rural Land Administration and Land Use Directorate |
| LAND | Land Administration to Nurture Development |
| LIFT | Land Investment for Transformation |
| MoA | Ministry of Agriculture |
| MoANR | Ministry of Agriculture and Natural Resources |
| MoUDC | Ministry of Urban Development and Construction |
| MoWCYA | Ministry of Women Children and Youth Affairs |
| MSE | Micro and Small Enterprises |
| NGO | Non-Governmental Organization |
| NWLRTF | National Women Land Right Task Force |
| OAG | Office of Attorney General |
| POL | Period of Limitations |
| RLAUD | Rural Land Administration and Use Directorate |
| SDGs | Sustainable Development Goals |
| SLLC | Second Level Land Certification |
| SNNPR | Southern Nations, Nationalities and Peoples Region |
| UN | United Nations |
| UNDP | United Nations Development Program |
| UNICEF | United Nations Children's Fund |
| UNWOMEN | The United Nations Entity for Gender Equality & the Empowerment of Women |
| USAID | United States Agency for International Development |
| VGs | Vulnerable Groups |

1 INTRODUCTION AND BACKGROUND

1.1 Introduction

The Intergovernmental Authority on Development (IGAD) in 2020 commissioned the National Gender Assessment of the Land Sector in Ethiopia to inform its policies, programmes, and operational work for promoting women's empowerment and land rights security in the region (IGAD, 2020).² The report was validated during a three-day workshop organized by IGAD and Ministry of Agriculture on 3 to 5 March 2021. It involved multi-stakeholders responsible/ working in the land sector; including the members of the National Women Land Right Task Force (NWLRTF)³ in Ethiopia.

IGAD initiated and facilitated the formulation of the national "Women's Land Rights Agenda" in the three-day workshop tapping the experiences of the Taskforce and other stakeholders. This report presents the process of formulating the agenda and discusses the priorities and strategies identified to advance women's land rights security in Ethiopia.

The report is organized into five sections. Section one provides brief introduction, background information on women and land rights security and the country context. It also describes the objective, methodology, and limitations of the report. Section two discusses the five priority agendas, which provide analysis of the problems, while section three presents the recommended strategies to overcome the problems. Section four transforms the strategies into action categorized into short, medium, and long-term plans. The last section provides the list of reference materials used in preparing this country plan on women's land right security.

1.2 Background

In agrarian societies, land is an important household asset that supports food production, food security and nutrition, and income security for men and women. However, both men and women in many parts of the world often have inadequate land and insecure land rights. The problem is more severe among women than men due to discriminatory laws and practices at national, community, and family levels. Globally, women accounted for less than 20 percent of landowners (FAO, 2018), but they make up an estimated 43 percent of the labor force in the agriculture sector (UN Women, 2012).

Likewise, in the Intergovernmental Authority on Development (IGAD) region, land is the primary food source and a critical component of livelihood for farmers and pastoralists. Generally, the IGAD region is characterized by land rights/tenure insecurity; unequal distribution of land; the duality of the property system; legal pluralism; and land conflicts (IGAD, 2016a). These problems put women in a more disadvantaged position. According to IGAD (2016b), women's joint land ownership ranges between 14 percent in Somalia, 32.7 percent in Djibouti, 39 percent in Uganda, and 60 percent in Ethiopia (IGAD, 2016b). On the other hand, women in the region contribute to 70 to 80 percent of the labor in the agriculture sector (IGAD, 2015). The lack of land ownership or insecure tenure often negatively affects women's involvement and contribution to agricultural production and productivity. Ample evidence in Ethiopia indicates gender gaps in agricultural productivity caused by gender differences in access to productive resources, including land (World Bank, 2019; MoANR, UN Women, UNDP and UN Environment, 2017).

2 The assessment intends to contribute to the project entitled, "Improving Land Governance in IGAD Region". By facilitating the successful implementation of the AU Declaration on land issues and challenges alongside the framework and guidelines on land policy in Africa, it intends to ensure access to land and security of land rights for all and land users in the region, especially vulnerable groups such as women, pastoralist, and youth (IGAD, 2020).

3 The NWLRTF was established on February 6, 2015, by organizations working in the land sector recognizing the absence of women's groups working on women's land rights-related policy issues in Ethiopia. The objective of the NWLRTF is to advance women's land rights agendas in order to inform the formulation, revision, and implementation of pro-women and land policy and legislation; and create a platform to generate knowledge and evidence in these subjects to inform land governance in Ethiopia. To protect women's land right security, the NWLRTF has been working with policy makers, legislators, drafters, and implementers in the formulation and revision of land laws and policies.

1.3 Country context⁴

Land is perhaps the most critical resource in Ethiopia with economic, social, and political implications.⁵ The majority of the rural population is dependent on land and natural resources for livelihood, but not everyone has equal access to land and secured land use rights. Women and other vulnerable groups have limited access to land and security over their land rights due to discriminatory rules and practices (Workwoha et al, 2019) and weak land governance.

The Ethiopian Constitution and the revised family law grants women equal property rights with men. A national-level survey indicates that 59.1 percent of rural women aged 19-49 do not own land compared to 44.3 percent of their male counterparts (CSA and ICF, 2016). The joint land registration and certification programmes implemented in Ethiopia, have significantly improved women's joint titling to land, for the past two decades in several regions. At the national level, about 4.8 million farm households received land certificates, of which 3.14 million are male-headed households and 1.4 million are female-headed households (FUJCFSA, ECCSA and UN Women Data Booklet, 2021)⁶.

Although the Ethiopian Constitution and the law provide women equal rights with men, the realization of their land rights remains a challenge for divorcees or widows due to inefficient and biased law enforcement and customary practices (FAO 2014 cited in FAO 2019). This calls for more effective and efficient land governance that effectively enforce laws beyond enacting land laws. In addition, creating legal awareness and providing free legal services among women and vulnerable groups are important strategies to ensure women's land rights security.

This "Women's Land Rights Agenda" report presents the main issues related to women's land rights security in Ethiopia and identifies strategies to address the same.

1.4 Objectives, methodology and Limitation

1.4.1 Objectives

The main objectives of this country report are providing a gender analysis of the land sector by identifying priority issues related to women's land rights and suggesting short-term and long-term strategies to enhance women's land rights security in Ethiopia. This country report intends to serve various agencies involved in the land sector in Ethiopia. It also serves IGAD as a benchmark for monitoring the women's land rights agendas in its Member State and creating a conducive environment for its implementation.

1.4.2 Methodology⁷

The "Women's Land Rights Agenda" was developed through several interrelated steps to collect and analyze information. IGAD's study entitled, "the National Gender Assessment of the land sector in Ethiopia" has informed the process. This assessment was presented and validated in a workshop organized by IGAD and MoA, Rural Land Administration and Use Directorate. The workshop was attended by 12 representatives from government and non-government organizations working in the land sector and women's rights, including the members of NWLRTF. The report served as a springboard for discussion about women's land rights-related problems, particularly in the latter stage of the workshop.

Following the validation of this report, participants discussed and identified several issues and challenges related to women's land rights security (Table 1).

4 Ethiopia is the second-most populous country in Africa with an estimated population of 100.6 million in 2015 (World Economic Forum, 2017 cited in FAO, 2019). It is one of the fastest-growing economies in the SSA. Agriculture makes the mainstay of the Ethiopian economy accounting for about 37 percent of the GDP, 77 percent of export, and 73 percent of total employment (FDRE PDC, 2016). Females constitute nearly half (45%) of the total agricultural labor force (FAO, 2019).

5 In Ethiopia, the State owns the land, and people have usufruct right.

6 Based on LIFT's second-level land certification, women are certified as landholders in about 77% of the parcels (7.2million), either as joint (55%) or as individual (22%) holders (Workwoha et al, 2019).

7 Please see figure 1. For the process employed.

TABLE 1.1

Problems identified about women’s land rights security

| Leadership | Pastoral |
|---|-------------------|
| Religious and traditional conflict resolution | Commitment |
| Customary norms and practice | Information/Data |
| Urban context | Land compensation |
| Participation | Land Investment |
| Policy and Legal issues | Land Grabbing |

The list of issues or challenges identified, Legal and Policy Gaps; Pastoral Issues; Urban; Investment; and Representation & Participation were identified as priority agenda for women’s land rights security in Ethiopia. After the priority areas, each workshop participant identified possible root causes for each priority area. Then, the facilitator brainstormed with participants for further explanation, refinement and consolidation of the root causes, and emerging similar root causes.

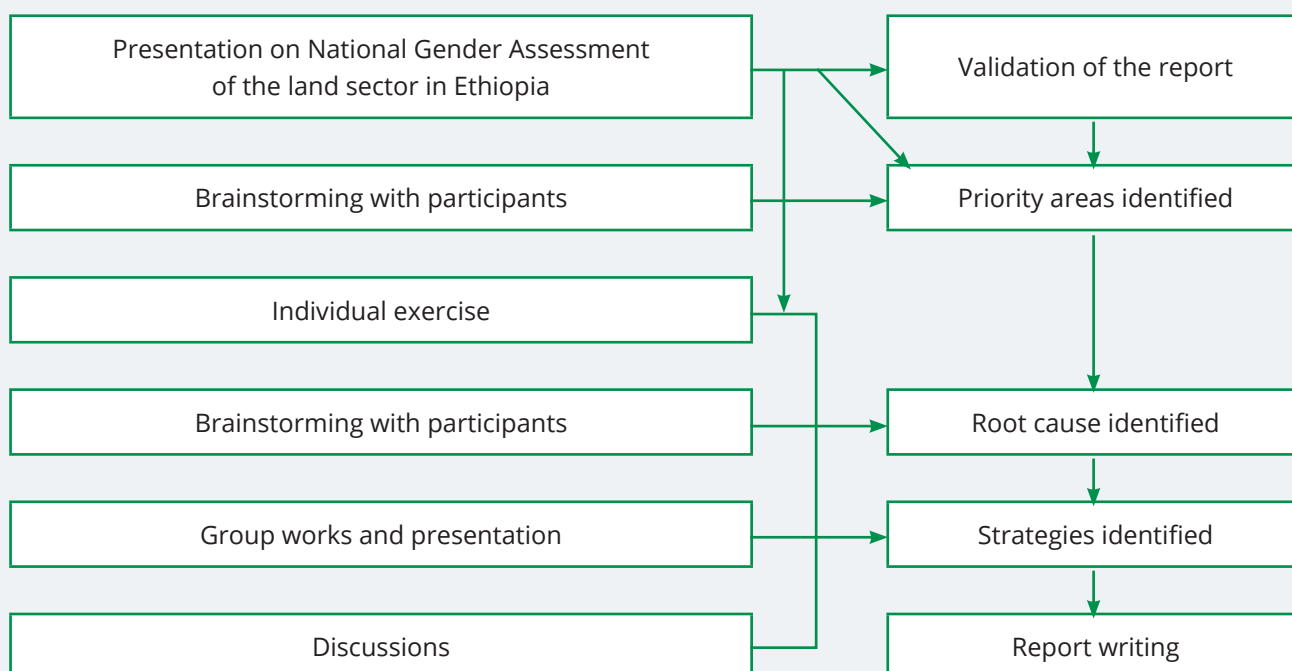
In the latter stage, the workshop participants were clustered into two groups to further define the problem,

discuss the root causes, and propose/develop strategies to address women’s land rights insecurity in Ethiopia. After groups presented their works in the plenary session, similarities and differences were identified and discussed. Finally, the workshop participants developed a consolidated report on Ethiopia’s Women’s Land Rights Agenda that analyzed the problem, set out strategies and developed the action plan with a monitoring and tracking of implementation.

Figure 1 below depicts the methodology and process.

FIGURE 1

Data collection, Analysis and Reporting



1.4.3 Limitation

The report on the “Women’s Right Agenda” developed at a workshop was based on “the National Land Assessment” report prepared by IGAD, and the workshop participants’ extensive years experiences on land and gender. Nevertheless, this report may not be inclusive

of all aspects of the sector and address every issue related to women’s land rights insecurity. It attempts to identify the main gender challenges affecting women’s land rights security. Hence, it should be taken as a starting point but not an exhaustive analysis on issues of women’s land rights insecurity in Ethiopia.



2 THE PRIORITIZED GENDER ISSUES IN THE LAND SECTOR

2.1 Legal and policy gaps

Ethiopia has stipulated women's equal access and control over land in most policies and legal frameworks. The 1993 National Women Policy of Ethiopia recognizes the fact that women are marginalized in access and control over land and thus highlighted government's commitment to facilitate a conducive environment for the participation of women in decision-making process including on matters of division of land property. This policy has paved a way to subsequent inclusion of women right issues in the Federal Democratic Republic of Ethiopia (FDRE) Constitution, which was promulgated in 1995.

Ethiopia is also a signatory to international agreements and conventions that include provisions for equitable land rights for women. It is embedded in Article 9(4) of the FDRE Constitution that states all international agreements ratified by Ethiopia become an integral part of the land law and the Constitution recognizes gender equality (FDRE Constitution, Article 25, 34, 35, and 40). It accords women equal rights with men regarding the use, transfer, administration, and control over land (Article. 35 (7)). It also states that women should enjoy equal treatment in the inheritance of property and the disposition of marital property.

Moreover, the Constitution explicitly prohibits laws and customary practices that discriminate against women (Article. 35(4)). These provisions are reinforced by the Rural Land Proclamation and the Family Code. Under Article 5(1(c)) of the Rural Land Proclamation, it is stipulated that women who wish to engage in agriculture shall have the right to obtain access to and use of rural land. There are also provisions in the family law that give men and women equal rights at the time of marriage in property administration, presumably including the land holding right, though there is a legal

debate on this specific point of applicability (Abebe & Rose, 2019).

Ethiopia has endorsed the 2030 Agenda for Sustainable Development with full national ownership. The 2030 Agenda and its Sustainable Development Goals (SDGs) are an integral part of the national development frameworks (National Plan Commission, 2017).⁸ Goal 5 the SDGs "Achieve gender equality and empower all women and girls" known as the stand-alone goal for Gender equality, recognizes the fundamental role of women in achieving poverty reduction, food security and nutrition. Out of the nine targets under Goal 5, target 5.a states that government's commitments to "Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws".

However, despite all these provisions and commitments meant to safeguard the rights of women, the reality on the ground often does not match with the ideals reflected in the legal frameworks. Women have less access and control over their land rights due to gender-neutral provisions and customary practices, inconsistency of legal instruments, weak enforcement of the legal instruments, weak institutional set up and lack of coordination, weak justice machinery and lack of accountability from the duty bearers. These problems and recommended strategies to overcome the challenges are discussed in the pages that follow.

2.1.1 Gender neutral provisions and customary practices

Civil Code principles codified in gender-neutral terms have gendered implications in the Ethiopian context. For instance, property inherited by a spouse or acquired prior to marriage is considered the personal property of that spouse unless a marriage contract

⁸ National Plan Commission (2017). Ethiopia 2017 Voluntary National Review on SDGs, Government Commitment, National Ownership and Performance trends.

states otherwise (Revised Family Code, art. 57). Given the prevailing patrilineal inheritance and patrilocal residence systems, this provision is likely to exclude a woman from co-owning land with her husband, who likely inherited the family land from his parents; making that land his personal property. Inheritance is the predominant source of transferring land and is primarily practiced according to custom. Customary tenure systems and practices in Ethiopia are predominantly patrilineal; therefore, property is inherited through the male lineage. The transfer of land from parents to a son generally occurs at the time of his marriage to support the establishment of a new family (Fafchaps and Quisumbing, 2005; Kumar and Quisumbing, 2011).

Males are more likely to receive inheritance and/or gifts from their parents, which is considered personal property by law, and also receive larger plots of land on average than their female counterparts. A study in the southern Ethiopia indicates that over 90 percent of households brought land to their marriage/households through gifts (47%) and inheritance (45%) from their parents.

About 81 to 90 percent of adult males brought gifts or inheritance compared to 20 to 32 percent of their female counterparts (Mesay, 2017). Another study shows that only seven percent of wives within male-headed households inherited land from parents (Kumar and Quisumbing, 2011). Under some customary systems, a wife's ability to inherit land is contingent on whether she has children; in some cases, only women with sons inherit land. Under the formal law, there is some confusion on who has a right to inherit land. Under the Civil Code, a widow does not have the legal right to inherit the personal property of her deceased husband through intestate succession because personal property passes to blood relatives (Civil Code 1960). Wives do not receive any portion of their husband's personal property if he dies without a will (Civil Code art. 842–845). In contrast, the Federal Rural Land Administration and Use Proclamation number 456/2005 (Federal RLAU Proclamation), which guides the formulation of the regional proclamations, defines family members to include permanent residents of the household that are dependent on income from the land, excluding blood relatives residing outside the household. This definition contradicts the Civil Code's definition and is replicated in various regional land proclamations (Ibid).

During First Level Land Certification (FLLC), registration in the southern region (SNNPR) was mostly issued solely in the husband's name. When the husband moves to other areas or in case of his death, the land is normally re-registered in the name of the couple's elder son. According to traditional or local culture, women tend to be prevented from holding land and inheriting land rights from their parents. There are many wills which have provisions such as: "My daughter can use the land as long as she is not married." The underlying purpose of such provisions is to avoid that land falling under the control of the woman's future husband (especially when he may be from a different clan). In the past, when Land Administration Committees (LACs) were asked to produce evidence of land rights to resolve disputes, they tended to ignore the land use rights of women. They fail to consider women as having land use rights. (Abebe & Rose, 2019). Period of Limitations (POL) is another gender-neutral provision that affects women because they often disproportionately found among claimants who have their land claims shut down by the assertion of POL on the part of the encroaching party. If this landholder cannot prove evidence because transactions happen informally, they are more likely to lose their land right as their encroachers have better power and connections.

2.1.2 Inconsistency of legal instruments

The treatment of land holding rights in the context of marriage is a critical and sensitive issue regarding the protection and assertion of women's land rights. The interpretation of what constitutes marital property (and thus should be jointly titled) involves the intersection of family law with land law, with the two bodies of law sometimes yielding inconsistent guidance. To complicate matters further, federal law (which also has both land law and family law proclamations) is not always consistent with regional laws on these issues. Finally, when spouses get married, they often agree in a marriage contract on how to treat their past and future acquired property. All these sources of authorities must be reconciled to resolve the question of what land should be titled jointly or individually (Abebe & Rose, 2019).

At the federal level, Article 6(4) of the Rural Land administration and Use Proclamation 456/2005 establishes that where land is already known and acknowledged by community members and/or local land officials to be held jointly by a husband and wife,

the holding certificate shall be prepared in the name of both spouses. At first glance, this can be seen to state the obvious, but it is presumably meant to address and correct the phenomenon that was prevalent during FLLC registration in which land that was known and acknowledged to be held jointly by a couple was titled on the FLLC in the name of only one of the spouses, almost always the husband. Therefore Article 6(4) does not explicitly address the situation where private holdings acquired before marriage are subsequently brought into the marriage (Abebe & Rose, 2019).

According to Article 650 (1) of the FDRE Criminal Code and subsequently by the federal and most regions' family law, polygamy is generally caste as an offence punishable by the law. However, the subsequent section (Article 651) gives exception clause that it shall not apply where bigamy is committed in conformity with religious and traditional practices recognized by law. This inconsistency has created serious challenges for women in a polygamous marriage to have access to and control over a joint landholding right (Gebretson, 2017).

2.1.3 Weak enforcement of the legal instruments

Primary sources estimate that more than 60% of crimes committed in Ethiopia are related to land. One way or another, women and vulnerable groups (VGs) are the victims of most of these crimes. It is not uncommon to hear that land use rights infringements are accompanied by violence. There are criminal provisions that can be applied to cases involving land. Some provisions of the criminal code (such as trespass laws) related to land use rights infringements, and some regions have sought to include criminal penalties in their land proclamation or regulations (Abebe& Rose, 2019).

For example, Article 686- 688 of the criminal code clearly states the legal punishment of land- related offences. However, research interviews with prosecutors and accounts by women and VGs revealed the criminal aspect of border encroachment, illegal land occupation, use of false witness and forged evidence has not been enforced. Except for cases in which the offence is committed on communal land, the police often referred the land rights violation as civil matters even though these involved criminal offences as articulated in the law. Enforcing the law and criminalizing such offences could deter perpetrators and protect

landholders from illegal land occupation and associated violence. Women also face delayed execution of court decisions due to undue influence of their powerful disputants. Weak enforcement of the criminality of the offence only emboldens perpetrators. They are no longer afraid of being sued in court because civil case litigation does not involve criminal responsibility and punishment/imprisonment. The court only pronounces decision of the right holder based on evidence (Abate *et al.*, 2017).

2.1.4 Weak institutional set up and lack of coordination

Land issues are scattered between different agencies and there is weak coordination among these institutions. The institutions responsible for enforcing legal and policy issues are generally weak in their arrangement. The weakness of these institutions emanates from lack of skilled professionals, lack of budget, weak accountability system related with gender within the institutions, weak land administration organizational structure and lack of commitment to safeguard women's land rights. For example, the Rural Land Administration and Use Directorate (RLAUD) is under the Ministry of Agriculture and has no dedicated staff for women's land rights. The Women, Children and Youth Directorate of the Ministry of Agriculture is expected to meet this demand, but highly stretched with few staff. The absence of a comprehensive land policy has also contributed to weak institutional set up.

2.1.5 Weak justice machineries and lack of accountability

The justice machineries that include the court, justice offices, prosecution, police, legal advocates and the executing government offices are weak in general. Courts in general have high Case overload, are understaffed ad suffer from high staff turnover. The justice system is also affected by corruption, low capacity of judges and prosecutors on the land law, especially on amendment and cascading of newly revised laws. Most of the institutions that are responsible for passing justice and enforcing judgements lack awareness of gender and lack coordination and commitment to ensure women's rights and vulnerable groups. This problem is compounded by the lack of coordination between the justice machinery and lack of accountability mechanism on those responsible.

2.2 Urban women housing, Land Titling, Access to Workspace & Investment

2.2.1 Certification and Residence

In the rural area, in the urban context, the house (including the land) registration does not require joint titling in an obligatory (mandatory) manner. There is no land titling system for instance on time of marriage and when the couple constructs a new house/building. But the right of a partner is protected at the time of a transaction because both couples (officially married) have to sign for the agreement. On the other hand, high interest and a sense of ownership is observed by most men when it comes to land related issues. A survey indicates that in urban areas of Ethiopia, 83.5 and 87 percent of women and men aged 15 to 49 respectively do not own land, and about 73 percent of men and women do not own houses. The residents in urban areas are generally more unlikely to have a title for the house they own than residents in the rural areas while rural women are slightly more likely to have a title for the land, they own than their female counterparts in the urban areas (CSA and ICF, 2016). However, there is lack of data on the urban land holding and related gender dynamics.

Regarding residence, ownership of houses in the urban area has become luxurious and there is no mechanism in which the very poor and the most vulnerable groups of the society will be owners of a house. In recognition of the gender gaps in housing, there is a provision by the government to allocate about 30% of the condominiums to women leaving the rest 70% to be distributed on a lottery basis (CEDAW, 2017). Even the pro-poor condominium policy ends up benefiting the better off. Although the 70/30 Affirmative action is implemented in the 20/80 and 90/10 condominium housing program, there is no tangible data on what percent of women are beneficiaries. The proportion of women beneficiaries from the total number of housing units transferred during 2006/07 to 2007/08 was limited to 37 percent of the housing stock (UN women, 2014). Even though the most educated and privileged portion of the population lives in urban areas, lack of information and low confidence is seen, particularly on the women's side, to request and demand for their rights. Besides, the allocation of kebele and government houses is not free of corruption; thus, it needs assessment and inspection.

Population pressure and land fragmentation have contributed to rural-urban migration. More than a third (37%) of Addis Ababa's inhabitants are born outside of Addis Ababa and moved to the city. Rural migrants constitute more than half of the migrants in Addis Ababa (World Bank, 2010). The housing problem in Addis Ababa is more acute than in regional towns. The urban land lease prices are out of reach for the poor and the low-cost condominium housing are beyond the reach of low-income group.

In addition, recent expansion of the industrial parks in big cities have increased the demand for housing units. For example, Hawassa Industrial Park is expected to attract 60,000 workers by 2021, mostly young women, arriving without families or dependents, and living off very low wages. Along with these young women, female-headed households; divorced, separated, and widowed women; elderly women; and women with disabilities all face severe/acute shelter vulnerabilities.

A study conducted among urban poor (safety net beneficiaries) in Hawassa city indicates that significant majority (77%) of the poor live in privately rented houses. The proportion of households living in Kebele rented houses is limited to 11 percent and those owning houses are only two percent. The houses are not only dilapidated and small but lack the necessary services such as water, electricity. House rent takes much of the incomes of the poor (Yoye, 2019).

The government must devise a means of making the urban lease price and housing affordable to the poor and female-headed households. This needs bold policy making that favors the vulnerable group including women to make cities affordable for the poor. It may include developing affirmative action on the urban land lease and/or housing that aggravates instead of narrowing the gap between the rich and the poor in cities.

Pro-poor housing policies were developed, and the urban lease had been a policy choice in the past three decades but the impact of these on the poor has not been monitored, and systematically studied. Thus, this calls for research on the dynamics of relationships between, population growth, urban land laws and gender relations as well as growing income inequalities in cities.

2.2.2 Micro-Business

When the Ethiopian government promoted the micro-business sector, the main objective was to engage specially the unemployed youth and women in business (Berihu et al., 2014). It is also aimed at serving as a ground for the emergence of entrepreneurs and lay the foundation for industrial development. The sector is generally regarded as a critical means of income generation and equity distribution that reduces poverty. Based on this, Ethiopia extends direct policy support to Micro and Small Enterprise (MSE) operators that include access to markets, finance, industrial extension, and access to training and technological support (Berihu et al, 2014).

A working premise is one of the main components and essential parts of creating access to resources and the necessary markets needed for successful and sustainable growth of enterprises. As a result, the government has been massively building working spaces/shades for micro and small enterprises in major cities and towns and allotting to individuals who teamed up under micro and small enterprises (MSE) on manufacturing, service, construction, etc. (that are distinguished by the MSE strategy of the country) on the bases of transferring it to another group after five years. But due to weak and deceitful application of the rules, the new succeeding groups hardly get the shades. Women are among these disadvantaged groups, without working premises. (Rahel and Isaac, 2011). This condition remains a critical challenge. According to Zewede (2002), lack of appropriate premises tends to force many women to operate their businesses from home or resort to unsuitable and sometimes unsanitary working conditions. Since the price for rental in suitable areas is also high, most women prefer to be employed in shops and business centres rather than being MSE operators as they had previously planned.

In addition to the working place insufficiency, markets, finance, training, technological support, and information sharing system or strategy are still problems to women in MSE.

2.2.3 Urban Land Lease

The Ethiopian lease system mainly focus on generating money for the State rather than bringing fairness for all citizens. It often benefits the wealthy individuals

and business owners. For this reason, the discussion of lease is a luxury topic for most women.

The Land Lease Proclamation No. 721/2011 is neither gender sensitive nor pro-poor. Under Prohibition of land possession and permission Article 5 (1) states that "...no person may acquire urban land other than the lease holding system provided under this Proclamation". This means it is unthinkable for the poor to lease urban land. They are marginalized from owning land in the urban centers as they cannot afford the lease. Moreover, the urban land governance, including the lease system, are characterized by high corruption in Ethiopia (Beza, 2019).

2.2.4 Urban Agriculture

Until recently, agriculture is considered mainly as a rural activity. Urban agriculture, which broadly refers to agricultural production, which includes horticulture, forestry, fisheries, poultry, and livestock mainly in public open spaces within or at the fringes of cities has become a recent phenomenon in Ethiopia (Deelstra and Girardet, 2004). It has been increasingly promoted as a source of food and income to urban residents. Most of the urban populations in Ethiopia are dependent on rural farmers in fulfilling their basic food needs. The poor, elderly, and disadvantaged urban dwellers are engaged on urban agriculture to supplement their food demand, and generate their sideline income (Tewodros, 2007). Although urban agriculture was launched to improve food security and help the poor, it has not been planned well to support the vulnerable groups including, female-headed families. The urban agriculture has to be presented as one of the means to alleviate poverty in urban areas giving more opportunities for the poor and female-headed households in the scheme targeting them to involve in urban agriculture producers' associations.

As women are still among the disadvantaged group, they have to be encouraged and strengthened to be economically empowered which results in diversified importance. Thus, as an integral part of the MSE, the urban agriculture has to be supported (Henok, 2014). The problems of access to farm credit service, limited land access, high cost of production inputs; and insufficient extension service, lack of pragmatic rules guiding urban agriculture need to be addressed to increase the benefit from the sector.

2.3 Pastoral Context: Women's Unequal Access and Benefit from Land

Pastoralism is a major, century-old adaptive way of livelihood system and people's way of life in arid and semi-arid environments. In such a system livestock plays a dominant role, and traditional knowledge guides the interaction between humans, the environment, and livestock. (Pastoralist Forum Ethiopia, 2020).

Ethiopia is a pastoral populous country with 12-15 million pastoralists (UNICEF, 2019) and pastoral communities of Ethiopia occupy 61% of the country's total landmass. (Mohamed, 2019). Ensuring tenure security in pastoralist communities play a pivotal role in securing food security with wider implication and contribution to the national food security and agricultural production.

Land is communal in pastoralist communities. Customary laws and customary institutions are predominantly active in governing the land and other natural resources that most pastoralists hold (Gelan, 2014). However, participation of women in these institutions is very limited (LAND, 2014). Various factors including privatization of communal land, and increasing competition over land and natural resources, lack of recognition of the property right of the pastoralist from the communal land, lack of a legal framework to protect the rights of women in communal landholding and limited or no participation of women in customary institutions exacerbate tenure insecurity in pastoralist communities in general and women in particular. Moreover, gender in pastoralist communities strongly intersects in land and natural resource use and management.

2.3.1 Lack of Legal Framework to Protect the Rights of Women in Communal Landholding

The federal and regional land laws recognize communal land tenure, but they do not specify the property rights of communal landholders (USAID, 2018a). To address this gap and ensure pastoralists' communal land tenure rights, the existing federal Rural Lands Administration and Use Proclamation was amended by the Ministry of Agriculture (MoA). The draft amendment, which is awaiting approval from the Council of Ministers, recognizes customary laws and institutions and entails that regional laws

recognize and support such rules. The draft proclamation recognizes pastoral communities' rights to decide whether communal lands may be partitioned or privatized, and mandates that regional laws recognize customary institutions, land use, management practices, and conflict resolution mechanisms. It also demands that the customary laws shall not contradict or violate the fundamental and constitutional rights of women. The provisions of the women's equal rights protection in the FDRE Constitution in regional constitutions also would be helpful to challenge customary and religious practices that discriminate women and girls, especially in land inheritance cases. However, regional states with pastoral population, like Afar, Somali, SNNPR, and Oromia, have not modified their regional Constitutions to protect the rights of pastoralist women in a communal land holding setting (Forum of Federations, 2019). Due to their exclusion from mainstream society, pastoralists have no or limited awareness of policy and legal changes that are taking place (USAID, 2018b).

2.3.1 Property Rights of Communal Landholders and Compensation

In pastoral settings, there is a misunderstanding, that if all own land, it is 'no man's land. There is little awareness among officials regarding the livelihood and property rights of communal landholders. Government officials feel that open rangelands belong to the government, not to the pastoralists (USAID, 2018a). For this reason, in most instances, the government does not give compensation when the communal land is expropriated despite it adversely affecting the livelihoods of the pastoralist communities. This has also resulted distrust between government and pastoralists (USAID, 2018b). In some instances, when the land is expropriated, compensation is paid mainly to the customary leaders/clan leaders who are men.

The daily activities and roles of pastoral women are strongly associated with natural resources; harvesting raw materials for house construction and fuel, feeding livestock, and treating sick children and livestock (Teshome et al. 2016). This means, women's loss when land is expropriated has huge implications to them. Despite their loss and impact on their survival, no group represents the need and interests of women in times of compensation as women's participation and representation in customary land governance institutions are restricted. Hence their participation and

consultation in the process of expropriation and compensation in pastoralist setting is critical.

2.3.3 Women and Vulnerable Groups and Customary Land Administration System

As indicated earlier, cultural and religious institutions mostly govern the land and natural resource system in pastoralist communities. Such systems traditionally exclude women from participation in land tenure governance system. More than the legislative or formal laws, customary systems are predominantly active in governing the land and other natural resources. Pastoral customary authorities, who make decisions regarding the use, access, and management of rangelands, exclude women from clan hierarchies and recognize descent only through the male line (Ridgewell, et al. 2007). Women are not directly represented in different public and community matters as independent people unless represented by their male family members. It is also unacceptable for women to sit with men in public gatherings among the Afars, the Somalis (USAID, 2014) and the Boranas (Teshome et al. 2016). The customary institutions rarely have formal systems to ensure accountability and representation for women (Gelan, 2014).

Women's access to communal land and resources is often possible through male guardians and members of the clan (IGAD, 2020). Women can access communal land and natural resources if they are married to the man from the community/clan and are under the guardian of their male relatives, such as father and brother.

Rangelands are the main source of grazing fields for livestock, which is the livelihood for the pastoralists. For most pastoral women, "access to livestock is by virtue of their relationships to men (husbands, fathers, and sons) who control them" (Ridgewell et al. 2007). Men control the money from the sale of livestock such as camels and cattle, while women have access and control over money from livestock products such as milk and butter. Regarding access and control over the livestock, more male own livestock such as camels, donkeys, and mules alone or jointly with their spouses, while relatively fewer women separately or jointly own these livestock (Petros et al. 2017). This means pastoralist women are disadvantaged in access to productive resources.

Inheritance is the most common, and currently the only means of accessing land in most part of the country for the young segment of the population (Rahmeto, 2018). In pastoralist communities, customary law prevents women from inheriting and owning land to protect the property from being passed to others if the women marry from other clans (Ridgewell et al. 2007).

In most of the pastoral areas, the percentage of polygamous unions is large. For example, the proportion of women in polygamous unions is 29 percent in Somali region and 19 percent in Afar region. Securing land rights in polygamous unions is found to be a challenge (Tesfaye, 2017). In Ethiopia, polygamy is "neither wholly outlawed nor wholly approved." As a result, in practice, the registration of rights to land for women in polygamous relationships is not backed by a legal framework (Forum of Federations, 2019). Therefore, household arrangements and property rights in polygamous households need to be investigated thoroughly as pastoralist communities are diverse and religious and customary laws are applied interchangeably, sometimes mixed.

2.3.4 Converting Communal Land to Individual Holding and Title Deeds

Land is held communally in pastoral areas. But there are some private holdings too. Private holdings are created through customary practices or encroachment. It is male pastoralists who are customarily allowed to hold private landholdings or encroach on communal lands. Therefore, most private holdings in these areas are held by men (Forum of Federations, 2019). Other than the customary practices and encroachment by male, large scale investment have also encroached communal landholding systems that is creating enormous pressure on the pastoral communities, particularly women who lost their rights of fetching water, and collecting wood from nearby fields due to the large-scale enclosures and projects given to investors. This kind of development perpetuates the marginalization of women (IGAD, 2020).

Moreover, due to recurrent drought and resulting food insecurity, the pastoralists were made to diversify their livelihoods with agro-pastoralism being widely practiced. This will result in continued privatization/encroachment of communal land which further marginalizes women.

2.4 Women and land-based investment

The Federal Rural Land Administration and Use Proclamation 456/2005 stipulates that land will be allocated for investors in lease by the federal and regional governments. The Proclamation supports the provision of larger tracts of land for investment by the federal government (Negarit Gazeta, 2005). The same is true in urban settings (Federal Negarit Gazeta, 2005). It is hardly possible to find a working definition for the term “land-based investment”. USAID has developed an operational Guidelines for Responsible Land-Based Investment. Due diligence and structuring of land-based investments, to reduce risks and facilitate responsible projects that benefit both the private sector and local communities, consider smaller-scale projects or alternatives that avoid or limit the transfer of land and resource rights, such as contract farming and small-holder out-grower schemes are the guiding principles for land-based investments (USAID, 2015) (Land Policy Initiative, 2013).

Land based investments are often not people centered and gender responsive. It is not also environmentally friendly.

2.4.1 Non - Respecting of International and Regional Standards

There are a lot of international and regional instruments which enshrine guiding principles on large-scale land-based investments. One of them is the African Union Commission guiding principles on large-scale land-based investments in Africa. This instrument provided six fundamental principles for land-based investments. Among them are respect for human rights of communities, respect for customary land rights, transparency, inclusiveness, prior informed participation, social acceptance of affected communities, respect the land rights of women, recognize their voice (AUC-ECA-AfDB Consortium, 2014) and free, prior, and informed consent. Despite these and similar instruments which Ethiopia is required to adopt or adapt to its national context, the laws and practices in Ethiopia do not respect international and regional standards. These investments have been made without due consultations with communities and without assessing their impact on the livelihoods of communities and the environment (Abebe, 2020).

Several reasons explain why Ethiopia hardly respects international standards and fundamental principles, including lack of political will, gender biases and poor commitment. Land-based investments in the country are rather a pro-investor governance system that emphasized transferring land to investors than protecting the land rights of women and other communities. A National Gender Assessment of the Land sector (IGAD, 2020) supports this claim. The absence of strong monitoring and accountability systems to enforce international and regional standards and principles is another root cause for non-respecting international standards and fundamental principles.

During expropriation of landholdings for public purpose (to be given for investors), the valuation system hardly compensates the farmer’s loss adequately (Ambaye, 2009). Lack of application of standardized methods and procedures created unfair valuation and compensation (Yirsaw, 2012). Moreover, there is lack of uniformity between regions and within regions as well. Furthermore, there is no representation of members of the community in general and the most vulnerable groups of the community during evaluation and expropriation processes. The compensation calculation is based on cost replacement, which does not include the location, social, and environmental issues, among others. Non-economic losses incurred by expropriated individuals are not valued and calculated. For expropriated lands, are not compensated for the losses associated with the location, which by itself affects their businesses, living conditions and standards, means of transportation, and access to facilities (Ambaye, 2009). This assertion is still relevant.

A capacity gap of experts is another problem affecting expropriated landholdings. There is lack of skilled professionals on property valuation. As a result of this capacity gap, there is confusion on what should be calculated and valued; and what is not despite the laws. There is a big gap between the actual practice of expropriation, valuation and compensation and the Laws (Alemu, 2013). This in turn created a big gap between what the law is saying and the implementation.

There is no assessment on the social, livelihood and capacity of the society before taking their money. The compensation money is mainly given for the male figures who expend it as they want.

2.4.2 Very low and Narrowly Defined Compensation Package

In Ethiopia, there is no standard and responsible institution for real property valuation. As a result, valuation variation and inaccuracy are common (Asres, 2019). The government wants to save resource at the expense of citizens, where compensation does not reflect market value and generational resource. There are times where the government orders Property Valuers to re-value and reduce the amount of compensations proposed. Disregarding community values and benefit, uncompensated values, and benefits, such as: medicinal plants, wild fruit, fuel wood, water sources, social gathering sites and shade, is common. This disproportionately affects women and other vulnerable groups.

2.4.3 Unfair Resettlement and Relocation Package and Bad Governance in Administering the Process.

The government has limited capacity to provide social services for the community expropriated. There is lack of social responsibility and accountability by investors on the land they possess. Absence of resettlement packages and community consultation are critical problems. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs. They should be assisted in their effort to improve their livelihoods and standard of living or at least restore them, in real terms, to pre-displacement levels (Alemu, 2014).

2.5 Representation and Participation of women

Women's low representation and participation in land governance is a serious challenge to ensure women's land tenure security. Men dominate grass roots level Kebele Land Administration Committees, and women are hardly represented. This is partly because women are not often invited for meetings (Mesay, 2017) or are uninformed of the dates or locations of meetings. Besides, the widely held belief is that attending public meetings is men's work. (Teklu, 2005). Women's participation in such committees are important to protect women's land rights. For example, when women's (wives') land rights are violated by men (husbands),

female representatives often inform the respective authorities about it. These representatives also play an important role during public display of land registration (Workwoha et al, 2019). The Land Administration offices at district level do not have structure for gender experts to facilitate gender mainstreaming (Teklu, 2005), which is pivotal to sustainably ensure women's land rights security (Workwoha et al., 2019).

This implies that women have limited capacity and spaces to influence decisions as they are often excluded from participation in the processes of land tenure governance at all levels (FAO, 2014). Governing land for women and men, fairly and responsibly and in ways that provide positive gains for society as a whole, requires the equitable inclusion of both genders in all land institutions and governance processes. Women's needs and interests should be equally addressed in a transparent, consultative, and participatory land tenure institutions and process (ibid). Gender-equitable representation and participation in the institutions of land tenure governance includes having women as leaders in decision-making bodies and as active participants in planning processes and may increase the likelihood of achieving gender-equitable outcomes from the processes of land tenure governance. Gender-equitable representation and participation in national land administration and management institutions are still challenging in many countries because of a lack of opportunities, qualifications, and staff capacity development to improve gender balances (ibid). Therefore, ensuring women's representation and participation, creating opportunities, and developing the capacity of women become crucial.

Women's participation and representation in the land sector, starting from grassroots to higher professionals and leadership, is a key strategy for advocating and promoting women's land right security.

2.5.1 Some reasons for limited participation of women in land governance

Several factors condition women's representation and participation in land governance systems and process. Some of the problems are discussed as: Often women lack legal awareness and knowledge about their rights, including property rights. This is worsened by weak institutional setup that discriminate against them and overlook the interest of woman and other vulnerable groups in decision-making. Consequently, this limit

women's bargaining power and the power to influence decisions that matter to their lives.

Time poverty is the other constraint for women to participate in public life. For women to engage in activities that will empower them, they need time to participate in affairs that affect their lives. This time poverty constrains women from participating in land governance related meetings.

Due to the dominant patriarchal norms, women have limited decision-making and participation at various levels, including the household community and formal institutions. Traditionally, the public sphere is regarded as men's domain. Professionals who work in various sectors also share such belief.

Women are underrepresented in Kebele land Administration Committee. Even when they are represented, they are often assigned as secretaries. In some instances, it is unclear if they know about their role and responsibilities. Beyond women's representation in leadership or committees in terms of number, it is also important to have the voice and interest of the women reflected in decisions. There are needs for a favorable environment for women to participate in such committees.

2.5.2 Women's underrepresentation in customary institutions on land related issues

Like the formal land governance institutions, women's representation and participation in customary institutions is very limited. This will be discussed in the following paragraphs. Women's issues and concerns are hardly entertained in customary institutions. Men dominantly lead traditional and customary institutions as part of the patriarchal structure. In some cultures,

e.g., in Borena, women participate in lower level of structure while in others, e.g., Afar, the norm strictly forbids women from participating in community meetings and institutions. Women specific customary institutions such as *Siqqe* in Oromia have limited scope, often related to dispute resolution.

2.5.3 Women under representations in staffing and leadership

The representation and participation of women in the formal government structure is limited. Women represents about 36 percent of the civil servants and 29 percent of the professionals in Ethiopia (Annual Labour Market Bulletin, 2017). There are limited female leaders and staffs in the land administration office and justice sector because such sectors are considered difficult for women. For example, females are less interested in the land administration profession because of the perception that working in land administration is challenging (i.e., surveying).

Decision making roles are not often attractive for women because of the high demand for their time. Unlike males, females are likely to compromise with family interest over leadership careers. It is also observed that there is limited implementation of gender responsive provisions in the civil servant Proclamation. In addition, there is weak flexibility of human resource policies to consider women's gender constraints. The importance of affirmative action policy needs to be recognized. The Women, Children and Youth Affairs offices at district level hardly participate in land related governance. However, when women experience gender-based violence within the households, they often consult such offices. Few NGOs/CSOs are working on women's land rights even though the problem is widespread.

3 RECOMMENDED STRATEGIES AND ACTION PLAN

3.1 Strategies to overcome legal and policy gaps.

3.1.1 Review and amend laws and policies.

One USAID project (LAND) study has identified the various provisions in the different laws that require amendment (Girma *et al.*, 2014). Another study by LIFT (UK Aid funded program) has been conducted to register polygamous wives (GebretSION, 2017). The revised Rural Land Proclamation has considered some recommendations while most amendments fall beyond the land law jurisdiction. On the other hand, the land law itself is not yet endorsed, requiring follow-up and advocacy as some of the issues are delicate subjects. Besides engagement, the regions must consider the amendments when they revise their regional land laws. The review and amendment should also consider alignment and consistency between the different laws and federal and regional laws. A framework to harmonize regional laws should be developed and harmonization of regional/local and national laws should be made in accordance with international and regional standards. More importantly, innovative ways of inserting gender-friendly articles in codifying customary laws should be explored. When many ethnic groups start codifying customary laws, these can be entry points in harmonizing the customary laws with international and national standards.

3.1.2 Ensure women are benefiting from the law of the land

Most challenges facing women land rights emanate from customary practices and traditional attitudes towards women's property rights. The Constitution explicitly prohibits laws and customary practices that discriminate against women (Article 35 (4)). This must serve as a springboard to challenge customary practices against women's access to and control over land. A well-organized tailor-made awareness of local actors on women's land right should be designed and implemented.

Given that most of the actual challenges are at the grass roots level, awareness-raising programmes

should inform the women, government officers, customary and religious leaders who work on women's land rights issues.

3.1.3 Establish an independent and gender budgeted land institution

Upgrading the structure of the land sector has been identified as one of the key approaches to address the underlying causes. Despite the important role RLAUD has played, it is not given the necessary attention in the organizational structure, which has implications in budget and human resource allocation. Besides, land issues are scattered between different institutions. Establishing an independent land institution gives the leverage to have sufficient staffing and budget including those responsible for women and vulnerable group's land rights protection. Full-time staff to work on women and vulnerable groups land rights should be dedicated at the lowest government structure levels (woreda/district). This role will be responsible for ensuring the concerns of women and vulnerable groups are well addressed in the land sector.

3.1.4 Improve efficiency of the justice machinery

Courts are overburdened with case load while most of the disputes are land related disputes. Women also need preferential treatment as they are shy to speak in public. Therefore, it is important to create a land bench quickly and establish a land court in the long run. Given the high number of land related disputes, it is important to establish a special court that deals with land issues. It is also necessary to create an accessible and decentralized court system. Besides, a well-functioning legal aid strategy and system (voluntary and mandatory) should be in place. There has to be cheap and accessible legal aid service centers for women and other vulnerable groups. Legal aid services also need to be mobile and accessible for the beneficiaries that go to rural areas and consider the challenges and interest of women and other vulnerable groups. Updating of judges and prosecutors on new and amended laws is critical. Besides, experience sharing

forums are important to harmonize interpretation of provisions and intersections of the different laws.

3.1.5 Improve coordination and accountability

Establishing a strong linkage between the justice sector and land administration sector is crucial. In order to enforce the different laws and protect land rights of women and other vulnerable groups, the current level of cooperation and coordination should be improved. This includes continuous awareness and capacity building that includes cascading the new proclamations, regulations and guidelines to experts working at all level. Improving accountability at all levels is critically important. This includes enforcement of the criminal code to deter land rights violations and integrating gender as performance evaluation criteria for institutions (federal, regions, zones and woreda) and directorates and experts can foster accountability.

This includes gender budgeting, implementation, monitoring, and evaluation. Accountability at federal level should be effective by the House of People's Representatives. To achieve this objective, the Ministry of Women, Children and Youth Affairs and Gender Directorate of the Ministry of Agriculture should engage the relevant standing committee and the women caucus group in parliament. Hands-on training on gender in the land administration and justice sector shall be part of annual plans, based on identified key gender mainstreaming issues.

3.2 Strategies for Urban women housing, access to workspace & investment

Design a pro-poor housing system: the government should facilitate access to low-cost housing by the poor men and other disadvantaged groups through low or no down payment or connected with banks). Develop low rent housing strategy: with increasing urbanization, the cost of house rent is beyond the capacity of poor women and other vulnerable groups. The state should accommodate the housing needs by developing low rent housing strategies. Developing information hub on urban land administration system that includes gender issues (Titling).

Changing the land Administration sector structure since the division of land management between two

federal structures (Urban and Agriculture) contributes to a lack of coordination in ensuring women's land rights. Develop a strong information sharing strategy to reach out the most vulnerable groups. This is important because poor people including micro-business operators often have access to information on land or working premises/residential houses.

Conduct research on urban land ownership & gender issues, and the outcomes of condominium houses' affirmative action policy implementation on beneficiaries. How women and vulnerable groups benefited or excluded from pro-poor housing programs need to be understood to be strengthened or take remedial actions. Develop a long-term urban development plan that incorporate the dynamics of population growth and increase of income gaps that also address gender issues.

3.3 Strategies for Pastoral Context: Women's Unequal Access and Benefit from Land

In order to overcome the above challenges, the following strategies have been suggested by participants:

3.3.1 Enacting Policies and Laws responsive to Women and Vulnerable Groups

There is a need to enact family and investment laws that will address the needs and interests of women and vulnerable groups. Develop pastoralist land policy, which addresses women and other vulnerable groups' needs to govern communal and private and land-based investment. Also, the policy should include effective accountability mechanisms to ensure the protection of vulnerable groups.

3.3.2 Multidimensional and multi-sectoral Engagement with Customary and religious leaders

Given the highly influential and active role of religious and customary institutions in the pastoral context, there is a need to engage them in all activities and initiatives. Hence, designing multi-dimensional and multi-sectoral mechanisms to capacitate the traditional system to protect women's land rights is very important, important is male engagement, to ensure the protection of women's land rights security at all levels of the customary land governance structures in the pastoral community and coordinated engagement with different sectors.

3.3.3 Training and Awareness creation Activities

Training for Sharia Court Judges on women's land rights. It is argued that there is room to improve women's land rights, in the context of Sharia law. Awareness-raising training on women's and vulnerable groups' rights for those institutions mandated on land distribution and allocation of compensation is also important. Moreover, creating awareness among the pastoralist communities, including women, about the land laws women's constitutional right is vital.

3.3.4 Support Context based, and community-led research

On the land issues in Pastoralist context. To understand the gender and land issues in the pastoralist context among policymakers, land professionals, and the community, there is need to develop Information centre from a pastoral context, including gender, laws, research, data, livelihood, customary conflict resolution, and documenting customary rules and bylaws that are inclusive and gender responsive.

3.3.5 Participatory and Inclusive Certification of land

The certification of communal land in pastoral communities is very important to ensure the property rights of the pastoral communities and benefit from land, including men and women especially at times of expropriation. Encourage joint registration of spouses and independent registration of female-headed and polygamous households in ago-pastoral areas that convert communal landholding to private holding.

3.4 Recommended Strategies for Women and land-based investment

3.4.1 Gender responsive policies, laws, and guideline

National laws should inculcate the principles of free, prior, and informed consent in expropriation of land and these principles should be executed in practice. There should be strong community participation, including women and vulnerable groups to get the full ownership of the communities in the planned projects. Besides this, revising valuation methods is critical. This

revision should give serious consideration for uncompensated values and generational use/benefits. It is not only the property that should be valued but secondary and tertiary use for medicinal values, wild fruits, fuel wood, water sources, social gathering, shade, and others need to be included. As a result, designing a well-rounded compensation package, which considers social, gender, environment, moral, and so on should be considered. There needs to be a gender and social action plan on the compensation and rehabilitation package that focuses on women and vulnerable groups of society. Affirmative action measures need to be incorporated in the compensation package. Moreover, revising the existing investment policy is needed to strongly consider social and environmental impact assessments. The other most important intervention is designing a gender budgeting strategy to understand how compensations are distributed.

Provision of free legal aid service for the most vulnerable groups, including women, should be in rural and urban areas. The laws need to include a provision to this effect and must be effectively enforced. Finally, it is necessary to document good practices and learn from bad experiences. These kinds of documentation are important for the revision of the legal frameworks which are not implemented.

3.4.2 Participation and Awareness

Intensive and repeated awareness creation activities need to be made to the community to know their rights and obligations during expropriation of their landholdings and properties for land-based investment activities. Based on this, the communities' participation can be enhanced and the voice of women and most vulnerable can be heard and defend their interests.

3.4.3 Capacity Building

As capacity is the major constraint facing the land sector. Building the capacity and ethics of professionals working on the land governance and land-based investment sector needs to be enhanced. Projects should include capacity building activities for professionals who have stake in implementation of projects. This should include basic property valuation training for government officials and more advanced for experts and the private sector real estate professionals (Asres, 2019). The importance of including female professional in property valuation should be taken seriously. Besides,

building the capacity of CSOs to voice the concerns of the people and to promote women's interest is critical. Strengthening self-help women's groups is important to facilitate learning among women and enhance their collective bargaining power to claim their rights.

3.4.4 Accountability and monitoring mechanism

Creating effective accountability and monitoring mechanism for investment is one of the major strategies. This accountability and monitoring mechanism should not only be for experts who are working in expropriation processes in general and valuation of properties, but also for investment projects. Investment projects should be monitored from gender, environment and social perspective and should be held responsible for their misdeeds. In addition to this, there should be a regular country level reporting and monitoring on international and regional standards and principles.

3.4.5 Gender, Social and Environmental Impact Assessment

Before starting the land-based investment processes, it should be mandatory to conduct rigorous gender, environment, and social analysis. Until now the focus is on Environmental Impact Assessment (EIA) but there is need to shift from EIA to Environmental and Social Impact Assessment (ESIA). Every planned project must be assessed from the environment and social perspectives. Following the environment and social impact assessment, designing mitigation measures to minimize negative impacts induced due to investment should follow. These mitigating measures that are designed need to be implemented strictly. Not only environmental impact assessment but also social impact assessments are pivotal for the sustainability of projects.

3.5 The proposed strategies for Representation and Participation of women

To promote women's representation and participation in land governance system and process, several strategies are proposed.

1. Owing to the limited awareness on women's land rights at all levels, raising public (including women) awareness is important.

2. Existing gender transformative strategies, guidelines, handbooks need to be cascaded to the kebele level.
3. It is crucial to consider women's responsibility and convenience of the location and time when calling for meetings. A strategy should be designed to accommodate women's special needs to participate in meetings.
4. Provide incentive schemes for women KLAC members to participate better in land administration issues and train KLAC members to seriously value women views and interests.
5. Allocate sufficient budget to support the participation of women in land governance systems and processes.
6. Design a strategy to promote women's engagement in land governance institutions.
7. Identify female customary institutions, informal groups, and networks to play a role in women's land rights security. Also, design interventions to expand the role of women in customary institutions (capitalizing on institutions of honor for women and decision-making roles) and improve their attitudes towards women's land rights.
8. Develop (obligatory) strategies, to ensure participation and representation of women at various levels in land governance institutions, such as KLAC, leadership, that go beyond the numbers.
9. Promote affirmative action and quota system to encourage the participation of women at all levels of land governance.
10. Promote female networks within the formal institutions that work on awareness creation.
11. Build social capital and women's networks and agency to increase voice and advocacy on women's land rights.
12. Develop incentive mechanism for women to engage in the Justice profession, land administration and other government institutions at various levels.
13. Build the capacity of the Ministry of Agriculture to coordinate its activities at all levels and promote the participation of CSO on women land rights security.

4 MONITORING AND TRACKING OF IMPLEMENTATION

The main aim of the monitoring and tracking implementation matrix is to make a follow up on the proposed strategies in a structured manner. The monitoring matrix also incorporates the time frame (schedule) for implementing the planned activities, ranging from 5- and 10-years. It also indicates whether the strategy has been implemented or it is a new strategy that needs to

start from the scratch. However, it must be noted that, the detailed activities for under each planned strategy need to be developed by the implementing institutions or project. Moreover, the below listing strategies are designed to give a guidance and it should not be taken as authoritative nor exhaustive.



TABLE 4.1

Monitoring and Tracking of Implementation

4.1 Legal and Policy Gaps

| No. | Strategy | Outcome | Implementing Agency | Monitoring Agency | On-going | New | Monitoring Time frame |
|--------------------------------------|--|---|--------------------------------------|--|----------|-----|-----------------------|
| I. Short Term (Up to 1) | | | | | | | |
| A. | Ensure endorsement of provisions in the federal draft land proclamation | Endorsed provisions in the revised land law | LAUD, MOA | Standing Committee of the HPR | ✓ | | Ongoing |
| B. | Ensure women land right issues are considered in the regional land laws | Engendered regional land laws | Regional land Administration bureaus | Standing Committee of the Regional Council | ✓ | ✓ | 3 months |
| C. | Ensure tailor made public awareness messages reached the different actors | Bias against women land right challenged | Woreda land office | Zonal land office & Woreda WCYA | ✓ | | Two months |
| D. | Ensure coordination and collaboration of stakeholders at the grass roots level | Coordinated impact | Woreda level offices | Woreda Steering Committee | ✓ | | Monthly |
| E. | Establish gender performance evaluation to institutions and the staff | Engendered plan and performance | Respective institutions | Civil Service Commission | | ✓ | Monthly |
| F. | Ensure criminal code is enforced | Impunity avoided | Courts | Councils | | ✓ | Monthly |
| II. Medium Term (1 - 4 years) | | | | | | | |
| A. | Upgrade the structure of the land sector | Independent land institution | Council of Ministers | House of people's Representatives | | ✓ | 6 months |
| B. | Establish a well-staffed and budgeted gender structure within the land institution | A functioning gender structure and staff | Ministry of Land | Ministry of Women Children & Youth | | ✓ | 6 Months |

| No. | Strategy | Outcome | Implementing Agency | Monitoring Agency | On-going | New | Monitoring Time frame |
|--------------------------------------|---|---|----------------------------------|---------------------------------|----------|-----|-----------------------|
| C. | Ensure a fulltime dedicated staff at the woreda level | Proactive support to women and VGs | Land office | Zonal land office & Woreda WCYA | ✓ | ✓ | Two months |
| D. | Revise federal and regional family laws | Accommodative family law | Office of attorney general (OAG) | HPR | ✓ | | 6 months |
| E. | Enact regional family laws | Family law available | Regional OAG | Regional Council | | ✓ | 6 months |
| F. | Create land bench in the court system | Friendly service | Courts | HPR & R. Councils | | ✓ | 6 months |
| G. | Decentralize the court system | Accessible service | Woreda Courts | Woreda Council | ✓ | | 3 months |
| H. | Develop legal aid system | Cheaper service | W OAG | Woreda Council | ✓ | | 3 months |
| I. | Harmonize interpretation of provisions in the same law | Harmonized implementation | Land bureaus | LAUD | ✓ | | 6 months |
| J. | Ensure cascading of new and amended laws to all levels of staff | Updated staff | Land bureaus, courts and OAG | Regional Council | ✓ | | 6 months |
| III. Long Term (5 - 10 years) | | | | | | | |
| A. | Revise inheritance and property laws in the Civil Code | Engendered property and inheritance law | Office of Attorney General | HPR | | ✓ | 6 months |
| B. | Harmonize the different laws | Less inconsistency | OAG | HPR | | ✓ | 6 months |
| C. | Harmonize the federal and regional laws | Less inconsistency | OAG & LAUD | HPR | | | 6 months |

4.2 Urban Women Housing, Land Titling, Access to Workspace & Investment

| No. | Strategy | Outcome | Implementing Agency | Monitoring Agency | On-going | New | Monitoring Time frame |
|--------------------------------------|---|--|---|-------------------------|----------|-----|-----------------------|
| D. | Codify customary laws and integrate gender friendly articles | Minimized legal plurality | OAG& customary institutions | HPR | ✓ | ✓ | 6 months |
| E. | Establish land court | Efficient land dispute resolution | Courts | HPR | ✓ | ✓ | 6 months |
| I. Short Term (Up to 1) | | | | | | | |
| A. | Changing the structure of the land Administration sector since the division of land management between <i>two federal</i> structures (<i>Urban and Agriculture</i>) contributes to a lack of coordination in ensuring women's land rights. (Land) | Independent land Management and Registration Institution | Council of Ministers | House of Representative | ✓ | ✓ | |
| II. Medium Term (1 - 4 years) | | | | | | | |
| A. | Develop low rent housing strategy, (Residence) | Low rent housing Strategy | Federal housing Corporation | MUDC | ✓ | ✓ | |
| B. | Developing information hub on urban land administration system that includes gender issues (Titling, etc.). (Land) | Gender sensitive Land & Land Related Property Registration information hub | Federal Land and Land Related Property Registration and Data Agency | MUDC | ✓ | ✓ | |
| III. Long Term (5 - 10 years) | | | | | | | |
| A. | Design a pro-poor housing system (low or no down payment or connected with banks) that will benefit the most vulnerable groups of the community, especially women (Residence). | pro-poor housing Strategy | A.A. Housing Agency | MUDC | ✓ | ✓ | |

4.3 Pastoral Context: Women's Unequal Access and Benefit from Land

| No. Strategy | Outcome | Implementing Agency | Monitoring Agency | On-going | New | Monitoring Time frame |
|--|--|--|--|--------------|---|-----------------------|
| I. Short Term (Up to 1) | | | | | | |
| A. | Training and Awareness creation on women's land rights to sharia courts, judges, customary leaders, and Pastoral community | Ministry of Justice, Ministry of agriculture and Ministry of peace (Pastoralist Affairs) | Ministry of Agriculture and Ministry of Peace (Pastoralist affairs desk) | | | 6 |
| Development partners | | | | | | |
| B. | Participatory and inclusive Certification of land (communal and privately held land) | Ministry of Agriculture | Ministry of Agriculture | √ (Communal) | √ (Applicable in areas that have private holding) | 1 year |
| II. Medium Term (1 - 4 years) | | | | | | |
| A. | Enacting Policies, and Laws Responsive to Women and Vulnerable Groups (Family and Investment laws) | Ministry of Agriculture, Investment Commission Ministry of Justice Ministry of peace | Ministry of Agriculture | | | 6 months |
| Established accountability on the investment projects and agencies, and land governance institutions to protect the land rights of women and vulnerable groups | | | | | | |

| No. | Strategy | Outcome | Implementing Agency | Monitoring Agency | On-going | New | Monitoring Time frame |
|--|--|--|--|-------------------------|----------|-----|-----------------------|
| B. | Support Context based, and community led research on the land issues in Pastoralist contexts. | Evidence will be generated to inform policies and implementations on pastoral women's land right. Information sharing platform on pastoral women's land right will be created | Ministry of agriculture and Ministry of peace (Pastoralist Affairs) Development partners | Ministry of Agriculture | ✓ | ✓ | One year |
| C. | Multidimensional and multi-sectoral Engagement with Customary and religious leaders | Improved participation of women in customary land governance and equal benefit from land and natural resources | Ministry of agriculture (RLAUD and other directorates such agricultural extension, environmental protection) | Ministry of Agriculture | ✓ | ✓ | 6 months |
| 4.3 Women and land-based investment | | | | | | | |
| I. Short Term (Up to 1) | | | | | | | |
| A. | Make gender and social action plan mandatory requirement during compensation and rehabilitation packages | A mandatory gender and social action plan during compensation and rehabilitation packages | MoA, MoUDC, MoWCYA | HPRs, IGAD | ✓ | | Quarterly |

| No. | Strategy | Outcome | Implementing Agency | Monitoring Agency | On-going | New | Monitoring Time frame |
|-------------------------------------|---|--|---|-------------------|----------|-----|-----------------------|
| B. | Provision of free legal aid service for the most vulnerable groups, including women | Existence of accessible and effective free legal aid service providers | MoA, MoUDC, MoWCYA, AG and Universities | HPRs, IGAD | ✓ | ✓ | Quarterly |
| C. | Provide intensive and repeated awareness creation to the community | Awareness is created at least to 75 % of investment affected individuals; and they participated during the process | MoA, MoUDC, AG | HPRs, IGAD | ✓ | | Quarterly |
| D. | Install reporting, accountability, and monitoring mechanism | Reporting, accountability, and monitoring mechanisms installed | MoA, MoUDC, MoWCYA, IGAD | HPRs, IGAD | ✓ | | Quarterly |
| E. | Make gender, environment, and social analysis a mandatory pre-condition for investment. | Gender, environment, and social analysis is a mandatory pre-condition for investment | MoA, MoUDC, MoWCYA, Investment Commission | HPRs, IGAD | ✓ | | Quarterly |
| II. Medium Term (1– 4 years) | | | | | | | |
| A. | Revise the existing investment policy to make it strongly consider social and environmental impact assessment | An investment policy that gives great emphasis for social and environmental impact assessment | Investment Commission, MoWCYA, HPRs | IGAD | | ✓ | yearly |

| No. | Strategy | Outcome | Implementing Agency | Monitoring Agency | On-going | New | Monitoring Time frame |
|--------------------------------------|---|--|------------------------------------|-------------------|----------|-----|-----------------------|
| B. | Provide capacity building training for experts and officials, as well as CSOs on investment and Expropriation laws and practices | Training is provided at least to 75 % of experts and officials working on investment and expropriation | MoA, MoUDC, Investment Commission, | HPRs, IGAD | √ | √ | Bi-Annually |
| C. | Strengthen self-help women groups and facilitate the learning process among each other to develop mentorship | Self-help women groups strengthened and learning process among each other facilitated. | MoWCYA | HPRs, IGAD | √ | x | yearly |
| III. Long Term (5 - 10 years) | | | | | | | |
| A. | Including international principles (free, prior, and informed consent of the communities, affirmative action measures for women among others); compensate uncompensated values and generational use/benefits. | A law that contains International principles | MoA, MoUDC and HPRs | IGAD | | √ x | yearly |
| B. | Design a well-rounded compensation package that considers social, gender, environment, and moral issues | A compensation package that considers social, gender, environment, and moral issues | MoA, MoUDC, MoWCYA, and HPRs | IGAD | | √ x | yearly |

4.5 Representation and Participation of women

| No. | Strategy | Outcome | Implementing Agency | Monitoring Agency | On-going | New | Monitoring Time frame |
|--------------------------------|---|--|---|---------------------------|----------|-----|-----------------------|
| I. Short Term (Up to 1) | | | | | | | |
| A. | Awareness creation to women and communities on women's land rights is important. | High women's participation on their land rights | MOA (Land Admin), Regional Land Administration offices | MOA (Land Administration) | ✓ | | 6 Months |
| B. | Consider women's responsibility and convenience of the location and time when calling for meetings. | High women's participation on their land rights | MOA (Land Admin), Regional Land Administration offices | MOA (Land Administration) | ✓ | | 6 Months – 1year |
| C. | Identify female customary institutions, informal groups and networks to be consulted in land related matters. | Increase women's participation in customary system | MOA, Responsible Regions, Ministry of peace and security (pastoral) | MOA (Land Administration) | ✓ | | 6 Months – 1year |
| D. | Design intervention to expand the role of women in customary institutions (capitalizing on institution of honour for women and decision-making role). | Increase women's participation in customary system | MOA, Responsible Regions, Ministry of peace and security (pastoral) | MOA (Land Administration) | ✓ | | 6 Months |
| E. | Design intervention for customary local institutions to improve their attitude towards women land rights. | Increase women's participation in customary system | MOA, Responsible Regions, Ministry of peace and security (pastoral) | MOA (Land Administration) | ✓ | | 6 Months |
| F. | Promote affirmative action measures and quota system | Increase women's participation in customary system | MOA, Responsible Regions, Ministry of peace and security (pastoral) | MOA (Land Administration) | ✓ | | Every month |

| No. | Strategy | Outcome | Implementing Agency | Monitoring Agency | On-going | New | Monitoring Time frame |
|-------------------------------------|--|--|---|--|----------|-----|-----------------------|
| II. Medium Term (1– 4 years) | | | | | | | |
| A. | Serious attention by the ministry and CSOs on women land right | Increase women's participation in customary system | MOA, Responsible Regions, Ministry of peace and security (pastoral) | MOA (Land Administration) | ✓ | ✓ | Bi-annual |
| B. | Encourage, identify CSOs working on land and strengthen partnership | Increase women's participation in customary system | MOA, Responsible Regions, Ministry of peace and security (pastoral) | MOA (Land Administration) | ✓ | ✓ | Bi-annual |
| C. | Capacitate the ministry and strengthen coordination at all levels | Increase women's participation in customary system | MOA, Responsible Regions, Ministry of peace and security (pastoral) | MOA (Land Administration) | ✓ | ✓ | Bi-annual |
| D. | Incentive scheme for women KLAC members to participate better in land administration issues and train KLAC members to value women's views and interests. | High women's participation on their land rights | MOA (Land Admin), Regional Land Administration offices | MOA (Land Administration) | ✓ | ✓ | Every 3 month |
| E. | Promote women engagement and design women engagement strategies. That is important at the family and in the community. | Increase women's participation in customary system | MOA, Responsible Regions, Ministry of peace and security (pastoral) | MOA (Land Administration) | ✓ | ✓ | 1-2 years |
| F. | Develop (obligatory) strategies, to ensure participation and representation of women in numbers and beyond numbers. | Increase women's representation in staffing and leadership | MOA, (Land Administration, Women children and use Directorate), Region LA and Women | MOA, (Land Administration, Women children and use Directorate) | ✓ | ✓ | 6 Months |

| No. | Strategy | Outcome | Implementing Agency | Monitoring Agency | On-going | New | Monitoring Time frame |
|--------------------------------------|--|--|---|---------------------------|----------|-----|-----------------------|
| G. | Promote female networks within the formal institutions that work on awareness creation and social capital. | Increase women's participation in customary system | MOA, Responsible Regions, Ministry of peace and security (pastoral) | MOA (Land Administration) | √ | | 6 Months |
| H. | Develop incentive mechanism for women to engagement in the Justice profession, land administration and other government institutions at various levels that needs their participation and decision-making power. | Increase women's participation in customary system | MOA, Responsible Regions, Ministry of peace and security (pastoral) | MOA (Land Administration) | √ | | 6 Months |
| III. Long Term (5 – 10 years) | | | | | | | |
| A. | Gender transformative strategies, guidelines, handbooks to be cascaded until kebele level. | High women's participation on their land rights | MOA (Land Admin), Regional Land Administration offices | MOA (Land Administration) | | √ | 6 Months |
| B. | Design strategy to accommodate women's special need for meetings decision making | High women's participation on their land rights | MOA (Land Admin), Regional Land Administration offices | MOA (Land Administration) | | √ | Every month |

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PARTICIPANT LIST

| | Name | Occupation | Email |
|----|---------------------|--|--|
| 1 | Tigistu GebreMeskel | Rural Land Administration and Land Use Directorate, Director , Ministry of Agriculture (MOA) | tigistug@yahoo.com |
| 2 | Abebaw Abebe | Land Law Expert and Case team co-ordinator, Rural Land Administration and Land Use Directorate, Ministry of Agriculture (MOA) | abebawabebek@gmail.com |
| 3 | Yalemzewid Demssie | Senior Land Administration Expert, Rural Land Administration and Land Use Directorate, Ministry of Agriculture (MOA) and Gender focal person | yalemzewiddemssie@yahoo.com |
| 4 | Belaynesh Semunegus | Gender Specialist, TetraTech | Belaynesh.semunegus@etland.gov.org |
| 5 | Workwoha Mekonen | LIFT Programme, Gender Specialist | Workwoha.mekonen@liftethiopia.com |
| 6 | Hirut Bekele | UN Women and MOA, Gender Expert | Hirut.bekele@unwomen.org |
| 7 | Tigist Ayele | Gender, Children and youth Directorate Director (MOA) | Tigista2008@gmail.com |
| 8 | Aberash Gegziabeher | Ministry of Urban and Construction, Gender Director | aberashyoda@gmail.com |
| 9 | Selam Gebresion | UN Women, Gender Specialist | Selam.gebretsion@unwomen.org |
| 10 | Inku Asnake | Attorney General- Legal Expert | inkuasnake@gmail.com |
| 11 | Tesfanesh Tefera | Ministry of Gender, Children and youth, Director | tesfaneshtefera@yahoo.com |
| 12 | Ankete Petros | Oxfam, Gender Specialist | apetros@oxfam.org.uk |
| 13 | Behailu Abebe | University of Bahirdar | behailua@hotmail.com |

IGAD Secretariat

Ave Georges Clemenceau, Djibouti

P.O. Box 2653, Republic of Djibouti

URL <https://land.igad.int/>

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