

NATIONAL GENDER ASSESSMENT OF  
THE LAND SECTOR



PEACE, PROSPERITY AND  
REGIONAL INTEGRATION

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I am confident that this report and others in this region provides relevant information about the effectiveness of the existing gender equality focused land laws and policies and form a basis for any future reform actions.



PEACE, PROSPERITY AND  
REGIONAL INTEGRATION

# A NATIONAL GENDER ASSESSMENT

## OF THE LAND SECTOR IN ETHIOPIA

July 2020  
Addis Ababa, Ethiopia



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Swiss Agency for Development  
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# ACRONYMS

<b>ACCORD</b>	African Centre for the constructive Resolution of Disputes,
<b>ActionAid</b>	Action AID International
<b>ADB</b>	African Development Bank
<b>Art.</b>	Article
<b>AU</b>	African Union
<b>BPA</b>	Beijing Platform for Action
<b>CCI</b>	Community Investment Program
<b>CCIP</b>	Complementary Community Investment Program
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CIDA</b>	Canada International Development Agency
<b>CIMMYT</b>	International Maize and Wheat Improvement Centre
<b>CPRW</b>	Convention on the Political Rights of Women
<b>CRS</b>	Catholic Relief Service
<b>CSA</b>	Central Statistical Authority
<b>CSO</b>	Civil Society Organization
<b>DANIDA</b>	Danish International Development Agency
<b>DFID</b>	Department Fund for International Development
<b>ECA</b>	Economic Commission for Africa
<b>EDHS</b>	Ethiopian Demographic and Health Survey
<b>FAO</b>	Food Agricultural Organization
<b>FHH</b>	Female Headed Households
<b>FINIDA</b>	Finland International Development Agency
<b>FLLC</b>	First Level Land Certification
<b>GEWE</b>	Gender Equality Women Empowerment
<b>GoE</b>	Government of Ethiopia
<b>GTPII</b>	Growth and Transformation Plan
<b>IGA</b>	Income Generating Activity
<b>IGAD</b>	Intergovernmental Authority on Development
<b>IHDP</b>	Integrated House Development Project
<b>ILRI</b>	International Livestock Research
<b>IOM</b>	International Organization for Migration
<b>IRD</b>	Internal Revenue Department
<b>IWEP</b>	Integrated Women Empowerment Program
<b>KM</b>	Kilo Meter
<b>KLAC</b>	Kebele Land Administration Committee
<b>LAND</b>	Land Administration to Nurture Development
<b>LIFT</b>	Land Investment for Transformation
<b>KLUAC</b>	Kebele Land Use Administration Committee
<b>MDG</b>	Millennium Development Goals
<b>MHH</b>	Male Headed Households

<b>MoA</b>	Ministry of Agriculture
<b>MOFED</b>	Ministry of Finance and Economic Development
<b>MoT</b>	Ministry of Trade
<b>MUDCo</b>	Ministry of Urban Development and Construction
<b>MoWA</b>	Ministry of Women's Affairs
<b>MoWCA</b>	Minister of Women and Children Affairs
<b>MSEs</b>	Micro and Small Enterprises
<b>NAPA</b>	National Adaptation Plan of Action
<b>NAP-GE</b>	National Action Plan for Gender Equality
<b>NCGE</b>	National Committee on Gender Equality
<b>NCGE</b>	National Committee on Gender Equality
<b>NGOs</b>	non-governmental organization
<b>NPWE</b>	National Policy on Women in Ethiopia
<b>NRM</b>	Natural Resource management
<b>PM</b>	Prime Minister
<b>PSNP</b>	Productive Safety Nets Programme
<b>QPM</b>	Quality Protein Maize
<b>RECs</b>	Regional Economic Communities
<b>RFC</b>	Revised Family Code
<b>RLAUD</b>	Rural Land Administration and Use Directorate
<b>RLAUPs</b>	Rural Land Administration and Utilization Proclamations
<b>SACO</b>	Savings and Credit Cooperative
<b>SDC</b>	Swiss Agency for Development and Corporation
<b>SDG5</b>	Sustainable Development Goal 5
<b>SILC</b>	Savings and Internal Lending Communities
<b>SGBV</b>	Sexual and Gender-Based Violence
<b>SHG</b>	Self-help Group
<b>SIDA</b>	Swedish International Development Agency
<b>SNNPR</b>	Southern Nations, Nationalities and People's Region
<b>SLLC</b>	Second Level Land Certification
<b>TPLF</b>	Tigray Peoples Liberation Front
<b>UNDAF</b>	United Nations Development Assistance Framework
<b>UNDP</b>	United Nations Development Program
<b>UNFPA</b>	United Nations Fund for Population
<b>UNCT</b>	United Nations Country Team
<b>UNSCR</b>	United Nations Security Council Resolution
<b>USAID</b>	United States Agency for International Development
<b>ULID</b>	Urban Land Information Department
<b>WADs</b>	Women's Affairs Directorates
<b>WAO</b>	Women Affairs Office
<b>WEE</b>	Women Economic Empowerment
<b>WLRTF</b>	Women Land Right Task Force
<b>WPS</b>	Women in Peace and Security



# THE KEY MESSAGES

**Ethiopia adopted many international conventions on GEWE, including conventions on all kinds of discrimination against women, like BPA and MDG 2000, SDG goals, and others.** It has also revised the penal and family code to harmonize it with international conventions. Ethiopia has made encouraging strides in improving the political representation of women in the House of Representatives. With the coming of PM Abiy Ahmed into power, the country has achieved gender parity in ministerial cabinet positions, and 38% of parliamentarians are women. The remarkable changes in women's political representation need yet to be translated in asserting women's rights in many spheres of life, including the land sector.

**Improving women's right to access land has been a core policy of the current Ethiopian government.** Land is the most critical economic resource for the vast majority of rural people. It has been at the center of political struggle for much of the country's history. Access to land has become more equitable to all households after the 1975 land reform, although the reform did not consider women's rights. Subsequent land reforms were made in 1997 and 2005, and more policy measures have been taken in improving the land security, investment, and land use of the country. However, assuring women's right to access, control, and administer the land on equal footing with men has been rife with legal, institutional, cultural and technical constraints. Although there are adequate policy and legal frameworks to promote gender equality and women empowerment, customary norms, religious beliefs, and social practices hamper their full realization.

**The Ethiopian Constitution unequivocally recognizes the equal right of men and women** in all matters, including cultural, social, economic, and political spheres, and women's equal rights to acquire, administer, control, use, transfer and sell property, including equal treatment in the inheritance of property (FAO, 2019). **The legal landscape of the country recognizes women's right to land use. Nevertheless, it accepts legal plurality that may work against the same right the country's constitution upholds without facilitating a means to harmonize the formal and customary laws.** The legal landscape

of the country has been straightened to support the rights of women. Being enforceable in Addis Ababa and Dire Dawa administration, the Revised Family Law, 2000, entitled spouses equal rights in the management of the family and recognizes the equal rights of a married woman to ownership and administration of personal property. It secures joint possession and administration of land and property in marriage.

Moreover, the 1995 national constitution explicitly invalidates laws and customary practices that discriminate against women (Article 35 (4) (Hailu et al., 2019)). These provisions were further strengthened by the Rural Land and Administration Law to enhance women's land tenure security and improve land use management. Two legal rules govern marital status: the statute law (family law, property law, and land administration proclamations) and contracts agreed by spouses when they enter into a marriage bond. Even though the Ethiopian constitution accepts legal plurality and polygyny is prohibited in the family code of Ethiopia. Polygyny is commonly practiced and falls under customary laws, which don't enforce the right and equality of women when it comes to access, control, and administration of land.

**The main actors** in the government offices are RLAU in the MoA and MUDCo and the nine regional states and Dire Dawa administration with their own RLAU offices to the lowest village level. The agriculture sector follows a gender mainstreaming structure that is similar to the national structure. The gender machinery within the agricultural sector faces several constraints. The MoA WAD has twelve staff but lack a budget to address gender issues. Similarly, the Directorate for RLAU has limited staff members and is responsible for leading the rural land sector. Unfortunately, there is no budget to address gender issues, conduct gender audits, and run capacity-building programmes within and in the regions. The gender office in MUDCo is also understaffed and under-resourced to handle the enormous task of gender work (MUDCo, 2018). The RLAU offices in Woreda levels are understaffed, under-skilled and there is a great need to strengthen the gender work in the land sector in the regions. Many NGOs and Research Organizations, and Women's associations are active in the land sector.

### **A UN country team matches and synchronizes efforts of the UN organization gender work**

and networks with other International Organizations to correspond their works and link their tasks to the government programs. The UN agencies meet as the United Nations Country Team (UNCT) to discuss gender issues in the framework of the UNDAF and report to CEDAW. The prominent internal donors are The Bill and Melinda Gates Foundation, Global Affairs Canada, United States Agency for International Development, The World Bank Group, SIDA, CIDA, FINIDA, and DANIDA. Several projects run in the land sector to improve land tenure security and strengthen land administration and use, but their coordination is weak. In addition, the interventions that have started have not been taken over by regional RLAU offices due to budget limitations.

### **Enacting laws is one thing and enforcing them is another.**

The family code and RLAU laws with the country's constitution have created a perfect environment assuring the women's right to access land in the country. Ethiopia complies with many of the international conventions and included SDGs in its national strategic plan. However, the regional rural land laws lack clarity; besides operating in the legal plurality, not enough mechanism is set to disseminate the common understanding of the law. No widespread attempt is made to provide legal support for women and the vulnerable in the rural areas except those targeted by USAID, GESI, REILA, and LIFT projects. The law guarantees free access to rural land for men and women if they are above 18. In most instances, this has not been attainable in regions as they had the last land redistribution two decades ago, and the number of landless youth is on the increase. The rule of residence to get access to land in a locality has not taken the context of Ethiopian women who live out of their locality following patrilocal residence. This is due to this being excluded from land ownership in their parental home.

Moreover, all the regional laws have not been supportive to women when it comes to inheritance; Amhara and Tigray regions prioritize children, inheritance of women to land is guaranteed depending on their fertility in Oromia. Patrilineal systems exclude women and girls from their legal right to inherit land in many societies. Divorce rules often do not support women in customary practices.

### **Land certifications are the right direction that leads to women's land tenure security's,**

but it has to be integrated with other means to help women assert their rights. The FLLC had improved tenure security, land investment, availability of land for the markets, and increased the participation of women in the land deals. The certificates made it easier for women to rent out their lands and use their certificates as collateral to get credit, protecting them from usurers. However, polygyny marriages have made it challenging to let women have a joint title, except in Oromia. Only the first wife is included in the certificate in First Level Land Certification. Women's perceived tenure security in polygamous marriages has increased in places where all wives were registered on the SLLC certificates in SNNP, Oromia, and Beneshagul Gumuz regions.

The Second level land certifications have been done with more participation of women and better recording of cadaster data. It has incrementally improved women's tenure security, orienting them to their rights with officers working in relation to gender issues at the Woreda level. Still, the land certificates have not been updated, falling to reflect the changes in land holdings in the rural areas. Land registrations have been good opportunities for tenure security; nevertheless, recent RLAU regulations in Oromia and SNNP have introduced more market-oriented land rentals with inflated prices that may affect less competitive poor farmers, including women (Holden, & Tefera, 2008). Moreover, the rural-urban continuum in the peri-urban cities has extended into farm lands with market infiltrations throughout the country. Many rural lands have been leased out or rented for long in informal dealings, reflecting the blurred distinction between urban-rural and legal and illegal transactions (Pankhurst & Don, 2018).

### **Land disputes have been increasing, taking 70% of civil cases in the Amhara region due to the scarcity of land, and a plural legal mechanism has been incorporated to resolve disputes.**

Land disputes and arbitrations mechanisms have been included in FDRE and regional laws. Regular courts (Woreda / first instance, high, and supreme) are acknowledged as having mandatory power over all disputes, including land. However, these practices have not been steadily applied; in some instances, administrative authorities handle land-related disputes without having a specific mandate under the law (Hailu, 2018). Settling disputes in arbitration committees have been affordable

to women; their verdicts, though, often have not been in favour of women. On the other hand, the civil courts take a long process and are costly for women. On top of this, the RLAU has not been understood well by judges in the lower courts, sometimes giving rulings that contradict the land law.

**Large land-based investments have been made without consulting local communities and understanding the local land use of the area affecting the poor, women, and communal land rights.**

Moreover, the number of enclosures and privatization of lands have been created in pastoral areas. These have negative impacts on women. Due to the diminished communal land areas, women are forced to travel long distances to collect fuelwood. In addition, private land tenures have increased, and certificates have been issued, usually in the names of men. These developments will increase the marginalization of women in pastoral areas.

**The constitution of the country and subsequent urban land law gave equal access to land for men and women, and inner-city development was planned to be pro-poor.**

Since the transitional period in 1991, the government has sought to introduce a more market-oriented housing development approach. With the introduction of the urban land lease holding Proclamation in 1993, the government defined leasehold as the tenure form of choice. Land to be used for social services and low-cost houses may be leased free of charge. The increased push of prices for urban land made access to urban housing highly unaffordable to the poor, particularly female-headed households. It was disclosed that female-headed households are seriously affected by housing and urban development-induced displacement in Addis Ababa. The data starkly witness that the intervention leads

to increased poverty levels, loss of livelihoods and asset bases, unavailability and lack of service facilities, poor housing conditions, and unaffordability of condominium houses. In the current context of urbanization and land administration in cities, it is concluded that land is a vehicle for inequality and corruption (Pankhurst and Don, 2018). Hence, the inner city development in Addis Ababa contributed to the feminization of poverty as many female-headed households lost their incomes from retail activities in the informal sector (Magento, 2013).

**The Urban Redevelopment 2005 Law stresses the need for urban development for the benefit of communities. If holders are moved; as a result, there should be compensation for land expropriation.**

The compensations have not been matching values of the land taken for investment leading many to impoverishment. People are not compensated in market value for the costs they incur due to the location change. When dislocated people moved to the new homes in the periphery, the people (primarily women) who used to do small home-based businesses lost their income as the new settlement has little demand for their products (Ambaye, 2015). Having understood the damage made to communities in the past, the current GoE enacted a new expropriation law 1161/2019. The law has not yet been implemented (FDRE Council of Representatives, 2019).

**Overall, the government has taken encouraging steps to improve the land tenure right of women but have been challenged in many respects.**

The country needs to take more actions that facilitate this process in the areas of legal frameworks. These have to be supported by interventions that change cultural values and strengthen institutions at all levels of office that work in the land sector.

# 1 CONTEXT AND PURPOSE OF ASSESSMENT

This national gender assessment of the land sector in Ethiopia has the explicit purpose of informing the policy, programming, and operational work of the Intergovernmental Authority on Development (IGAD). It seeks to support women's empowerment in improving women's land ownership in the region. This assessment contributes to the "Improving Land Governance in IGAD Region" project. It aims at facilitating the implementation of the AU Declaration on Land Issues and Challenges, following the Framework and Guidelines on Land Policy in Africa. This enables access to land and security of land rights for all land users in the IGAD region, especially vulnerable groups such as pastoralists, women, and youth. The countries in the IGAD region have different laws governing land due to their colonial history, diversity of cultural and religious norms, and endowment with natural resources. They are also at various levels in undertaking land reforms. IGAD runs the project premised on the IGAD Land Governance business plan 2019 - 2023, which provides a road map and a guide to formulation and implementation of follow-up projects and programmes, building on the first phase of an SDC-funded land governance project 2014 -2019.

Many studies suggest that land is an important asset. The distribution of their property is very much related to the gender imbalance of power. Unequal power relations between men and women are accentuated at the family level and influence how women are empowered to make choices and exercise agency (UN Women, 2018). Awareness of the need for women to have secure rights to land and property has risen since the World Development Report, Gender Equality, and Development.

And now, the Global Goals (also called the Sustainable Development Goals or SDGs) present an excellent opportunity for development aid to make a difference by strengthening women's land tenure security and ensuring that women have rights to and control over the critical economic asset land. Formal legal rights to own, use, manage, control, lease, transfer, and inherit the land should apply equally to men and women irrespective of marital status and customary norms as a starting place for secure land tenure. However, the

potential barriers to equal legal rights for men and women are many.

The purpose of the gender analysis is to provide information on specific realities and barriers, and opportunities faced by both men and women not only in access, control, and ownership of land but also in participation and representation in land administration and land management bodies both in the formal and informal institutions including government (both centralized and decentralized) institutions, private sector, academic, civil society and traditional/cultural institutions. The objective of the gender assessment is to

1. Assess the status of gender and land at the country level;
2. Undertake a gender assessment on the protection of women's land rights in policy, legal, and action plans in the IGAD Member States; and
3. Build consensus around priority recommendations amongst key stakeholders that enhance gender equality in land governance at the country level.

## 1.1 The Expected Results

The expected outcomes of the assignment are outlined as follows. The gender assessment will help establish a benchmark and process to systematically track progress in improving gender equality in land governance over time.

- The analysis shall look at roles and responsibilities, norms and rules, access to resources and services, decision-making, power, and control between girls, boys, women, and men.
- The gender analysis will provide greater clarity on existing stereotypical attitudes and practices, including existing positive practices, among different stakeholders at the household and community levels.



## 1.2 Methods for Mapping the Evidence

The search for evidence will be done using an approach known as systematic mapping of evidence. Academic material was generated from Google scholar and JSTOR databases, using a search strategy in line with the main research questions. The overall question that will guide the search for evidence is: within the context of Ethiopia, what evidence exists on the gender dimensions of family structure, representation of women in local affairs, women's decision-making power, women's roles in families and society, inheritance, marital and divorce patterns; how family codes (including inheritance, marriage, divorce, marital property) and personal laws affect women's rights to land; and how land is allocated in the community (different regions) and how land is transferred within the family and the community.

The review will further include reports on the 17 Sustainable Development Goals (SDGs) and SDG 5 on GEWE. Awareness of the need for women to have secure rights to land and property has risen since the

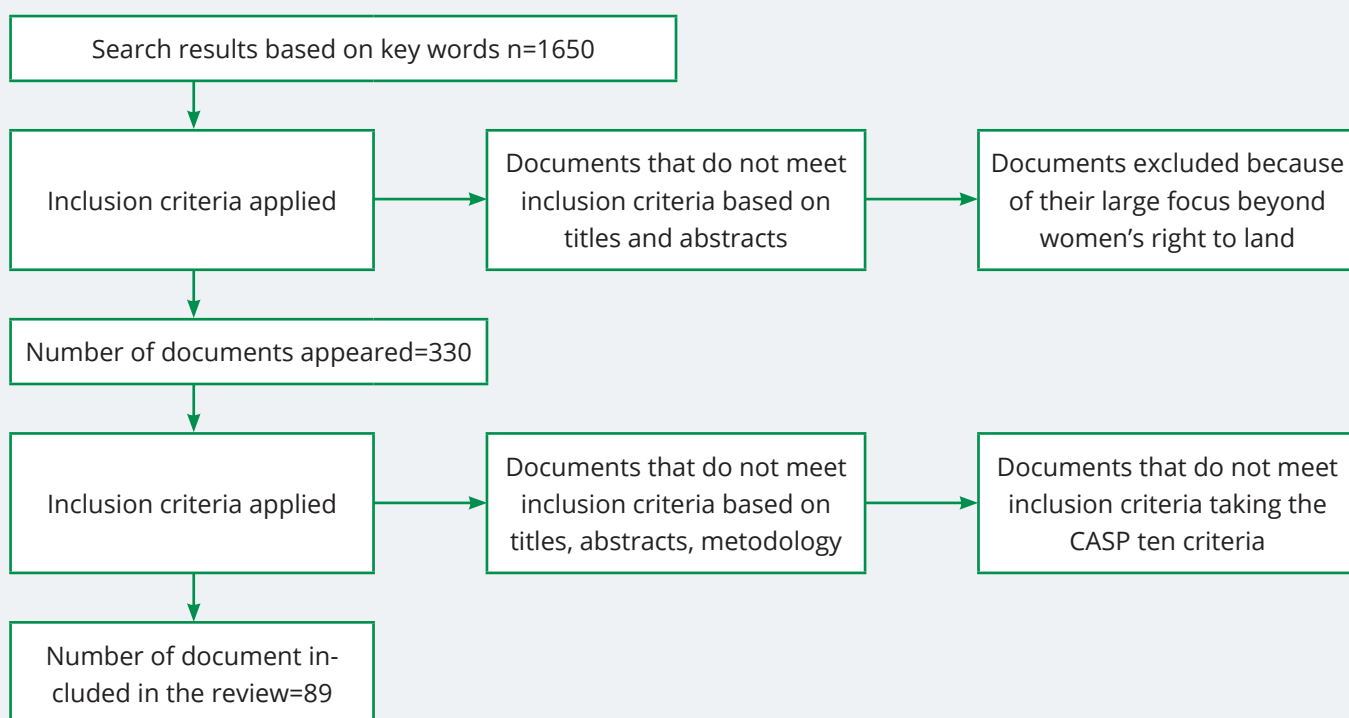
World Development Report, Gender Equality, and Development. And now, the Global Goals (also called the Sustainable Development Goals or SDGs) present an excellent opportunity for development aid to make a difference by strengthening women's land tenure security and ensuring that women have rights to and control over the critical economic asset land. Several of the goals that touch on land and property are Goal 1 (Eliminating Poverty); Goal 2 (Food Security); Goal 5, (Gender Equality and Empowering Women and Girls); Goal 11 (Sustainable Cities); Goal 15 (Terrestrial Ecosystems); and Goal 16 (Peace and Justice), also have land indicators attached to them to measure progress.

### 1.2.1 Method for Screening the Evidence

Both academic and non-academic literature generated from the search of evidence was subjected to the inclusion and exclusion criteria in figure 1 below, which indicates that literature will be included and excluded based on titles, abstracts, texts, methodology, and results. The results of the inclusion and exclusion criteria were contained in the methodology part of the report.

FIGURE 1:

**Steps for Screening Evidence. The asterisk indicates that material was excluded for more than one reason.**



[1] UNDP Gender Equality Strategy (2018-21)

## 2 OVERVIEW OF THE LAND SECTOR

Ethiopia is located in the Horn of Africa, sharing borders with East African countries: Eritrea, The Republic of Sudan, South Sudan, Kenya, Somalia, and Djibouti. The total land area is 999,541 Km<sup>2</sup> (385,925 sq. miles) and is home to more than 100 million inhabitants. It covers 1,127,127 square kilometers, of which an estimated 34% is agricultural, 9.6% is arable, an estimated 3.6 is forested, and woodlands and shrubs cover 48.9%. Only 4.5% of arable land is irrigated. Protected areas encompass 14% of Ethiopia's land area. An estimated 20.4% of Ethiopia's approximately 100 million people live in urban areas, making it one of the least urbanized countries in the world (CSA, 2013). Of the total population, females constitute 50.8 percent and males 49.2 percent (FAO, 2019).

Since 1995, Ethiopia has had a federally structured administration with nine regions (Sidama has been endorsed as the tenth region of the country on November 23, 2019) and two city administrations. Hierarchically, the regional administrative structures are based on regions, zones, Woreda, and kebele. Most of the population lives in the highlands with a density of 160 persons per square kilometre, and the lowlands are less densely populated with 20 persons per square kilometre. This justifies why farmers in the highlands have less plot size, on average 5 km<sup>2</sup> (Hailu, 2016).

Land Tenure has been the centre of Ethiopian political and ideological controversy for the past six decades, and this caused it to be incorporated in the FDRE 1995 constitution (Ambaye, 2015). The main objective of land ideology has been to create equitable use of land resources for farmers, improve their livelihoods and render their tenure security attainable. However, this

objective has not been successful in the past four decades of land reforms failing to improve the livelihoods of small farmers exacerbating poverty due to fragmentations of farm plots (Adal, 2002).

### 2.1 Key Issues and Actors

Land is the most critical economic resource for the vast majority of the rural poor who depend on agriculture as the primary source of income and survival in Ethiopia. In particular, women's land rights are essential to rural development outcomes. Women's possession and control over land can affect what households produce and how the proceeds from agricultural production are allocated within the family. There are various pledges and frameworks at the continental level to safeguard women's land rights and quantify progress that aligns with the SDGs at the continental level. The African Union Declaration on Land Issues and Challenges in Africa and the Framework and Guidelines on Land Policy in Africa recognize securing women's land rights as a critical area for advocacy and action by African member states; to eliminate poverty and reduce the gender gap in control over resources (UN Women, 2019). Women's rights in the sector are related to various aspects of their access to lands, such as eliminating discrimination of women in having an equal right to land ownership, their right to control of their resources, inheritance and gender-equitable implementation of land access rights, dispute mechanisms, and access to justice (Kenney & Campos, 2016). The Major projects that are related to the land sector are listed in the following table.

TABLE 1:

## Major projects in relation to the land sector.

Project title	Purpose	Donor	Project duration
Responsible Innovative Land Registration (REILA)	To improve the land administration system and thereby provide tenure security to the people who have claimed and registered plots of land. During Phase I, which ran from August 2011 to June 2017 in Amhara and Beneshagul Gumuz,	Finland Ministry of Foreign Affairs	2011-2021
Land Investment for Transformation (LIFT)	To improve the incomes of the rural poor and to enhance economic growth in 140 woredas (districts) of four regional states (Amhara, Oromia, Southern Nations Nationalities and Peoples, and Tigray) through second-level land certification (SLLC) and improved rural land administration systems (RLAS).	UK Department of International Development (DFID),	2014-2020
Sustainable Land Management Programme Phase II (SLMP)	The prime objective of the multi-donor supported Sustainable Land Management Project is reducing land degradation in agricultural landscapes and improving the agricultural productivity of smallholder farmers.	Multi-donor program	2008-2013
Agricultural growth Project-Livestock Market Development Program (AGP-LMDP)	The AGP is designed to put particular emphasis on women and youth. In this regard, I Planned to collect sex- and age-disaggregated data in the AGP M&E system. GTP II also puts women and youth economic and social empowerment as one of its pillars.	GIZ, KfW, Canadian International Development Agency, the European Union, IFAD GEF, and the Government of Finland	Ongoing
National Nutrition Programme (NNP)	It is focused on addressing the dire situation of the country's most vulnerable demographic groups (pregnant and lactating women, adolescents, and children under five years of age.	UNICEF, WFP, DFID and USAID	(2013-2015)
Land Administration to Nurture Development (LAND)	A project that supports Improve legal and policy frameworks at national and local levels, Strengthened capacity in national, regional, and local land administration and use planning, Strengthened capacity of Ethiopian universities to engage in policy analysis and research related to land tenure and train land administration and land use professionals, Strengthened community land rights in pastoral and agro-pastoral areas to facilitate market linkages and economic growth; the project runs at the national and Afar, Amhara, Oromia, Southern Nations, Nationalities, and Peoples (SNNP), Somali and Tigray NRS	USAID	2017

Project title	Purpose	Donor	Project duration
Land Governance Activity	Land Governance Activity, This is the successor of the LAND project	USAID	2019-2023
Ethiopia Climate Action Through Landscape Management Program For Results (Calm-La Programme)	Increase adoption of sustainable land management practices and expand access to secure land tenure in non-rangeland rural areas.	World Bank	2019-2024
Support to Responsible Agricultural Investments II (S2RAI II) in Ethiopia Project (GIZ-S2RAI)	It aims to ensure land access for the most vulnerable by operationalizing the knowledge on responsible land management	German Federal Ministry for Economic Cooperation and Development (BMZ)	2019 to 2024
LaGo	Boosting Agricultural Productivity and Secure Land Tenure Rights Through Land Consolidation Efforts. (Work on Land Investment)	German Federal Ministry for Economic Cooperation and Development (BMZ)	2020 - June 2022

Sources: FAO, 2019; Hailu et al. al., 2019; USAID, 2016

## 2.2 Stakeholders and Development Partners

As land belongs to the State and peoples, national and nationalities of Ethiopia, the role of the government in the sector is key. Land is governed and administered at federal and regional levels in different parts of the country with overarching responsibilities and issues of coordination. All rural land in Ethiopia is governed and administered by Regional governments. Under the ministry of agriculture, the Rural Land Administration and Use Directorate links the work at the federal level with that at the regional level and provides inputs for policymakers to advance the harmonization of rural land administration in Ethiopia. The MoA has the responsibility to develop standards for rural land administration purposes. Ministry of Urban Development and Construction supervises matters concerning all urban land. Under the ministry, the Urban Land Information Department (ULID) develops and upholds urban land administration data, is hosted by the Land Development and Management Bureau and the Federal Land

and Landed Property Registry and Information Agency, both under the Ministry of Urban Development and Construction (Muchomba, 2017).

Land is a key resource of Ethiopia and one of the key indicators of women's empowerment. In line with the gender-friendly policy of the government, line ministries are taking gender equality as their core principle. The GoE has taken steps that drive GEWE in all spheres of life. Accordingly, the 1993 National Women Policy framed the need for the institutionalized strategy for women's empowerment through policy frameworks and gender equality structures within government. Based on the policy, women's machinery has been established at all levels: federal, regional, and zonal, and Woreda levels. This resulted in the following:

- The Women Affairs Office was set up in 1991, within the Prime Minister's Office, to coordinate and spearhead the implementation of gender equality activities.



- Women's Affairs Directorates (WADs) were established as local bodies that put into practice instruments in government ministries and agencies, including MoA and MoLF; following the administrative structure of the GoE, Women's Affairs Bureaus (WABs) were set up to implement the National Policy on Women in Ethiopia (NPWE) from regional to district (woreda) level. At the lowest structure of the government (kebele), there is no government bureau or office, except DAs and kebele administrations, and Women's Affairs Units are established at the grassroots levels. These units are used for discussions and planning in matters related to women's issues.
- A National Committee on Gender Equality (NCGE) was set up to implement the National Action Plan on Gender Equality (NAP-GE) (2002-2006). The Committee is an umbrella for many stakeholders such as representatives of WADs, WABs, international organizations, national non-governmental organizations (NGOs), registered women groups, associations, and donors.
- As part of increasing its role, in 2006, the WAO was upgraded to the Ministry of Women's Affairs (MoWA). It has been renamed the Federal MoW-CYA in 2010 and recently as Minister of Women's and Children's Affairs (MoWCA) in 2015. It is mandated to plan, coordinate and facilitate monitoring and evaluation programmes within its structure and out of it to make sure GEWE policies are enacted effectively. The women's machinery has twin coordination mechanisms: horizontal and vertical. Vertical coordination involves MoWCA's working and reporting relationship with the regional women's institutions. MoWCA has a coordination role. Horizontal coordination engages the gender departments/directorates of sectorial ministries and other public organizations at the federal level. It involves experience sharing, capacity building, and joint planning and monitoring related policies and interventions.

MoWCA takes the national role of coordinating gender works. Under the national MoWCA, the Women's Affairs departments were established within all ministries and in line with the government decentralization process in nine regional governments and two special administrative regions (each with a responsibility for the Regional/ Special Administrative region Administrative

Council). The duties and responsibilities included assisting women's affairs offices in their respective regions at various levels (Gebrehiwot, 2007). The Women and Child Affairs offices and directorate in the regional states and federal ministries have similar authorities and roles in their respective areas of influence. However, they have limited capacity in terms of budget, and skilled and committed human power has negatively affected the practical function of the gender machinery.

The agriculture sector follows a gender mainstreaming structure that is similar to the national structure. The gender machinery within the agricultural sector faces several constraints. The MoA WAD has twelve staff but with a minimal budget. Responsibility for gender mainstreaming is not well articulated within the ministry since it is not translated into gender-responsive planning, monitoring, and evaluation. In reality, gender is wrongly equated to women's participation, and gender mainstreaming is a WAD task solely.

Similarly, the Directorate for RLAU has limited staff members and is responsible for leading the work in the rural and sector. Unfortunately, there is no budget to address gender issues and capacity-building programmes within and in the regions. The RLAU offices in the regions are understaffed under-skilled, and there is a great need to strengthen the gender work in the land sector. (Druzca, 2018). The Gender structure of MUDCo is not that different; The Women and Children Directorate in MUDCo has 12 staff members. The Gender audit shows a lack of awareness of gender work, and the office is understaffed and under-resourced to address the issues in the urban land and housing sector (MUDCo, 2018). The regional MUDCo offices are far less equipped and resourced than the ones in the headquarter.

Many civil societies and women's rights groups, local NGOs, and CSOs are active in supporting the realization of women's empowerment and equality. Out of 276 CSOs, 131 (80.4%) were found to be actively engaged in women's economic empowerment (G/Selassie et al., 2012); most of these CSOs run programmes for Women Economic Empowerment (WEE). Common programmes are Skills training for Income Generating Activity (IGA) and livelihoods (131 interventions), Self-help group promotion (including Siqqee1 and Savings and Internal Lending Communities (SLLC), savings and credit cooperative (SACO) (71 interventions), Direct cash/ in-kind support (70 interventions) (G/Selassie et

al., 2012). Fewer programmes are run in the area of Integrated Women Empowerment Programme (IWEPE), Micro and Small Enterprises (MSE), access facilitation and value chains, and small scale irrigations (IBID). CSOs do not engage in MSE due to the financial regulations in the country that do not allow them to be involved. There are approximately eight national and four international CSOs working in the land sector in Ethiopia (IGAD, 2013). In addition, research organizations such as the Forum for Social Research and many

of the country's universities are conducting research in gender and the land sector. The CSOs programmes are concentrated in the crop-producing areas of Ethiopia, leaving the pastoral areas largely uncovered. Most interventions are centred in Addis Ababa, followed by Oromia, Amhara, and SNNPR. Very few interventions are in Somali, Gambella, Benishangul-Gumuz, Harar, and Afar (G/Selassie et al., 2012). The following table describes some CSOs that are active in the land sector.

TABLE 2:

### List of CSOs that are active in the land sector

No	Intuition National	Names and contacts	Area of focus
1	Afar Pastoralists Development Association	Representative: Ato Ismael Ali Garde Address: P.O. Box 592/1110 Addis Abeba Telephone 5159787 Fax 5538820 Email: <a href="mailto:afarpda@yahoo.com">afarpda@yahoo.com</a>	Pastoralism and rangelands
2	Association for Environmental Development in Ethiopia	Representative: Ato Nahu Senay Araya Address: P.O. Box 8750, Addis Abeba Telephone 6626703/0911895316/ Mobile 0911207389 <a href="mailto:aede@ethonet.et">aede@ethonet.et</a>	Environmental conservation
3	Ethiopian Pastoral Research and Development Association	Representative Dr. Zerihun Ambaye P.O. Box 30807 Telephone 6616429/ 6510507/ 0911875710 Mobile 0911406652 Email: <a href="mailto:eparda@ethonet.et">eparda@ethonet.et</a>	Research and policy advocacy
4	Ethio-Wetland and Natural Resources Association -Local	Representative: Afework Hailu P.O. Box 60 Metu Telephone: 5527791/ 0911635720 Email: <a href="mailto:ewrp@ethionet.et">ewrp@ethionet.et</a>	Pastoralism and women's rights
5	Action for integrated sustainable development association.	Representatives: Masresha Andarge Addis Ababa none 2089/1110 Ethiopia +2510911805047 <a href="mailto:Masresha@gmail.com">Masresha@gmail.com</a>	Pastoralism women's rights
6	Pastoralist concerns	Ato Abdi Ibrahim Sarris, Addis Ababa, Ethiopia Tel +251-114 426232 Mob +251- 911696179 Fax +251 114 426232	Pastoralism

No	Intuition National	Names and contacts	Area of focus
7	Pastoralist Forum Ethiopia	P.O. Box 364 CODE 1250 Addis Ababa Telephone +251 115524582 +251 115524582 +251 5528863 Email: <a href="mailto:pfe@pfe-ethiopia.org">pfe@pfe-ethiopia.org</a> <a href="http://www.pfe-ethiopia.org">http://www.pfe-ethiopia.org</a>	Pastoralism and conservation
8	Sustainable land use forum (SLUFF)  Addis Abeba, Ethiopia	Dr. Hailemariam Abate P.O. Box 11939 Telephone 5151167/ 5151656/ 5159837 <a href="mailto:SLU@ethionet.et">SLU@ethionet.et</a> <a href="http://www.sluf.org.et">http://www.sluf.org.et</a>	Natural Resource Protection And Sustainable Land Management
International			
9	SOS Sahel International	Ato Feyera Abdi P.O. Box 3262, Addis Ababa Telephone 4136091/ 911 208838 <a href="mailto:SOS-sahel@ethionet.et">SOS-sahel@ethionet.et</a>	Livelihoods and supporting small-scale farmers, food security, and nutrition.
10	DAI Ethiopia		Raising income for rural poor and vulnerable populations in Ethiopia and enhancing economic growth through second-level land certification and improved rural land administration
11	Action Aid International Ethiopia	Dr. Reta Menberu P.O. Box 1261, Addis Abeba Telephone 4654671 Fax 4653420 <a href="mailto:admin@actionaidethiopia.org">admin@actionaidethiopia.org</a> <a href="Http://www.actionaid.org">Http://www.actionaid.org</a>	Livelihoods and Women's Land Rights
12	Agricultural Cooperative Development International Volunteers Overseas Cooperative Assistance ( ACD/VOCA	Address P.O. Box 548/1110. Telephone 6620685 Fax 6620699 <a href="mailto:AVethiopia@acdivocaeth.org">AVethiopia@acdivocaeth.org</a> <a href="http://www.acdivoca.org">http://www.acdivoca.org</a>	Food Security, Economic Prosperity, and social inclusion through locally driven market solutions.

No	Intuition National	Names and contacts	Area of focus
13	The Ethiopian Women's Lawyers Association (EWLA).	<p>Its head office is in Addis Ababa, with six branches in Bahir Dar, Assosa, Hawassa, Adama/Nazareth, Diredawa, and Gambella. 53 trained voluntary committee members support them</p> <p><a href="http://www.etwla.org/about.htm">http://www.etwla.org/about.htm</a></p> <p>Physical address – Progress Building (around Mexico Square), 6th Floor</p> <p>Tel 251-1-5508759/82/83</p>	<p>Founded by a group of Ethiopian women lawyers in 1995, following the ratification of the Constitution of the Federal Democratic Republic of Ethiopia. The objective of the EWLA is to promote the economic, political, social, and legal rights of women under the Constitution of the Federal Democratic Republic of Ethiopia and other international human rights conventions</p>

Source: IGAD, 2013

A UN country team coordinates the UN organization's gender work efforts and network with other International Organizations to harmonize their works and link their tasks to the government programs. The UN agencies meet as the United Nations Country Team (UNCT) to discuss gender issues in the framework of the UNDAF and report to CEDAW. They work closely with sector ministries in their respective areas of interest and gender machinery at the national and local levels. The UNCT has overall responsibility for ensuring the accountability and harmonization of the Joint Programme within its strategic policy and priority setting as reflected in the UNDAF. The Technical Working Group (TWG) is an emanation of the UNDAF Pillar 4, and it allows for a representation of the agencies directly engaged in programme implementation (FAO, 2029).

Many International partners have collaborated with stakeholders that work in the land sector. These include UN projects, USAID, European Union (UN system network on Rural Development, and Food Security, IRD (French Embassy), International Livestock Research (ILRI), Catholic Relief Service (CRS), ACCORD, ActionAid, SIDA, CIDA, DFID, FINIDA, African Union, IGAD, African Commission for Human Rights, African Development Bank, African Studied Centre, Center of Land Tenure studies based in Norway, and African Development Fund and others.



### 3 THE STATE OF GENDER AFFAIRS: ISSUES, TRENDS, AND RELATIONSHIPS WITH LAND RESOURCES

The historical trends suggest that women's rights to land resources have improved, passing through successive land reforms. Land resources were not equitable in the Imperial time, and women had no access to these resources largely. After the 1975 reform, land became nationalized under the ownership of the state. At that time, women had access to land if they were heads of households as land was distributed to household heads. After 1995, rural women's entitlement to land resources has been gaining recognition. However,

women still experienced disadvantages regarding access and control to land due to varied and complex socio-economic factors. Some of these issues are related to gender roles and division of labour, patriarchal systems working against women, limited membership in peasant associations, the smaller size of women's households, gender biases of local officials, and a lack of access to critical resources like plough oxen (Adal, 2002).



## 4 EXISTING LAND RELATED LEGAL AND POLICY FRAMEWORK AND GENDER EQUITY PROVISIONS

Ethiopia adopted many international conventions on GEWE, including conventions on all kinds of discrimination against women, like BPA and MDG 2000 goals and others. It has ratified the Convention on the Political Rights of Women (CPRW) and the Convention on Elimination of All Forms of Discrimination against Women (CEDAW). Ethiopia has also adopted the 1995 Beijing Platform for Action (BPA) principles and has endorsed and engaged with the Millennium Development Goals of 2000. It strongly promotes the AU Gender Equality and Women's Empowerment (GEWE), a goal that is common to both Agenda 2063 and Agenda 2030. Ethiopia has ratified the Maputo Protocol recently.

The Ethiopian Constitution unequivocally recognizes the equal right of men and women in all matters, including cultural, social, economic, and political spheres, and women's equal rights to acquire, administer, control, use, transfer and sell property, including equal treatment in the inheritance of property (FAO, 2019). The legal landscape of the country has been strengthened to support women's rights. The Revised Family Law, 2000, entitled spouses equal rights in the management of the family and recognizes the equal rights of a married woman to ownership and administration of personal property. It secures joint possession and administration of land and property in marriage. Moreover, the 1997 Ethiopian Constitution explicitly invalidates laws and customary practices that discriminate against women (Article 35 (4) (Hailu et al., 2019)). These provisions were further strengthened by the Rural Land and Administration Law that aimed to enhance women's land security and improve land use management.

### 4.1 National Level Policy and Legal Frameworks

**Two legal rules govern marital property: the statute law (family law, property law, and land administration proclamations) and contracts agreed by spouses when they enter into a marriage bond.**

As to certifications, the rural land administration uses proclamations to instill two important requirements. Certificates must be named in a woman's name when land belongs to a female-headed household (and have a picture of the woman in the Oromia region). It is obligatory to issue a certificate in the name of spouses when the land is jointly owned (and has pictures of both spouses in the Oromia region) (Hailu et al., 2019). If a landholding belongs to an individual, a certificate is issued in the name of a holder unless the two spouses have agreed otherwise. There are no major differences between the FDRE and regional land administration, and use laws verbatim copies each other as far as are women's land use rights are concerned (Ambaye, 2012; Woldegiorgis, 2015; Haile et al., 2019).

**The same statement can also express the similarity between FDRE revised family code and regional family codes.** The economic effects of marriage are inserted in article 57 of the FDRE RSC. According to these provisions, entitlement for personal property is enforced if a property is acquired during or after marriage by donation or succession unless the spouses make it a shared property with consent (Haile et al., 2019). Thus, any land that one of the spouses acquired after marriage through succession or donation is considered personal property. Similarly, as indicated on RSC article 58, property acquired through the onerous title (through hard work or personal property) by one of the spouses after marriage will be kept as personal property (Negarit Gazeta, 2000). This implies that property generated during marriage through onerous title will be a common property unless declared a personal property (Art. 62 of RSC). This indicates that even if a land belongs to one of the spouses, the property generated from it will commonly be shared as long as they are in marriage unless indicated otherwise (Art. 63 of RSC). These provisions protect the property right of women in marriage.

Property right is also reflected in polygamy marriage the picture on this is blurred as polygamy falls



in customary laws than in statutory one. Polygamy is outlawed under RSC 197/2000 with an exception. Polygamy is an offense punishable by the criminal code. Still, an exception to polygamous marriages is stated in the code that states, "... shall not apply where bigamy is committed in conformity with traditional religious practices recognized by law" (Hailu et al. 2019). Ethiopian Criminal Code 2004 protects the property rights of individuals, including women. Still, when it comes to polygamy, the property arrangement depends on the customary law under use, and these laws often do not protect women's rights in polygamous marriages (Woldehensae, 2007).

The Rural Land Administration and Use law, proclamation 89/1997, was later replaced by proclamation 456/2005. It paved the way for regions to develop their legislation setting decentralized rural land management and administration. Ethiopia's regional governments are empowered to enact their own land laws taking into account their local contexts (Ambaye, 2015). Accordingly, regions issued their own Rural Land Administration and Utilization Proclamations (RLAUPs): Tigray Region proclamation 139/2014 (first issued 1997), Amhara Region 252/2017 (first enacted 2000), Oromia Region 130/2007 (first issued 2002), and SNNP Region 110/2007 (first enacted 2003), Afar Region 49/2009, Benishangul Gumuz 85/2010, Gambela Region 185/2011, and Somali Regional State 128/2013 (Hailu, 2016). Abebaw (2017) categorized the regional laws into four three categories due to their similarities. Oromia, Dire Dawa, and Harari regional laws constitute one group as there are similar to one another. Amhara and Beneshagul Gumuz's proclamations are similar. In addition. The proclamations of Afar and Somali regions have many common features. The similarities raise questions about whether the laws are enacted to address the local contexts of the regions (Abebe, 2017).

The Federal 456/2005 proclamations identified three tenure types. These are Private land use holding, communal, and state ownership. The proclamation provides unlimited periods of usufruct right of rural land for farmers, pastoralists, and semi-pastoralists (IBID). State holdings refer to in articles 2 and 13 to rural lands demarcated and demarcated for forest lands, wildlife protected areas, state farms, mining lands, lakes, rivers, and other rural lands. Article 2 and 12 proclamation 456/2005 defines communal holdings as rural land given by the government to local residents

for common grazing, forestry, and other social services (Woldegiorgis, 2015).

The Urban Land use proclamations evolved from time to time. It brings a new land-use lease into the urban land administration. The first proclamation 272/2002 has two main objectives: to generate income from land leases to assure fair share from urban land wealth and change the holding system (permit system of the Derg era) into a lease system (Ambaye, 2015). Urban land management has many legal instruments: Condominium proclamation 370/2003, urban plan proclamation 574/2008, revised urban land leasehold proclamation 721/2011, and the urban landholding registration proclamation 818/2014 (Hailu, 2016b). For urban land management, regional states practice federal-level urban land laws. Five tenure types are in use: leasehold, old possession, state holding, condominium and informal settlement, tenure types in the urban land administration system (IBID). Two institutions are responsible for rural and urban land.

## 4.2 Assessing Compliance to related legal and policy frameworks at regional and global levels

Overall, the Ethiopian government has issued proclamations and policies that are in line with the international and global conventions and frameworks to guarantee the rights of women to access, control, and administer property, including land.

Globally, a resolution on "*Transforming our World: the 2030 Agenda for Sustainable Development* in 2015" is a landmark resolution that was globally adopted.

The agenda puts forward a rights approach on access to land, which is identified as a key development direction. It recognizes the link to the eradication of poverty (Goal 1), ending hunger and ensuring food and nutrition security (Goal 2), promoting gender equality and the empowerment of women and girls (Goal 5), sustainable cities (Goal 11), and life on the land (Goal 15) (IBID). In addition to these, tenure secure land rights are believed to positively contribute to accomplishing Sustainable Development Goals (SDGs), including establishing peace and security and the reeducation of inequalities. Moreover, the articulation of the 2030 agenda in 17 SDGs by the Member States of the United Nations is in the process of taking action plans to

align, measure, and monitor their progress in achieving these goals in their own national contexts. These processes take the form of aligning national development plans with SDGs taking into account the specific context of every nation. In the land sector, fifteen SDG indicators will be used to apply the land rights and tenure security paradigm continuum, spanning across individual and communal rights to land and physical property, land governance, and administration (UN Women, 2019).

There are various commitments and frameworks that are in action in the African continent in relation to women's right to land and measuring progress that aligns with the SDGs. The African Union Declaration on Land Issues and Challenges in Africa and the Framework and Guidelines on Land Policy in Africa recognize women's land security as a central point to eradicate poverty and gender gap in contorting resources (IBID). Following Agenda 2063, member states in the continent have committed to increasing women's land ownership to 30% by 2025. It has been observed that there are more political commitments to bring this plan to fruition in the continent, and the Ethiopian government has taken its commitment in this regard.

Despite the reasonable efforts that have been made, the UN Women (2019) situational basement reports witnessed that Ethiopia has a long way to go in realizing the SDGs and 2063 Agendas. With the support of International partners, actions are underway. The government of Ethiopia has been carefully reformulating its national priorities in adapting the SDGs at the national level in the five-year GTPII plan 2015/16-2019/20. The final inception report was presented to the National Planning Commission in early 2018. The report (UN Women, 2019) demonstrated that the shortage and not desecrated data by gender has made it impossible to measure the progress made in empowering women in the land sector.

In addition, Ethiopia has made good progress in implementing CEDAW indicators. Reforms have been made in various policy and legal frameworks to eliminate discriminatory laws. Ethiopia adopted the Criminal Justice Policy in 2011, which places the foundation for exceptional security of vulnerable groups, namely women and children. The policy accommodates women's needs and special situations of women – both as defendants and victims of crimes (Farha, 2017).

In general, there are NGOs that work for gender equality with good practice. Some key government organizations have shown interest in gender work but have limited expertise. The WAD sections of some Government agencies appear to play a reporting role to national, international, or regional bodies. They have little time for comprehensive gender mainstreaming and evaluations of programs and policies (Drucza, 2018). There are many agriculture networks in place, but not all give space for gender discussions. The main coordination around gender in agriculture comes from gender-focused networks. Hence, gender is not adequately mainstreamed across the agriculture sector (IBID).

### 4.3 Institutional Opportunities, Gaps, and Challenges

The Ethiopian government has energized its efforts to implement bold initiatives that benefit women in all sectors, including the land sector. Out of 547 seats, 38% are held by women. This was an excellent opportunity to promote pro-gender policies (though the weight of the parliamentarians in exerting pressure in the parliament has not been seen yet) (UN Women, 2019). Since the coming into power of Prime Minister Abiy, the composition of women holding ministerial positions reached 50%, including the assignment of a woman President, for the first time in the country's history. Strong gender-sensitive laws in land and family codes were enacted, and these were replicated in all nine regions. The government has introduced Key legal and policy frameworks to create gender equity and better land use in the country, with the coming into force of the Rural Land Administration and Use proclamation in 2005 paved the way for a series of actions to improve tenure security.

The National Policy on Women (Women's Policy), formulated in 1993, aimed to create appropriate structures within government offices and institutions to establish equitable and gender-sensitive public policies. The Government of Ethiopia in 1995, under its new constitution, refreshed its commitment towards this policy. The government started a determined and extensive process of regionalization, whereby new regional boundaries were delineated and administrative powers delegated to regional governments, which were authorized to implement all development policies, including the land sector. This represented a new approach from the earlier practice of centralized

project management by ministries. This has its own drawback if we look at it from a gender perspective.

A more participatory and devolved form of governance implementation of the national policy is challenging. Regions are relatively new, and their power has been evolving. On the other hand, there is awareness and strong gender-sensitive directions from the federal government, but there is no indication that this is copied in the regions reflecting disconnect. Thus, there was correspondingly a great need to build the delivery capacity of the regional governments. While the central level of government promoted gender-sensitive policies and development interventions, very little was known about the constraints and issues at the regional institutions (Hailu, 2016).

The Ethiopian Ministry of Women and Children's Affairs is a leading government institution responsible for ensuring women's rights in all aspects of life to represent regions, zonal, and Woreda offices. However, the institution has limited human resources, expertise, and tools to identify the mainstream gender issues in all sectors. For instance, there is a Gender Directorate in the Ministry of Agriculture to oversee the mainstreaming of gender affairs in the 29 Directorate of the ministry, which is too heavy compared to the task given for the few staff members and is very challenging (Gebretsion & Demesssie, 2018).

Coordination among institutions that work in the land sector has been challenging, creating information gaps. The FDRE Constitution also directs the different roles that various organizations should play in ensuring land governance and administration in Ethiopia. While the country has yet to harmonize approaches of governmental institutions, the responsible national institutions that work to protect the rights of all Ethiopians in different circumstances and characteristics are multiple. Coordination is thus challenging and complicated by the Woreda data collection system, which

prioritizes regional demands of data and information on land, making data on land and agriculture on the national level incongruent (UN Women, 2019).

Resources are limited to support capacity building and other gender issues. The Rural Land Administration and Use office relies on outside funding such as Land Administration to Nurture Development (LAND) project to develop the gender resources through training. The Women Land Rights Task Force (WLRTF) was set up by the Ethiopian the Ministry of Agriculture and Natural Resource team in February 2015, while the LAND project was used to provide technical and financial support. The WLRTF comprises governmental and non-governmental institutions that work on rural land issues and contribute positively to advancing women's land rights. The government, national, and local institutions have limited resources to capitalize on developing gender resources (IBID). Gender budgeting and gender auditing have not been made in the RLAUD of MoA. This lack of gender budgeting makes it challenging to account for spending on gender equality or to re-allocate funds within budgets for gender-focused activities. Overall, no signals have been observed that show enough priority being given for gender works in RLAU.

Moreover, the dissemination of information to the public focusing on rights and obligations is limited. Developing an effective land administration system suggests an informed public that knows their rights and understands the administrative structure to manage those rights. It appears that regional governments have not adequately thought through monitoring and evaluation of the impacts of their reform efforts. There is little capacity to distribute information to the public about the various land administration reform programs, their impacts, objectives, and ways to impact local resource use (US Aid, 2004).

# 5.0 GENDER OPPORTUNITIES, GAPS, CHALLENGES IN LAND SECTOR SERVICE DELIVERY

## 5.1 Women leadership and participation in land governance reform and land use planning terms

**Leadership and participation:** Women in Ethiopia socially have a weaker position than men within households a society. Ethiopian culture is predominantly patriarchal, and men are regarded as heads of households where both spouses live, and by extension, they are community leaders. Women rarely assume leading positions in society and typically stay at home and are responsible for taking care of children and other household tasks (Holden, 2020). This social position puts women at a disadvantage in asserting their rights in various aspects of life, including in the land sector. Traditionally, women are seldom participating in land use planning, and cadastral surveying and hence miss out on the overall process of land administration and land titling.

In addition, their non-appearance at higher levels of decision-making means the concern of the specific needs of women in access to land will not be considered when designing and implementing land administration and governance (UN Women, 2019). This low social status of women is generated, internalized, and perpetuated by cultural norms that operate in societies in major cultures of the country in Amhara, Tigray, Oromia, Afar, Gambela, Benishangul, SNNPR, and Somali.

It is not directly related to the land issue, but it has an important bearing on the status of women in Oromo society. The legendary queen Akko Manoyye's story is commonly shared in other branches of Oromo and the Guji Oromo. The legend is passed orally from older generations to the young, portraying women as incompetent for leadership and skill. I am quoting the legend as follows from (Debesu 2009):

"Akko Manoyye was one of the queens that ruled the Guji. During her rule, every task, including

caring for children, was performed by husbands, and women made every decision. One day she ordered her people to bring a bag full of fleas, an order they were unable to carry out and, therefore, they consulted a poor wise man called Hiyyo Kulle. He told them to collect a bag full of donkeys' dung and spill it on the ground. They did it accordingly, and the dung was filled with mosquitoes. The queen thought the mosquitoes were fleas and made another difficult directive, building a house in the air. Once again, the people consulted the poor man on how they would carry out the order. He told them to ask her to put up the door poles, which customarily is done by the house owner. When they asked her to do so, she knew that she was outmaneuvered and failed to respond to their request. The poor man continued to advise the people and told them to dig a deep hole, cover it with animal skin, and stand a seat on it for her. When she sat on the chair, she went down in the hole, during which she uttered a message to women: 'sobi sobadhuu buli,' which means 'pretend to respect male authority.' Following her death, according to the story, a man called Durii Dulloo became the first king." (P., 21)

This legend and other similar stereotypes are used to deny women a leadership position in society.

Understanding the family structure is important in learning access to assets and control, including land. In the Amhara region, the smallest homesteads consist of a husband, wife, and unmarried children. Sometimes a young married son will stay within the family home and, much less frequently, a young married daughter (Levin, 1972). Traditionally, the Amhara descent system is ambilineal, but the power structure within households tends to be patriarchal. Though ambilineal patterns are the norm in the region, the real access to family resources and residential and other practices resembles more of a patriarchal system (Adal, 2002). In addition, marriage is a patrilocal system where wives

go to the residential areas of their husbands in Amhara. The same pattern exists in Tigray (Young, 1997), SNNP ((Debesu, Dejen N., 2009), Oromiya (Woldeten-sae, 2007), Afar (Reda, 2015). These cultural values express the reason for few women participating in Land Administration Committees at the village level.

Women's lack of participation in Land Administration Committee (KLAC) committees is also a factor limiting women's right to realize their right to landholding. Women have been less informed and have not participated in the election of KLAC committees. Even if they have attended, they have shown little interest in being elected to the KLAC committee. Some women have attended meetings symbolically and elected male members of KLAC. This reflects a lack of awareness of women to their rights. Their participation in community spheres has also been limited, confining themselves to household chores and internalizing the roles that have been cultivated by traditions (Deininger et al., 2007; Hailu, 2016).

Participation in matters of land issues is within the right of the clan's leadership (men) in pastoral societies such as Afar, Somali, Gambela, and Benishangul-Gumuz. Formal and informal tenure systems have their strengths and weaknesses. For example, although the land is believed to be communally owned under the traditional pastoral tenure system, there is often a problem of equitability. The cultural institutions are mainly based on a clan system in which clan territories provide the framework for land resource utilization, management, and administration. This kind of clan-based territorial land resource use and administration can negatively impact fair and sustainable resource distribution, use, and management in the region. In the customary arrangement, only members of a clan have the right to claim land found within the clan territory and the participation of women in the leadership is non-existent. The system does not help protect women's rights enshrined in the Ethiopian constitution (Reda, 2015).

The same observation was made in the Somali region. In a study conducted in Afar and Somali, 66% of respondents believe that the customary laws and structures administer land better if empowered, and it shows the prevalence of traditional systems. The participation of women in KLAC is also limited, and awareness of women about their rights is limited. Women's right to land access is largely handled with the traditional system

in pastoral areas (IBID). Issuing land certification has started recently, for instance, in the Somali region, and KLAC has been formed, although all members were men. Women still depend on their husbands and male relatives to have access to land. The issues of land certificates in the head of households have been made before SLLC, which may reduce women's right to access land. Future certificates need to reflect joint titles and their impacts need to be closely monitored (Ridgewell, A. et al., 2007).

Like the issues observed in Oromia, participation of women in KLAC has been limited, they have been under-represented in these committees, and women have little awareness of their rights and the laws. In this context, it is a long process to change the customs of male strongholds in household decision-making related to land. Joint titling of land may be seen as an important first step. Information dissemination, mobilization and organization of women's groups, education of women and men, and legal support are all essential to empower women to provide them an equal position to that of men in Southern Ethiopia. In addition, strong laws with suitable enforcement mechanisms may not help change the cultural values that undermine women's rights (Holden, T & Tefera, T., 2008; Tura, H. A., 2014).

Due to the widespread lack of participation of women in land administration and governance, the government has recently made a new national obligation to improve women's participation, establishing a 30% quota of women in land administration committees on all levels. This represents a significant and welcome step, but the practice of this will be seen on the ground (UN Women, 2019). Lack of participation in land administration and governance leadership is a major institutional issue that affects the efforts to realize women's equality in the sector. The vastness of Ethiopia's geography and population size will require substantial financial, human and institutional capacities to successfully reach equality by 2030 (IBID).

## 5.2 Women's Land Sector Security at Family and Community Level

**Land is retained as public property for two reasons.** Land is held as state/public property to ensure social equity and tenure security (Woldegiorgis, 2015).



The Constitution of the Federal Democratic Republic of Ethiopia unequivocally states that land shall not be an individual's property. As consolidated in the FDRE constitution, all urban and rural land is the property of the state and the Ethiopian people. Accordingly, the sale, exchange, and mortgage of land are prohibited (Ambaye, 2015).

**The Rural land Administration Proclamation 456/2005 defines their tenures types in the rural land.** They are individual holding of use rights, communal land, and state holding (Hailu, 2016). The right to own land has taken different forms in different political landscapes of Ethiopia. During the time of the Emperor, the dominant tenure systems were the private property and Church land in the south and the family tenure system known as **Rist** (Holden, 2020). The **Gult** system was a decentralized taxation system, where the **Gult** right holder had the right to levy and collect tax on behalf of the central government in the north of the country (Hailu, 2016). After the 1975 land reform, all lands became nationalized, giving free use rights for citizens in rural and urban settings. The changes in the land reform related some to the progress in creating equity to this resource. The land rights of different periods are summarized in the following table.

**Access to land:** Women's land rights do not stop giving women access to land; it is a comprehensive right

that includes a range of tenure features. It goes beyond simply the right to "own" land. It must provide for evolution towards the non-discriminatory holding of the full bundle of rights, including use, access, control, transfer, exclusion, inheritance, and all decision-making about land and land-related resources (UN Women, 2017). We are going to overview these rights from different regions of Ethiopia.

Rural land was redistributed in the Amhara region following the change of government in 1991 in South Wello and 1996 in other zones of the region following the adoption of the FDRE constitution in 1995. Though not guided by a clear policy, the aim of the land redistribution was to create a fair landholding system balancing holding of sizes and allocate land for the landless (Teklu, 2005). Age and gender were the main criteria of the redistribution and provided access to land for women over 18 years old or men over 24 years old were entitled to an allocation. (IBID). As land redistribution was conducted by the village level Kebele administration without guidelines and training, the land redistribution was characterized by political and social favoritism (Teklu, 2005). Although the land distribution put men and women on equal footing, women may have been affected by the redistribution of land marred with social favoritism. Women own smaller and less fertile lands in the region (FAO, 2019; UN Women, 2019).

TABLE 3:

### Land rights in the three periods of Ethiopia\*

Periods	Rural/ Urban	N/S	Free access	Use right	Lease	Donate	Inherit	Mortgage	Sale	Equity
Imperial Era	Rural	North	X	✓	✓	✓	✓	X	x	✓
		South	X	✓	✓	✓	✓	✓	✓	x
	Urban		X	✓	✓	✓	✓	✓	✓	x
Derg Era	Rural		✓	✓	x	X	X	X	x	✓
	Urban		✓	✓	x	X	X	X	x	✓
Current Land rights	Rural		✓	✓	✓	✓	✓	X	x	✓
	Urban		X	✓	✓	✓	✓	X	x	✓

\* Adapted from (Woldergiorgis, 2012: p. 20.)



**The land reform in the Tigray region mobilized the rural communities for the national liberation struggle covering the span of time in the civil war from 1974-1991.**

TPLF redistributed rural lands equitably to both genders, providing women with access to monitor credit, training, availing improved agricultural extension services, infrastructure, and technologies, facilitating decision making roles of women at the household, community, and public spheres, capacity building to promote change and manage development (Woldetensae, 2007). Farmers in Tigray have free access to land as long as they depend on farming for a living and live in a rural village if women reach 16 and men 24. Like the Amhara RLAU law, residence and professions are the main criteria to be entitled to holding farmland. This free access is not attainable in the present context of Tigray, whose arable land is degraded and diminished due to environmental and increased population pressure (Woldetensae, 2007).

**Access to land in Oromia is not easily attainable.**

The RLAU law of the region provides free access to rural land for farmers that reside in the rural village who are above 18 years old. This access to free land is not attainable in the current context of Oromia, where land was not redistributed after the 1975 land reform of the Derg. The young generation has only access through being members of a family, land rentals, or through marriage in the case of women. Free access to all has not happened on the ground despite the fact the regional law treats the two genders equally. Only 20-25% of the young have farmland in the regions, and this also happening in the other areas (Pankhurst & Don, 2018).

The free access to land is not realized for the younger generation in SNNPR, and the last land distribution was held in 1975 land reform (IBID). Moreover, despite the FDRE and regional laws' guarantee, single and unmarried women have been denied free access to rural landholding. The patrilineal descent system of the Oromo transfers assets through patrilineal lines. A woman has access to land through marriage. If a woman is single, her chance of being deprived of land-holding rights is higher despite the assertion of the law.

The constraints for women to access rural land come from the dominant customary laws and the practice of implementing the RLAU on the ground. The SNNPR land administration law recognizes equal rights of women and men to rural land. It allows women to have

a holding certificate if their husbands do not reside in a locality where the plot is located. The SNNPR rural land administration, like the Oromia land law, doesn't make residence mandatory to continue access to a rural farm plot (Tura, H. A., 2014).

**The four regions** (Afar, Somali, Benishangul, and Gambela) recently started implementing the land administration policy. All of them have largely been populated by a pastoral way of life with a population density of 18 persons per square KM. Most researchers and policies usually overlook or at least do not prioritize issues of communal landholding systems, which are practiced in over 61 percent of the total landmass of this country by pastoralists and other indigenous communities. The communal landholding is today a question of either valuing or ignoring the rights of indigenous communities, which have moved from moral responsibilities to state obligations both under international law and the national laws of many countries (Abdulahi, 2007).

**The FDRE 456/2005 proclamation contradicts the 1997 RLAU that recognizes communal landholdings.**

Abdulahi (2007) reported that the 1997 Proclamation stressed the security of private landholders while it said almost nothing about the security of communal landholding systems. Further, there seems to be a rollback of rights of pastoral communities as the FDRE 456/2005 Proclamation Article 2(12) indicated that it is the state that endows communal rural land to traditional Ethiopian communities. This law contradicts the Constitution's recognition of communal landholding systems.

**Access to land:** The Land Use and Administration Proclamations of Afar (Afar Rural Land Administration and Use Proclamation hereafter) and Somali (Somali RLAU Proclamation hereafter), under Arts. 5(5) and 5(6), respectively, entitle a pastoralist with the age of 18 years and above to sedentary agricultural activities (Sisay, Mulugeta. G. et al., 2018). It is stated that the region can allocate land for investors if the projects are useful for communities, as indicated in the Afar RLAU Art. 5(9); Somali Land Proclamation, Art. 5(10)). The same law empowers regions to allocate land for development projects of NGOs. However, in the absence of genuine community consultations, these laws can be used to encroach on communal landholdings (Abdulahi, 2007; Sisay, Mulugeta G., et al., 2018).

The Afar and Somali laws recognize women and other vulnerable groups' right to access land for grazing, raising animals, crop farming, free of charges as pointed in Afar Land Proclamation, Art. 5(2); Somali Land Proclamation, Art. 5(2)). Husband and wife will have equal rights over the use of their matrimonial holdings in the law, but these formulations have not transformed the deeply rooted patriarchal values in the communities (Sisay, Mulugeta G., et al., 2018).

#### **Land rentals as means of accessing farmland:**

Access to land can also be achieved through the land renting market. Female-headed households with the scarcity of labour benefit from renting out their plots, whereas those FHH that have labour in their household rent in farm plots. In this time, renting land has been replacing the sharecropping arrangements that have been widely practiced in the past. Participation of women in land rentals as direct negotiators in Oromia without husbands' involvement is limited (Hebo & Shigeta, 2014). Renting land for long years has created tensions and disputes among households, and the trend now is to rent for a short period. Hence, renting in Ude, in East Shewa near Bishoftu, as elsewhere, seems to be a financially viable option (Pankhurst & Don, 2018). Although the data is indistinct, land rental rates seemed to be somewhat lower than in the Oromia site, although still unusually high in Gojam and Tigray, and Kembata. The rental was informal in many instances, perhaps reflecting the fuzzy border between (legal) land rental and (illegal) loan provisions in practice (IBID).

Land rentals have not demonstrated similar developments in all regions. In a longitudinal study conducted in Tigray from 2006-2015, land certifications have improved participation in the land market, particularly for the youth. In Tigray, 42% of the youth had access to rented land in 2016 and 47% in 2019, but this opportunity is not fairly shared leaning to the side of male youth than females due to gender roles and access to oxen (Holden & Tilahun, 2019). To indicate some data, males acquire more land through the rental market than through other sources, while this is not the case for females. 48% of the females and 59% of the males had access to land from at least one of these sources of land in 2016, and this had increased to 72 and 70% for females and males in 2019 (IBID). However, land rentals have not grown consistently, showing a sign of contraction in the past years being influenced by kinship and previous transactions (Gebru et al., 2017).

They suggested that interventions are required to improve commercialization of smallholders through land rentals by improving market access, irrigations facilities, agricultural technologies, introducing better coordination to reduce transaction costs and information asymmetries (IBID).

**Marriage and access to land:** Due to patrilocal marriage, women cannot have access to land in their parents' location, and they acquire land through their husbands, which is forfeited during a divorce. In the Amhara region, land has not been included when assets have been divided between divorced spouses before land redistribution (Teklu, 2005). Contributions of assets during the marriage are also related to power dynamics within a household (Quisumbing, 2003). The power relations of women in a household have improved after they have got access to land and have contributed this asset into their marriage. This has also positively enhanced the stability of marriage and protection of women's right to control their assets (Teklu, 2005; Tegegn, 2015).

Marriage is a patrilocal system where wives go to the residential areas of their husbands. The current land policies dictate that access to land depends on one's residential area (Woldegiorgis, 2015). This situation has many negative implications for women's access to land (Adal, 2002). Women cannot have access to land in a location where their parents live but in the residence of their husbands. In case of divorce or conflict with their husbands, the chance of losing their access to land is real. In addition to this, child marriage is still prevalent in Ethiopia due to the dominance of cultural values that bypass the marriageable age of 18 in the country. The existence of this tradition will undermine the right of women to access land. A recent study on this revealed that child marriage practice is still prevalent in Ethiopia due to poverty, illiteracy, child bride, virginity, family honor, socio-cultural norms, religious laws, and gender inequality (Afeta, 2020). These findings are corroborated by the UNICEF that confirms the widespread of the practice in its 2019 report (IBID).

**Marriage and access to land:** According to the RLAU 2000 law of Tigray, if a person doesn't reside in a location where s/he has land holding for two years, the land is taken and given to a landless member of a community (Gebru, 2011). In order to counterbalance the effect of residence rule to have access to land, the 2000 law enacted an exceptional article that guaranteed

women's right to retain a landholding of their previous location until they acquire a replacement in a location that they have moved to due to marriage (IBID). To correct the residence rule, the RLAU is revised in the Tigray regional proclamation 239/2014.

Polygamy is practiced commonly and is a norm accepted by women in Oromiya and other parts of the country (CSA, 2016). This marriage institution is not incorporated into the FDRE family law of 2000. The revised family code of the FDRE stipulates that women have equal rights entering into marriage, within marriage, and in divorce (RFC, 2000). In addition, the same law of Article 11 explicitly defines that marriage is monogamous, disbanding and making polygamy illegal while recognizing the regions to enact their own laws. There is a discrepancy between the regional laws on this. The regional rural land proclamation (Proclamation 56/2002) provides joint registration right on land to the first wife in a polygamous marriage and provides rights to hold land on their own to other wives. On the other hand, the regulation (Proclamation 39/2003) states that all wives within polygamous marriage should register jointly on the land registered in the husbands' name and share yields produced on the land (Woldetensae, 2007).

**Inconsistency between region law and RLAU regulation in SNNPR:** The regional rural land proclamation upholds that landholding right is not subject to stable dwelling in the area where land is situated. This policy provision that permits free movement of landholders rejects women's rights under polygamous marriages, as stated in the land administration implementation regulation. The regulation doesn't allow these women to use the land if they reside outside their residential Kebeles where land is located and if they engage in other businesses. These inconsistent provisions make it difficult to realize the land-holding women's rights in polygamous marriages (Woldetensae, A., 2007; Hailu, 2016).

**The patrilineal descent system impedes women's right to access land and other properties:** Parents arrange marriage, and young girls have very little influence over when and whom to marry. Further, they have to go to a husband that their clan or family has identified for them; the implication is that these girls, after marriage, relocate to the home of their new husband and inherit no land from their parents. Bride prices and dowries are usually used, and girls are seen as the property of the husband and his clan. This also

implies that if the husband dies, his wife is obliged to stay in the levirate marriage to the deceased husband's clan. Hence, a brother of the late husband would then become the new husband of the wife (Holden, S. and Tefera, T., 2008; Tura, H. A., 2014).

**Marriage and pastoral land:** In line with the patrilineal lineage system, women go to other clans and lineages through the patrilocal residence and do not have access to parental land. This is commonly observed in the study in Afar and Somali regions. However, the regions' land laws stated that access to land is granted to every resident of the region regardless of ethnicity, clan, sex, and origin, which seems a distant aspiration for many (Ridgewell et al., 2007). Land is vested under clan leaders who operate by customary laws rather than regional laws (Abebe, 2009). Women gain access to land and other resources through their husbands, brothers and sons, and members of the right clan or another socio-economic unit rather than through their independent right. This can be difficult if the husband has migrated into town to find work (Ridgewell, A. et al., 2007).

**Land inheritance:** One of the modalities of land acquisition, inheritance, doesn't seem to be harmonized with the Federal Revised Family Code (RFC) of 2000. The FDRE RFC of 2000 explicitly states that a family member is related by blood or marriage and has a right to inherit property, including land. Contravening this statement, the FDRE RLAU in (Art. 5.2 of Proc. 456/2005, art.7 of Amhara) says a family member is defined as "any person who permanently lives with the holder of holding right sharing the livelihood of the latter" (Art. 2.5 of Proc 456/2005) (Ambaye, 2012). This means the law does not specifically entail marital or blood relations for a person to be considered a family. There is a lack of clarity in passing property to a widow. In addition, the Amhara RLAU inheritance law gives priority to children or others that have resided in a household to transfer the holding right of rural land through inheritance (Teklu, B., 2005; Ambaye, D, W, 2012, Tegegn, B., 2015). The case of transferring land to widows has been dealt with with customary practices. The Amhara 252/2017 protects the inheritance right of widows and children if the land is transferred by will affect the right of family members.

Despite the existing land policy, the practice on the ground doesn't address the case of widows, and this has been handled in the customary law with some

inconsistency in the Amhara region. Thus, if the husband passes away and they had children together during their marital life, the woman automatically inherits all marital property, including land; she will share half of the marital property with her in-laws if they had no children. If the man is widowed, he inherits the marital property whether the couple had children or not (Tegegn, B., 2015). Similarly, customary practices also settle inheritance cases if no testament is left by a deceased and arbiter divorce cases. Women may not often get fair treatment and justice in the customary laws unless a woman has the support of a strong family (Tegegn, B., 2015).

**Inheritance of land for widows has been a challenge due to the delayed process.** According to the RLAU of 2000, the smallest size of land cannot be less than 25 Ha and women can transfer this land to children, grandchildren, or adopted children that have stayed in the land holder's household (Woldetensae, 2007). Delays in the process of inheritance have been observed in Tigray. Gender relations remain an obstacle. Inheritance processes – for women and men – are complicated by migration. Although married women had their share of landholding registered in their husbands' names, they retain their share of land at times of divorce (Woldetensae, 2007). In practice, however, many women experienced problems in claiming their land due to lack of legal court system, lack of clear documentation, and lack of financial ability of the women to get to a lawyer (Gebru, M.G., 2011). Prolonged absences often delaying the resolution of inheritance cases (Pankhurst & Don., 2011)

**Inheritance and fertility:** Widows' access to deceased husbands' land is attached to fertility, and in-laws would not allow a widow to live on their deceased relative's land if a widow is childless from that marriage (Woldetensae, A., 2007). In a study conducted in ADA, women's right to inherit land has been challenged. There are different findings in Ude on whether women have the right to inherit land when they divorce or not - with many explaining that it be contingent on whether or not it was the woman who brought the land into the marriage. Daughters temporarily seem more likely to inherit equally with their male siblings than in the past. However, in some parts of the country, these rights are conceded when they marry when women (unlike men) are usually unable to take land rights with them (Pankhurst & Don., 2018). The landlessness of the

young generation who have not been able to inherit land is an escalating social problem in Ethiopia.

In some instances, widows with children usually continue farming in their deceased husbands' lands as they continue to raise their children. Still, their right to inherit is indirect through their children (Woldetensae, 2007). The RLAU policy promotes that landless residents will be considered for the title if abandoned land is in a locality. Woldetensae (2007) reported that single/unmarried women's access to abandoned or unoccupied land had not been realized, and none of them accessed land through inheritance in Ada, Eastern Shewa. Polygamy is commonly practiced in the area and limits the right of women to inherit the land.

The patrilineal system allows elder sons and unmarried sons to inherit land, denying the same right for women even if not married. When it comes to inheritance of land within families, Holden and Tefera (2008) investigated this in Southern Ethiopia and found that the oldest son had more chance to inherit land, but also unmarried sons are likely to inherit land from their parents while daughters were much less likely to inherit land, even if they were unmarried (Holden, 2020).

**Land certification:** Women's right to access to land has been further strengthened by the land registration process that has issued certificates in joint titles of spouses. There are about 3.5 million estimated households in the Amhara region, of which 3.4 have registered and completed the first-level certification of their holdings. About 52% of land holdings are registered in the name of both spouses, 27% in women, and 21% are registered in men in Amhara (Hailu, 2016b). The process of registrations has not been fair involving women in practice. Training has been provided for KLUAC at the Kebele office by the district of RLAU. However, participation of women in the KLUAC has been limited: in some cases, women were not informed of a meeting that elects KLUAC, and in other instances, women have shown less interest to serve in the KLUAC. Due to these factors and the underlying attitudes against women, some women were excluded from registration in collusion with KLUAC. Some have been issued a certificate for one-third of the land title (Bezabih, M. et al., 2012; Tegegn, B., 2015). The KLUAC has had important tasks in the process, such as plot identification, demarcation, measurement, and field-based conflict resolution. The land certifications, in general, were effective in terms of cost compared to other countries, and it

has enhanced tenure security, participation in sharing crop markets and has had positive effects on farm productivity (Melesse, M. B. & Bulte, E., 2015) (Deininger, K. et al., 2011).

### Land Certifications and Women's rights

The GoE has had several policies to reform the land-holding rights in the light of improving tenure security. Two successive land certifications have been conducted in the four regions of Tigray, Amhara, Oromia,

and SNNPR. The former, known as First Level Land Certification (FLLC), was done in the early years of the EPRDF government in 1998 in Tigray and 2000 in Amhara, and Oromia and SNNPR. In 2014, the Second Level Land Certifications (SLLC) were carried out in the same four regions. Both have made some progress in boosting land security, but the SLLC was more organized and more effective than the FLLC. The following highlights the main differences between the two land confiscations.

TABLE 4:

## Comparisons of FLLC and SLLC

Outcomes of FLLC	Outcomes of SLLC
The training was given at KLUAC, but the process was not inclusive to women.	- Registrations of 14 million land parcels.
Certificates are issued as spousal property in the name of household head in Tigray) and as household head's property in Oromia (Woldetinsae, 2007).	legal frameworks are inclusive for Women, sometimes contain affirmative provisions; the land registration program is inclusive containing procedures for the protection of land rights of women; free legal aid services are being provided for women for their land right protection (Abebe and Tigistu, 2020)
Certificates have photos of both spouses in Amhara and SNNPR but not in Oromia.	Women participated during
Registration of holding.	Awareness-raising activities; demarcation and surveying; public display; certificate collection; and subsequent transaction.
FLLC, only 9% of certificates were issued in the name of household headmen in Amhara, but these certificates represented 58% of issued titles in Oromia (Deininger et al., 2007).	Gendered segregated information on land use. (Holden & Tilahun, 2020) in their innovative analysis of the 18 years (1998 to 2016) land registry system in Tigray, they reported that average farm size has declined from 1.15 to 0.90 ha over time; the documented female landholding share is 48.8% in 2016 (IBID).
<b>The land reform in Oromia has made little progress in empowering women compared to other regions.</b>	
Enhanced tenure security, reduced land-related disputes, increase participation of sharecropping markets, availability of land for rentals, and has had positive effects on farm productivity (Melesse, M. B. & Bulte, E., 2015) (Deininger, K. et al., 2011).	Increased tenure security and addressed the drawbacks of FLLC.
	The share of women private landholders is about 25 % of the total landholders. Their name appears on about 80% of the total certificates either jointly or privately (IBID).



## Outcomes of FLLC

Investment in land and, to some extent, increased the availability of land for the land market (Deininger et al., 2011)

## Outcomes of SLLC

**Land certification has boosted conservation activities.** Land certificates also had other positive effects in studies carried in Tigray, Amhara, Oromia, and SNNP regions (explained in Holden & Ghebru, 2016). Increased land investments and planting trees positively affect food production and food access for poor female-headed households who sharecropped their land (Mekonen, et al., 2012; Peters, B., 2018).

SLLC certification may have had the effect of decreasing the acceptability of **polygamy**, as no more than one wife can be named on the certificate (Pankhurst & Don, 2018).

In the same study, 35% of first wives and 51% of second wives in polygamous marriages, respectively, believe that the certificates will help them retain their holding title after their husbands' death (IBID).

More household consumption, homegrown food consumption, better health healthcare, and decreased education expenditure (Muchomba, 2017).

### **Land certificates improved the tenure security of women but have not yet resolved constraints that impoverish women.**

The land certifications had some positive impacts. It has improved tenure security, investment in land, and to some extent, increased the availability of land for the land market (Deininger et al., 2011; Ahmed, 2016). For fear of land redistribution and insecurity, farmers tend to prolong land rental contracts as a method of risk aversion (Beyene et al., 2012). It was also found that certification is a significant determinant of participation in major off-farm employment activities (Bezabih & Siba, 2017), and land certificates used to contribute little in facilitating credits and agricultural inputs (Gebeyehu, 2013); (Yami & Snyder, 2015). This has been changed recently as land certificates have been used as collateral to gain access to credits.

Land certifications are one of the best practices in improving the user right tenure security in the land sector. There is a need to correct titles issued in the name of household heads in Tigray and Oromia in FLLC. There is also a need to do research to learn from the actual practices of SLLC and its impact over time. However, having access to land and its certificate cannot ensure

improving the condition of women. Their lack of access to labour, oxen, and agricultural inputs undercut the advantage that they have gained in the land reform (Melesse, M. B. & Bulte, E., 2015; FAO, 2019; UN Women, 2019). In order to lead the efforts of empowering women, their access to land has to be supported by helping them resolve the shortages of complementary resources such as labour, oxen, credit facilities, and agricultural inputs. Particularly, female-headed households and the vulnerable groups still make the poorest households in the regions, as is the case in other parts of the country (Hailu, 2019).

Issuing land certificates is not an end in itself. Participating in the liberation struggle boosted the participation of women in public and political affairs (Holden, 2020). Many women started to plow land against cultural stereotypes. They abandoned this practice later as it increased their burden of household chores as they are solely responsible for taking care of the reproductive task in the household (Gebu, 2011; Woldetsae, 2007). Women's access to land has been undercut by the complimentary resources they were deprived of, such as labour, oxen, credit facilities, and agricultural inputs. Lack of these resources has been a challenge



to women (particularly female-headed households) who have been trapped in these deadlocks. These households have been constrained by shortages that

restrict the efficient and effective use of their land, not to mention the legal issues that commonly limit their claim overland (Gebru, M. G., 2011).

TABLE 5:

## Rural Land Rights in the Federal and different National Regional States

	Federal	Tigray	Amhara	Oromia	SNNPRS	Benishangul Gumuz
Rent Farmer	<ul style="list-style-type: none"> <li>Amount should not be all</li> <li>Period not mentioned</li> </ul>	<ul style="list-style-type: none"> <li>50% of the land</li> <li>3 yrs traditional</li> <li>20 yrs modern</li> </ul>	<ul style="list-style-type: none"> <li>No specific amount</li> <li>30 years</li> </ul>	50% 3 years traditional 15 modern	<ul style="list-style-type: none"> <li>No specific amount</li> <li>5 yrs from 10, 25 yrs farm investor</li> </ul>	<ul style="list-style-type: none"> <li>50% of holding</li> <li>2 yrs traditional</li> <li>10 yrs modern</li> </ul>
Lease Gov.- investor	Amount not specified	50 yrs for Agriculture investment	30 years	No mention	No mention	40 years subject to renewal every 5yr
Mortgage of lease right	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Donation	Allowed	-	To any farmer	To family member	To family members	To any person
Inheritance	Family members	<ul style="list-style-type: none"> <li>Children</li> <li>Parents</li> <li>Dependants (With no land)</li> </ul>	<ul style="list-style-type: none"> <li>To any farmer by will</li> <li>Minor children</li> <li>Children no land</li> <li>Children land</li> <li>Parents</li> </ul>	To family members (includes dependents)	To family members	<ul style="list-style-type: none"> <li>To any farmer by will</li> <li>Minor children</li> <li>Children no land</li> <li>Children land</li> <li>Parents</li> </ul>
Record format of FSSL	-	Manual	Manual	Manual	Manual	NA
Registration system FSSL	-	Low-tech traditional title registration	Low-tech traditional title registration	Low-tech traditional title registration	Low-tech traditional title registration	NA
Right being registered FSSL	-	Use-right	Use-right	Use-right	Use-right	NA

	Federal	Tigray	Amhara	Oromia	SNNPRS	Benishangul Gumuz
Registered use-right holder	-	Single or joint title (spouse), local gov. and communities for communal land	Single or joint title (spouse), local gov. and communities for communal land	Single or joint title (spouse), local gov. and communities for communal land	Single or joint title (spouse), local gov. and communities for communal land	NA
Name on Certificates	-	Household head (men in marriage)	Both spouses	Both spouses	Both spouses	NA
Registration of polygamy	-	Joint title with one wife	Joint title with one wife	Joint titles with all wives	Joint title with one wife	Joint title with wives if they agree. Otherwise, they take their own share.

Source: (Ambaye, 2012; Abebe, 2020, Amhara RLAU 252/2017, Tigray RLAU, 239/2014)

### FLLC has not had the same level of effect in providing tenure security to married women in Oromia.

The regional land use and administration proclamation and the implementation regulation didn't emphasize landholding and administering rights of women. Using households as units of rural land allocation puts women at a disadvantage. Land is allocated to a household and registered by its head in FLLC despite the law stipulating spousal-joint registration of landholding (Woldetensae, 2007). The practice of joint certification implemented in SLLC to correct this in FLLC. During FLLC, inconsistencies have been seen in regions as landholding certificates have photos of both spouses in Amhara and SNNPR but not in Oromia. However, the certification has a slot for spousal joint holding (Deininget et al., 2007). In this way, during FLLC, only 9% of certificates were issued in the name of household headmen in Amhara, but these certificates represented 58% of issued titles in Oromia (IBID).

Consequently, the land reform in Oromia has made little progress in empowering women compared to other regions though others have their own limitations. The inability to issue holding certificates jointly undermines the opportunity of boosting women's right to land titles. As a result, women have little control over land

and their products. In addition, female-headed households with land titles have not benefited from their holdings as they don't have labour, oxen, and agricultural inputs (Woldetensae, 2007). The land law practice needs to have a provision to protect women's rights, particularly Female-headed households and single women in areas where property ownership, transfer, and inheritance are acquired through patrilineal lines of descent. In addition, the regional rural land administration and use proclamation have no provision for promoting the policy and familiarizing communities with the land administration system.

### Land certification has boosted conservation activities.

Land certificates also had other positive effects. In studies carried in Tigray, Amhara, Oromia, and SNNP regions (explained in Holden & Ghebru, 2016), it is seen that land transfer rights and tenure security are linked to higher investments. In one study, low-cost land certification had a substantial positive effect on planting trees and soil conservation. In a second similar study, the land certification intervention was established to positively affect food production and food access for poor female-headed households who sharecropped their land (Mekonnen et al., 2012; Peters, B., 2018).

TABLE 6:

## Achievements in first level land certification (FLLC)

Regions	Total Rural households		Rural households received first level landholding certificates		
	Total	Male headed	Total	Male Headed	Female Headed
Amhara	3,500,000		3,325,000	2,191,047	1,133,953
Oromia	4,014,500		3,091,165	2,598,027	493,138
SNNP	2,979,851		2,289,571	1,991,927	287,644
Tigray	695,000		688,050	598,604	89,446
Harari	13,543		1,125	817	308
Dire Dawa	21,000		500	NA	NA
Gambela	53,000		2,000	NA	NA
Somali	101,554		NA	NA	NA
Afar	25,765		NA	NA	NA
Benishangul Gumuz	125,175		NA	NA	NA
<b>Total</b>	<b>11,529,388</b>		<b>9,397,411</b>	<b>7,380,649</b>	<b>2,004,533</b>

Source: Hailu, Z., 2016

### Land certification had a positive effect on SNN-PR.

The first stage of land registration has taken place in the region. In SNNPR, from registered landholders, about 51% of land holdings are recorded in the name of both spouses, 12 % by women and 37 % are registered by men (Hailu, 2016). The studies identified that issuing joint certificates contributed to reducing border and land inheritance disputes, encouraged the motivation to plant trees, increased tenure security and investment incentives in line with findings in Tigray (Holden, T., 2008; Deinger, K. et al., 2011; Holden and Gebru, 2016). In contrast to the findings in Tigray, the participation of women in land rental may have arrested the excessive land rentals, whereas the findings Tigray pushed more land rentals in the market, and only men decide on this (Holden et al., 2007). Also, marking borders of land plots has resolved the many land encroachment issues that may lead to disputes, but the root cause of land disputes can be resolved by reducing the pressure of population growth on the land in various ways.

Despite the progress made in improving women's tenure security, there has been little progress in increasing the involvement of women in asset control and management, including rural land. Thus, the reform has so far had some but the limited influence on women's ability to have a say on farm management. This may be due to the strong patriarchal values and male dominance in household-farm decision-making (Holden, T & Tefera, T., 2008; Tura, H. A., 2014). This is why some argue against focusing gender policy in targeting cultural institutions where women's bargaining power is compromised due to dominant patriarchal values (Mabsout & Staveren, 2010). In addition, the second stage joint land certifications brought more positive outcomes than certificates issued in FLLC, such as more household consumption, consumption of home-grown food, better health healthcare, and decreased education expenditure (Muchomba, 2017). Issuing joint holding certificates has increased the participation of women in land rentals as the deal has to be approved by both holders and be authorized by the Kebele officials (Holden, S. & Tefera, T., 2008). The land

certification system is understood to be pro-poor as a decision on land rentals has been made on consent with the participation of women. LIFT's studies have shown that one of the opportunities for women's economic empowerment is using "land use rights as collateral" to access loans (Ziade Hailu et al., 2019).

Despite this trend, a recent change on land proclamations has introduced more individualized rights, where in land brought to marriage may be controlled by the person who brought it into marriage. This change may decline the position of women under the usual virilocal residence system (Holden, T & Tefera, T., 2008; Gebretsion & Demesssie, 2018). There is a need to investigate whether joint titling of land may or may not affect women's rights in matrimonial property. Joint titling is not always allowed by the land administration entities (or courts) if the land belonged to only one of the spouses prior to marriage, even if both spouses consent to make it marital property (e.g., Tigray). Oromia and SNNPR laws are unclear, while Amhara explicitly permits (Belay and Rose, 2019).

**The first-level certification improved the welfare of women in Amhara, Oromia, and SNNPR.** A study looked at male-headed households and whether it made a difference that the head of households received certificates (Tigray region) or whether the spouses received joint certificates (Amhara, Oromia, and SNNP regions). Muchomb (2017) assessed welfare effects in household expenditures on healthcare, homegrown and purchased foods, clothing, and education. Among the interesting findings were that joint certification and perceived tenure security among women were positively related with expenditure on clothing for women and girls and negatively for men and boys, pointing towards strengthened bargaining power of women. Another interesting finding was that head-only certification (Tigray) was associated negatively with the probability of illness (Muchomba, 2017). In other words, certification enhanced the food security of households. Recent efforts at land certification and registration have increasingly recognized women's rights to land. Melesse, Dabissa & Bulte 2017; Tsegaye & Dessalegn, 2017; Peters, B., 2018) see that joint land certification in Ethiopia has an encouraging and statistically significant impact on various (but not all) scopes of women's empowerment. Specifically, certified women are more likely to participate in household decisions and community activities. They are also conscious of their land rights and land-related provisions,

have a higher perceived level of tenure security, and are more prepared to guard their land rights.

**Certification is given to communal rights in pastoral areas.** Landholders can transfer their land through bequeath. Also, private and communal landholder agro-pastoralists can rent and lease their holdings to others as long as it doesn't displace them, as enshrined in Art 11 of Afar and Somali land proclamations (Sisay, Mulugeta G., et al., 2018). Similar rights are not given to pastoralists for fear of breaching communal rights. The regional laws enacted communal certification rules for pastoral and agro-pastoral lands. The laws outline that communal lands should be measured and itemized under the name of the users and placed in the hands of the community's representative (Arts. 5(1) and 16(5) of Afar, and Arts. 5(1) and 15(5) of Somali land proclamations) (IBID). The law states that use right is granted if holders are members of a registered certified grazing system at the district level. Still, these laws largely remain on paper only implemented in Borana pastoral areas. In other pastoral places, traditional practices continue, and certification of the pastoral land use right of the pastoralists mostly remains only on paper except for those settled and possess farming lands (Sisay, Mulugeta G., et al., 2018).

Following 456/2005 FDRE law, Oromia state law recognizes communal landholdings and customary rights of access to land for communal uses such as grazing, ritual ceremonies, and public activities for both peasants and pastoralists. The SNNPR regional law recognized the customary right of communal landholdings of pastoralists. Similarly, (Sisay, Mulugeta. G. et al., 2018). The Regional State of Afar has wide-ranging land use and management documents: separate land policy, proclamation, regulation, and directives. However, the Somali National Regional State (2013) has issued only land policy documents and a proclamation; the regulations, directives, and guidelines are yet to be decreed (Sisay. Mulugeta. G. et al., 2018).

**Second Level Land Certification:** The overall impact of the second certificates is not known, especially in relation to the decision of assets at the household level. Nevertheless, it has an incremental effect in strengthening the tenure security of women's right to rural land by reaching places that were reached in the first round, and the impact also varies from one area to another (Holden, 2020). Issuing certificates based on parcels of plots improved women's access to land, as shown below from SLLC.

FIGURE 2:

## Regional summary of Parcel area by Gender

	Total Parcel Area H	M Parcel Area H	F Parcel Area H	MM Parcel Area H	FF Parcel Area H	MF Parcel Area H
Oromia	680,356	71,273 (10%)	113,346 (17%)	810	1039	493,889 (73%)
Amhara	1,545,892	258,671 (17%)	357,071 (23%)	-	-	930,150 (60%)
Tigray	614,840	151,164 (25%)	162,720 (27%)	9,750.73	7,987	283,218 (46%)
SNNP	556,055	65,149 (12%)	71,357 (13%)	2,976	1,683	414,888 (75%)
<b>Total</b>	<b>3,397,143</b>	<b>546,257 (16%)</b>	<b>704,494 (21%)</b>	<b>14,423</b>	<b>11,729</b>	<b>2,122,145 (62%)</b>

Source: (Hailu et al., 2019). P.36.

### Second level certification improved the right of women in polygamous marriages.

Holden and Tefera (2008) found out that the low-cost land reform in Southern Ethiopia has backed to boost the perceptions of tenure security for both women and men. The women's names on the land certificates increased the perception that the women would keep the land after the divorce or death of their husbands. Despite the unfair relationships in polygamous marriages, women from monogamous and polygamous marriages confirmed that issuing their pictures and names on the land certificates increased their perceived holding title. They hope that it will be useful in guaranteeing their rights to access to land after divorce or husbands' death. These views were reflected in the study by 43% and 41% of women in monogamous and polygamous marriages, respectively (Holden, S. & Tefera, T., 2008). In the same study, 35% of first wives and 51% of second wives in polygamous marriages, respectively, believe that the certificates will help them retain their holding title after the death of their husbands (IBID). In addition to this, SLLC may have an unexpected positive impact on household relations. The influxes of the first-level certification do seem to have been significant, however. In Aze Debo, some interlocutors indicated that SLLC certification might have had the effect of decreasing the acceptability of polygamy, as no

more than one wife can be named on the certificate (Pankhurst & Don, 2018).

### The second certification improved women's rights to access land.

The Second Stage Land Registry (SLLC) was scaled up from 2014, and it had used up-to-date tools for registration and area measurement. All owners of parcels were recorded for all parcels. This data facilitates the analysis of gendered segregated information on land use. (Holden & Tilahun, 2020) in their innovative analysis of the 18 years (1998 to 2016) the land registry system in Tigray, they reported that the average farm size has declined from 1.15 to 0.90 ha over time; the documented female landholding share is 48.8% in 2016 (IBID).

In general, the SLLC has not made a significant change in terms of strengthening land tenure. Data does not conclusively support the claim that second-level (GIS-based) certification strengthens women's inheritance rights beyond those secured by FLLC (Persha et al., 2017; Pankhurst & Don, 2018). Moreover, the land certificates have not been updated regularly (being static, with no record on new transactions) and fail to reflect the changes in the community that come due to various land transfer mechanisms (Pankhurst & Don, 2018).

### 5.3 Gender and Land Conflicts Resolutions Mechanism

Land disputes and arbitrations mechanisms have been incorporated in FDRE and regional laws. Regular courts (Woreda / first instance, high, and supreme) are acknowledged as having mandatory power over all disputes, including one originating from land. However, these practices have not been consistently applied; in some instances, administrative authorities handle land-related disputes without having a specific mandate under the law (Hailu, 2016). The FDRE 1995 constitution with Article 78.5 accepts a plurality of the legal framework recognizing religious and customary laws and their courts. Although there are some differences in how regional land laws address disputes, they all accept the traditional mechanisms of customary laws in resolving disputes (Woldegiorgis, 2015). With the exception of the Amhara and Tigray regions, no uniform procedures and guidelines have been developed for village-level traditional mediations (Hailu, 2016). The poor and vulnerable prefer these mediation mechanisms due to their low cost, but they would have been better off using civil courts. In addition, these traditional mediations (often occupied by elderly men) have been unfair to women in resolving disputes over land (Gebbru, 2011; Tegegn, 2015).

Land dispute comprises many of the court cases in the earlier periods of Ethiopia. In present rural Ethiopia, the core cause of the dispute is a scarcity of agricultural land in the face of high population pressure and very limited substitute means of livelihood. The FDRE Rural Land Administration 87/1997 law did not address the mechanism to settle land disputes, although regional laws attempted to include articles to administer land disputes. The 456/2005 proclamation includes articles to address land disputes (Hailu, 2016). The issues don't come from the articles. Still, through implementations, the land disputes mediation is often not supportive to women as the committee members, elderly men, do not enforce women's rights. Existing local mediation systems are often biased against women in divorce situations as these are occupied by men who follow cultural norms (Hailu et al., 2019).

Land registrations and certifications measures aim to strengthen tenure security and reduce land disputes as they have cadaster demarcations of holdings. Despite all the remarkable gains of the land registration and certification activities in Ethiopia, the quantity of

land disputes among landholders and family members is growing at a worrying rate. For instance, it is described that land-related disputes are covering more than 70 percent of civil hearings and 48 percent of homicide crimes in the Amhara Region Courts (Hailu, 2016). Factors that lead to denying the right of women and trigger disputes were gathered in the LIFT project. These included periods of limitation, perjury, and forgery of evidence, forceful annexation after renting or being a neighboring holder, failure to repay the loan taken, absence of official representation for the elderly and person with a disability, and lack of official guardian appointment for orphan children (Ziade Hailu et al., 2019).

Lower-level courts did not make the jurisdiction of cases according to the land law. Law students were sent to assess cases of land dispute decisions in Tigray and SNNP courts. One of the things they assessed was whether the court decisions were in line with the land laws. The students identified that the law was not typically followed in many such cases. The knowledge of the law, and especially recent changes in the law, were typically not well communicated to or known by local court judges. Even knowing the land laws was very poor among kebele and Woreda land administration representatives (Holden, 2020).

**The land rentals and lease deals have been operating in informal deals leading to disputes.** The rural land law favors aged, women, disabled, and orphans to use their land through renting and share-cropping arrangements. The law doesn't address how to protect the rights of these vulnerable groups, exposing them to powerful and wealthy that use their investment through long contracts (Hailu, 2016).

**Using arbitrary committees is a disadvantage to women.** As it operates in the values and norms of patriarchal attitudes, resolving disputes through arbitrary committees has been a disadvantage for women. Still, the options are limited as women cannot afford the lengthy court procedures that take their time and few resources (Tura, H. A., 2014). Holden and Tefera (2008) reported that more than 200 local conflict mediators revealed that they did not trust district (Woreda) courts to give fair judgments. There was a common perception that these courts benefited the wealthy and influential. It was observed that courts in Gondar did not consider the decision of arbitrary elders when a case was referred to them, and they evaluate the



case from scratch. A dispute settlement mechanism that is accessible, timely, and affordable for women is not available. In addition, the laws do not address the rights of women in polygamous unions. The significant gap that impedes proper land use by the low-income community is the poor preparation and implementation of land use plans in rural areas (Hailu, 2016).

**Women play a key role in mediating and helping to resolve the conflict between clans.** A related study outlines women's role within the customary system in settling conflict and sustaining peace. Inter-clan marriage within a specific ethnic group plays a crucial role in forming social capital where marriage relationships serve as a basis for reconnecting the clans in conflict through these women. There is a saying among the Somali where 'women are considered ambassadors in resolving inter-clan conflict' (Mohammed & Fekadu, 2016).

## 5.4 Gender and Land-based Investment

RLAU 456/2005 clearly states that land will be allocated for investors in lease dealing by the federal and regional governments; more extensive tracts of land are given for investment by the federal government (Negarit Gazeta, 2005). Donors and development partners support this measure. The commercialization of land and the shift to large scale agriculture is being presented by the Ethiopian government and international bodies such as the World Bank as an essential measure for agricultural modernization and the improvement of productive efficiency, which is said to lead to increased food production and economic growth (Rahimeto, 2011). These investments have been made without due consultations with communities and without assessing their impacts on the livelihoods of communities and the environment. Rhaimeto (2011) reported that the government has already transferred about 3.5 million hectares of land to investors. These land transactions have been pending recently following the reform in 2018 that brought PM Abiy into power.

**Large-scale investment deals have encroached on the communal landholding system creating enormous pressure on the local communities, particularly women who lost their right to fetch water, fish on rivers, and collect wood from nearby fields due to the large-scale enclosures and**

**projects provided for investors.** In a study conducted in Omiya and Gambela, Rahimeto (2011) and Ab-bink (2011) found that transferring large tracts of land for investment had a negative impact on local communities, including women. Consequently, it is paradoxical that the government, which is one of the most food-deficient countries in the world, is handing over vast land and water resources to foreign investors to help the food security efforts of their home countries or to gain profits for their companies without making sufficient protections that the investment projects will provide for the food security. Their people. Allocating land to investors was insensitive to gender issues in other African countries and needed to be monitored in a well-developed land governance system (Deininger et al., 2014). In addition, much of the land offered is classified by the state and other elite as 'unused' or 'underutilized,' overlooking the spatially extensive use of land in shifting cultivation and pastoralism. This threatens the land rights and livelihoods of ethnic minority indigenous communities in these lowlands (Moreda, 2017).

Moreover, the number of enclosures and privatization of land has been created in pastoral areas. These have a negative impact on women. Due to the diminished communal land areas, women are forced to travel long distances to collect fuelwood. In addition, private land tenures have increased, and certificates have been issued, usually in the names of men. These developments will increase the marginalization of women. This style of tenure where title deeds have been given to men marginalizing women from decision making and access to resources (Ridgewell, A. et al., 2007).

## 5.5 Gender, Land, Property, and Housing

The urban lease law was enacted preceding the 1995 Constriction of the FDRE. The lease system was adopted in Ethiopia as a sole means of urban landholding in 1993 (Urban Lands Lease Holding, Proclamation No. 80/1993). This law was retracted in 2002 (Proc. 272/2002), and it again was replaced by the current proclamation in October 2011 (Proc. 721/2011) (Am-baye, 2012). The proclamation 818/2014 for registration of urban landholding is used. The process of implementing the lease has never been effective. Demand for land in urban areas has been more significant in amount than the supply of land given by the

land authorities. Besides corruption, non-transparency and injustice were reined in the system, creating a haven for a few urban speculators and brokers. These constraints led the government to revise the lease law in 2011 to satisfy the growing demand and bring good governance (IBID). The land tenure in cities recognizes three tenures: old private possessions, leaseholds, and condominiums.

Urban land was transferred from municipalities to residents in five modalities inconsistent with federal and state laws. There were five modalities of urban land acquisition: auction, negotiation, assignment, award, and lot. Auction and negotiation were the two most significant methods for cities to collect income from land lease agreements (Ambaye, 2012; Haile, Z., 2016). Now, some of the modalities are believed to open loopholes for bad governance and corruption. Consequently, the government argued, the law recognizes only tender (auction) and allotment (land lease transfer without auction) as the two basic means of lease transfer from government to citizens (art.6 of Proc 721/2011) (Proc.721/2011) (Ambaye, 2012; Hailu, 2016). In addition, the performance measurement methods of cadastral systems are not appropriate in urban settings. In most developing countries, systematic performance evaluation mechanisms for cadastral systems are very inadequate. For example, Ethiopia has no systematic evaluation framework to measure and evaluate the state of cadastral systems (Chekole et al., 2020).

### Access to land

Women have the equal right of holding land in a lease, as enshrined in the constitution. A lease is in the 1993 Proc defined as “a system of land tenure by which the right of use of urban land is acquired under a contract for a definite period” (Ambaye, 2012). An urban centre is characterized as any locality with a municipality or a population of 2000 or more. More than 50% of the earnings of the people are derived from non-agricultural activities (IBID). The lease period can vary from one town to another depending on the socio-economic development of the area. The law puts 99 years for residential and scientific research and other activities, 15 years of the lease for urban agriculture, and for offices and residential areas to embassies and diplomats depends on the agreement reached. The 1993 lease law had two main aims. These were to respond to the growing need for urban land following the rapid development registered in the country. The second was

introducing good governance in the land administration that promotes transparent and equitable urban land administration in the market. The lease law had no provision to support the growing number of urban poor in the country. The majority of them are women. It had no provision, the condominium law, to support women. The lease price has demonstrated high increase rates since it has been introduced in the country, marginalizing the poor and women from the land lease market (Hailu, 2016).

RFC is applied better in the urban areas as awareness of the law is better than in the rural areas, and legal services are available on a fee or from volunteer legal organizations of women that support women in settling division of property following a divorce. The RFC expedites the process of divorce, but it has not given the necessary provision for women who lost their income after the end of a marriage. The need for providing support is not included for women who are dependent on husbands for their livelihoods (Gizaw, 2007).

Integrating the poor in urban development is a key policy matter that has not been adequately addressed, although the government has made various attempts. Most of the housing units in Addis Ababa need to be replaced due to their poor conditions. Hence, the government estimates that the current housing shortfall is between 900,000 and 1,000,000 urban areas. Only 30 percent of the existing housing property is in fair condition, with the remaining 70 percent in need of total reconstruction of houses. In Addis Ababa alone, 300,000 units must meet the shortage (Hailu, Z., 2016). Having recognized the gender gaps in housing, the government allocated 30% condominiums to women leaving 70% to be distributed on a lottery basis. This sector is also instrumental to gender gaps in housing, allocating 30% of low-cost all condominium housing to women and giving away 70% of them on a lottery for both women and men. (CEDAW, 2017). It was reported that from 2006/07 to 2007/08 and the number of housing units constructed and transferred in six regions showed that the percentage of women beneficiaries from the total number of housing units transferred consisted of only 37 percent of the housing stock (UN women, 2014).

### Urban Housing

Since the transition in 1991, the government has sought to introduce a more market-oriented housing

development approach. With the introduction of the urban land lease holding Proclamation in 1993, the government defined leasehold as the tenure form of choice. Land to be used for social services and low-cost houses may be leased free of charge (Proclamation No. 80/1993). The Addis Ababa City Government's Urban Land Lease Holding Regulation No. 3/1994 declared that urban land should be used for business and residential construction. In addition to the land lease law, other measures have contributed to the liberalization of the housing market. Subsidies on the sale of building materials have been removed, and interest rates for housing construction have been set at market rates. (Regulation No. 3/1994).

Following the growing demand for housing and the lack of affordability of housing marketing in the city, the government developed low-cost housing projects known as condominiums. The development of the national IHDP in 2006 exploited the experiences of the Addis Ababa city administration between 2004 and 2005 that had commenced new ways of delivering low-cost, inexpensive housing to urban residents (MUDCo, 2014). The IHDP design has made the houses low-cost and affordable to many low and middle-income urban

dwellers. Accordingly, the actual building cost of the program per sq. meter of ETB 886 (USD 68) that increased from the planned ETB 800 (USD 61) was considerably lower than the construction cost in the free market probable to reach ETB 2000 (USD 154) (IBID). Within a couple of years, the project produced less than 50% of housing units. It has been demonstrated. These low-cost houses have been inexpensive enough to be affordable by the poor due to the alarming rates of increase in the cost of construction materials and the housing market. These projects have been suspended since mid-2010 in the regions because of low effective demand and the weak ability to pay the down payment and the monthly mortgage (principal and interest (MUDCo, 2014).

Although the data below doesn't show the 30% condos allotted for women due to affirmative actions, the MUDCo in the validation workshop argued that affirmative action was implemented. However, no assessment was made to see women that maintained their housing title after the distribution. The following table shows gender-segregated data that demonstrated 52% of women benefited from the integrated housing project from all types of houses in Addis Ababa.

TABLE 7:

### Distribution of Condominiums housing for women in Addis Ababa

Round	Year	Number of women that got houses through a lottery with a Mortgage rate ratio of 20% down payment, 10% down payment, and 40% down payment				
		10% down payment	Integrated house Development project 20% down payment	Total	Women Beneficiaries	
					Number	Percentage
1	2006		18,972	18,972	9,269	48.9
2	2007		15,031	15,031	8,495	56.5
3	2009		11,005	11,005	6,136	55.8
4	2009		15,029	15,029	8,297	55.2
5	2010		10,747	10,747	5,888	54.8
6	2011		9,981	9,981	4,453	44.6
7	2012		7,300	7,300	3,963	54.3
8	2013		10,078	10,078	5,367	53.3
9	2013		9,824	9,824	5,511	56.1

Number of women that got houses through a lottery with a Mortgage rate ratio of 20% down payment, 10% down payment, and 40% down payment						
Round	Year	10% down payment	Integrated house Development project 20% down payment	Total	Women Beneficiaries	
					Number	Percentage
10	2015	960	33,585	34,545	16,587	48.0
11	2017	18,938	11,695	30,633	16,315	53.3
12	2018		2,604	2,604	1,148	44.1
13	2019		32653	32653		
<b>Distribution of houses on 10% and 20% down payment</b>		<b>19,898</b>	<b>188,504</b>	<b>188,504</b>		<b>52.0</b>
<b>Distribution of houses on 40% down payment (1<sup>st</sup> round)</b>						
	2010		972	972	425	43.7
	2011		18576	18576		
	Total		19548	19548		
<b>Grand Total</b>		<b>208,052</b>	<b>208,052</b>		<b>52.0</b>	

Source: MUDCo Women and Children Directorate

There is evidence that the pro-poor integrated housing project failed to achieve its goal: increasing access to housing for the poor, including women, due to the high cost of house prices (Pankhurst and Don, 2018). If an assessment was done on the affirmative action of housing beneficiaries, it could have enlightened policymakers. In the absence of this evidence, it is very hard to conclude that the integrated housing project empowered women.

Despite the pro-poor intervention outlined, the inner city development in Addis Ababa has impoverished the poor, including many women that operate in the informal sector to make their livelihoods. The study disclosed that female-headed households are seriously affected by housing and urban development-induced displacement. The data starkly witness that the intervention leads to the increased poverty level, loss of livelihoods and asset bases, unavailability and lack of service facilities, poor housing conditions, and

unaffordability of condominium houses. This condition created feminization of poverty as many inner-city female-headed households were affected in the redevelopment program (Megento, 2013).

It was discussed in the workshop that the joint spousal title of landholding helps to protect women's rights in the land sector. This practice is not copied in the urban landholding registry system, and the registrar is filed in the name of a landholder, often in the name of a household head (Negarti Gazeta, 2014). This creates a loophole in denying women's right to the land in the event of divorce and inheritance, and other forms of property transfer. These need attention from the policymakers in revising the urban land registry system in relation to gender. In addition, the current system paves the way for land speculators that led to corrupt practices.

In the current context of urbanization and land administration in cities, it is fair to conclude that land is a

vehicle for inequality and corruption (Pankhurst & Don, 2018). As stated above, the need to revise the lease law has come into practice to reduce the destructive governance practices of urban land acquisition. However, it seems to have not affected the spread of corruption in land administration in cities. Corruption in urban and rural land deals (expropriation, illicit sales, improper auctions) is more widely observed in previous research rounds. It is particularly (but not only) visible in the development corridors where economic drivers are stronger. Data indicates that widespread current practices regarding land provisions are driving inequality, poverty, and frustration (Pankhurst & Don, 2018). The expansion of Addis Ababa had an impact on displacing many farmers from the city's outskirts. Thus, in addition to the natural urban growth, corruption in the government and land use for political leverages have played a significant role in the forced eviction of peasants (Bula, 2020). This impacts all communities, but it further asserts that women may be more affected by this process as they are already social and economically marginalized. This calls for entrenching a virtuous circle reform in the legal framework and building the capacity of land administration in the cities.

## 5.6 Land Re-development and Expropriation

The Proclamation to Provide for the Expropriation of Land Holdings for Public Purposes and Payment of Compensation 2005 Law stresses the need for urban development for the benefits of communities. If holders are moved. As a result, there is compensation for land expropriation. The law states the following taken from Woldegiorgis (2015):

Article 51(5) of the Constitution empowers the Federal Government to enact laws regarding the utilization of land, and it is deemed necessary to regulate in detail, based on the requirement of advance payment of compensation for private property appropriated for public purpose as provided for under Article 40(8) of the Constitution. Urban centers of the country have, from time to time, been growing. The number of urban dwellers has been increasing. Land redevelopment for constructing dwelling houses, infrastructure investment, and other services has become necessary according to their respective plans. Preparation and provision

of land for development work in rural areas has become necessary. (p.3124)

Urban redevelopment is necessary, but the process of conducting is often marred with a lack of transparency and with little effort to protect and develop those affected in the process. Most of the time, communities are relocated from the center of cities to the peripheries losing their livelihoods. In most cases, women, as the main actors in the informal sector, were affected by these moves. In the course of land expropriation for development activities, the partaking of affected farmers and communities in urban expansion is different from one urban centre to the others. In this regard, many scholars emphasize the little participation of the public in compensation decision-making and benefits packages, which implies the government is the only decision-maker in compensation and benefits package computation.

The compensation is being paid in kind and cash. The procedure says that an urban landholder whose land has been expropriated under the proclamation shall be provided with a plot of urban land with access to similar public infrastructure and services (Hailu, 2016). In reality, this has never been implemented in many instances, and those who were relocated were settled in poorly developed peripheral parts of the city. This was also witnessed by Ambaye (2012) and (Kumsa, 2011) who stated that people are not compensated for the costs they incur as a result of the change in location. When dislocated people moved to the new homes in the periphery, the people (mostly women) who used to do small home-based businesses lost their income. The new settlement has little demand for their products. Solomon (2020) argued that Ethiopia learns a good lesson from other African countries in making land governance more environmentally friendly based on justice that respects customary rights of communities affected by land expropriation. He stated that in land legislation, in African countries such as Ghana and Uganda compensate owners not only for the value of the produce upon their land but also for the market value of the land taken, cost of disturbance, and any other damage like severance and injurious affection (Solomon, 2020). Having understood the damage made to communities in the past, the current GoE enacted a new expropriation law 1161/2019. The law has not yet been implemented (FDRE Council of Representatives, 2019).



Continuity of urban and rural land areas has not been the focus of the recent land policies. All towns have been expanded horizontally into peri-urban areas, and the interface between urban and rural lands has been enjoying dynamic interactions as a development corridor. On the one hand, formal processes of land administration or intervention are in a state of inertia or inaction; meanwhile, informal – illegal - processes of land amassing and expropriation have speeded up unabated and unchecked. The longer this condition is allowed to continue, the more problematic will be the future task of untying “facts on the ground” (Pankhurst & Don, 2018).

These market-oriented informal dealings may marginalize the poor, including women. They undermine the statutory law (Geberamanuel & Gurero, 2017).

It is argued that Ethiopia's majority of rural subsistence farmers, the poor and middle-level urban residents,

and the growing cohorts of young graduates; many of them unemployed, have not benefited, though identified, as the primary constituencies to be served by the developmental state model in Ethiopia (Pankhurst & Don, 2018). In the current context of the land sector, rural and urban land administration was conducted in two different offices: MoA and MUDCo. It was outlined in the validation workshop that integrating the land sector into one office has many advantages in addressing the development of effective land-use planning. MUDCo needs to have an urban planning scheme that considers population expansion to develop rural lands near towns. The practice is already observed in the Oromia region, where rural and urban land administration is run from one office. This approach helps address social and legal issues that have been manifested in the development corridors of the urban-rural continuum.



## 6 PERFORMANCE ASSESSMENT OF LAND SECTOR USING A LEGAL ASSESSMENT TOOL

Rationale	Stage
Absence of the indicator in the legal framework	0
A policy is being developed	1
A policy is in place	1.5
Draft legislation is to be submitted for deliberations	2
The indicator appears in primary law	3
The indicator appears in multiple legal instruments	4
Not applicable	N/A

### LEGAL ASSESSMENT TOOL

Key element 1: Ratification of human rights instruments	Yes/ No	Legal basis	Recommendations
1 The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is ratified.	Yes	<p><b>Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979. (CEDAW)</b></p> <p>The Convention was adopted by the United Nations General Assembly on 18 December 1979. It entered into force as an international treaty on 3 September 1981 after the twentieth country had ratified it.</p> <p><b>Ethiopia signed the Convention on 8 Jul 1980; and ratified on 10 Sep 1981</b></p> <p><i>Reservation:</i> Socialist Ethiopia does not consider itself bound by paragraph 1 of article 29 of the Convention.</p> <p>Article 29 1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention, which is not settled by negotiation, shall be submitted to arbitration at the request of one of them. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.</p>	

Key element 1: Ratification of human rights instruments		Yes/ No	Legal basis	Recommendations
2	The African Charter on Human and Peoples' Rights (ACHPR) is ratified.	Yes/	<p><b>The African Charter on Human and Peoples' Rights (African Charter)</b> has been <b>ratified</b> by fifty-four (54) <b>African Union (AU)</b> the Member States. The latest AU Member State to become a Party to the <b>African Charter</b> is the Republic of South Sudan, having <b>ratified</b> the <b>Charter</b> on 23 October 2013.</p> <p><b>Ethiopia ratified the Charter on June 15, 1998; and deposited June 22, 1998</b></p>	It is adopted July 01, 2003, and entered into force November 25, 2005. Ethiopia ratified the charter on 18/07/2018.
3	The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) is ratified.	Yes	<p><b>The Maputo Protocol Advances African Women's Rights:</b> One of the world's most comprehensive and progressive women's human rights instruments, the Protocol to the African Charter on the Rights of Women in Africa ('the Maputo Protocol'), was adopted by Heads of State and Government in Maputo, Mozambique on 11 July 2003.</p> <p>The Protocol guarantees extensive rights to African women and girls and includes progressive provisions on:</p> <ul style="list-style-type: none"> <li>Harmful traditional practices, e.g., child marriage and female genital mutilation (FGM)</li> <li>Reproductive health and rights</li> <li>Roles in political processes</li> <li>Economic empowerment</li> <li>Ending violence against women</li> </ul> <p><b>Ethiopia signed the Protocol on 01/06/2004; ratified on 18/07/2018, and deposited on 17/09/2019</b></p>	
Key element 2: Elimination of gender-based discrimination in the Constitution		Stage	Legal basis	Recommendations
4	The Constitution prohibits gender-based discrimination.	4	<p><b>Article 25 Right to Equality</b></p> <p>All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equivalent and effective protection without discrimination on the grounds of race, nation, nationality, or other social origins, color, sex, language, religion, political or different opinions, property, birth, or another status.</p>	E.g., constitution article 5, clause 7
5	The Constitution recognizes customary law but states that gender-based discrimination in customary law is superseded by the principle of non-discrimination in the Constitution	4	<p><b>34.5</b> This Constitution shall not preclude the adjudication of disputes relating to personal and family laws according to religious or customary laws, with the parties' consent to the dispute. Particulars shall be determined by law.</p>	Article 34(4) & (5)



Key element 2: Elimination of gender-based discrimination in the Constitution	Stage	Legal basis	Recommendations
6 The Constitution recognizes religious law but states that gender-based discrimination in religious law is superseded by the principle of non-discrimination in the Constitution	4	34.5 This Constitution shall not preclude the adjudication of disputes relating to personal and family laws according to religious or customary laws, with the parties' consent to the dispute. Particulars shall be determined by law.	Article 34(4) & (5)
7 The Constitution promotes the adoption of special measures for the advancement of women.	4	<p><b>Article 35 Rights of Women</b></p> <p>1. Women shall, in the enjoyment of rights and protections provided for by this Constitution, have equal rights with men.</p> <p>2. Women have equal rights with men in marriage as prescribed by this Constitution.</p> <p>3. The historical legacy of inequality and discrimination suffered by women in Ethiopia be taken into account. Women are entitled to affirmative measures to remedy this legacy. The purpose of such measures shall be to provide special attention to women to enable them to compete and participate based on equality with men in political, social, and economic life and public and private institutions.</p> <p>4. The State shall enforce the right of women to eliminate the influences of harmful customs. Laws, customs, and practices that oppress or cause bodily or mental harm to women are prohibited.</p> <p>5. a) Women have the right to maternity leave with full pay. The duration of maternity leave shall be determined by law, taking into account the nature of the work, the health of the mother, and the well-being of the child and family.</p> <p>b) Maternity leave may, in accordance with the provisions of law, include prenatal leave with full pay.</p> <p>6. Women have the right to the full consultation in the formulation of national development policies to design and execute projects, particularly in projects affecting women's interests.</p> <p>7. Women have the right to acquire, administer, control, use and transfer property. In particular, they have equal rights with men with respect to use, transfer, administration, and control of the land. They shall also enjoy equal treatment in the inheritance of property.</p> <p>8. Women shall have a right to equality in employment, promotion, pay, and the transfer of pension entitlements.</p> <p>9. To prevent harm arising from pregnancy and childbirth and to safeguard their health, women have the right to access family planning education, information, and capacity.</p>	Art. 25

Key element 3: Recognition of women's legal capacity		Stage	Legal basis	Recommendations
8	Men and women can conclude contracts under the same primary conditions, rights, and obligations.	4	Civil Code	Civil code general contract provisions, and specifically, other laws. E.g. land administration laws (See art. 3, the gender reference provision.
Key element 4: Gender equality of rights with respect to Nationality		Stage	Legal basis	Recommendations
9	Men and women can apply for identity documents under the same conditions.	3	YES	The law is neutral for both (women and men).
10	A female national can confer citizenship to her non-national spouse under the same conditions as a male national	3	<p><b>Ethiopian Nationality Proclamation No. 378/2003</b></p> <p>6. Cases of Marriage</p> <p>A foreigner who is married to an Ethiopian national may acquire Ethiopian nationality by law if:</p> <p>1/ the marriage is concluded in accordance with the Ethiopian laws or in accordance with the laws of any other country where the marriage is contracted;</p> <p>2/ there is a lapse of at least two years since the conclusion of the marriage;</p> <p>3/ he has lived in Ethiopia for at least one year preceding the submission of his application; and</p> <p>4)- have attained the age of majority and be legally capable under the Ethiopian law;</p> <p>- be able to show that he has been released from his previous nationality or the possibility of obtaining such a release upon the acquisition of Ethiopian nationality or that he is a stateless person; and</p> <p>- Take oath</p>	Both females and males are not allowed by the law to confer citizenship to their non-national spouses. See Ethiopian nationality proclamation 378/2003 (Art.5-
11	Women can confer citizenship to their children under the same conditions as men.	3	<p>Proclamation No. 378/2003</p> <p>ACQUISITION OF ETHIOPIAN NATIONALITY</p> <p>3. Acquisition by Descent</p> <p>1/ Any person shall be an Ethiopian national by descent where both or either of his parent is Ethiopian.</p>	See Ethiopian nationality proclamation 378/2003 (Art.3).



Key element 5: Gender equality in property rights		Stage	Legal basis	Recommendations
12	The law recognizes gender equality in the right to own or control property regardless of the type of marriage.	4	YES	The constitution, family code, land administration laws
13	The law recognizes the total or partial community of property as the default marital property regime.	4	The Revised Family Code and regional family codes	Family code, civil code, land administration laws
14	Spousal consent is mandatory for any transaction involving the matrimonial property.	4	YES	Family code, land laws
15	The law establishes a presumption of joint ownership of property in consensual unions	4	YES	See regional land administration laws. Affirmative action during distribution Special quota in LA committees Special measures during registration
16	The legal framework includes special measures to guarantee women's equal rights to land ownership and control	2	YES	
Key element 6: Gender equality in inheritance		Stage	Legal basis	Recommendations
17	The surviving spouse is granted user rights to the matrimonial house for life.	N/A	NO	
18	Under the law of succession, the surviving spouse is entitled to a minimum share of marital property.	4	YES	Entitled for a 50 % share if the property was their joint property. It is found in succession provisions of the civil code; family code; and land administration laws
19	The law allows partners living in the consensual union to inherit from each other.	N/A	NO	

Key element 6: Gender equality in inheritance		Stage	Legal basis	Recommendations
20	Brothers and sisters have an equal right to inherit.	4	YES	
21	Brothers and sisters receive an equal share of the inheritance.	4	YES	
22	A right to compensation for other siblings giving up their claims on the family property exists.	N/A	YES	The practice exists.
Key element 7: Gender-equitable implementation, dispute mechanisms and access to justice		Stage	Legal basis	Recommendations
23	Decentralization of land administration services is effected through recognized customary land institutions.	N/A	NO	The formal institutions are decentralized from Kebele, woreda, and zone to regional and federal levels. Most of the land administration activities are conducted at the kebele and woreda levels. Kebele and woreda are our front offices for the land administration services—customary institutions interplay with the formal grass-root KLAUC.
24	Decentralization of land administration services is effected through formal land institutions.	4	YES	There exist KLAUC and local dispute settlement elders. The service is decentralized.
25	The law guarantees equality before the law.	4	YES	
26	The law guarantees equal access to judicial systems and statutory or customary dispute resolution mechanisms to resolve disputes over tenure rights.	4	YES	

<b>Key element 7: Gender-equitable implementation, dispute mechanisms and access to justice</b>		<b>Stage</b>	<b>Legal basis</b>	<b>Recommendations</b>
27	The law makes provision for legal support in civil procedures.	4	YES	
28	A human rights commission or gender-specific institution is in place.	4	YES	
<b>Key element 8: Women's participation in national and local institutions enforcing land legislation</b>		<b>Stage</b>	<b>Legal basis</b>	<b>Recommendations</b>
29	The law sets quotas for the appointment of women in land management and administration committees.	4	Attempted	
30	The law sets quotas for the appointment of women in land dispute resolution committees.	4	Attempted	

## 7 CONCLUSIONS AND RECOMMENDATIONS

With a government that champions GEWE and with the support of International Organizations, it has been possible to bring the unfair status of gender relations into focus. Significant progress has been made in narrowing the gender gap between men and women in agriculture by providing land titles for women. More women are coming to key decision-making positions, not to mention the gender parity in the cabinet of ministers. These gains have yet to be consolidated, bringing more fairness in asserting women's rights in the land sector.

Instead of looking for more protocols and international conventions, the current international and local frameworks need to be assessed to leverage the desired change in societies. Despite the remarkable progress made possible in making gender equality an essential part of revising the status quo, the remaining parts of these tasks are enormous. They need more collective efforts and innovative and adaptive approaches. Traditional norms have been rigid and resistant to change, as seen in the constraints to assure women's rights in the land sector. The developed frameworks need to be revisited against the changing socio-economic context as gender relations are dynamic. It follows from this that frameworks and policies developed must be tested constantly with the support of research. Therefore, the following recommendations have been developed based on the desk review information.

### Recommendations

#### 1. Legal framework

- **A need to revise the family code 2000.** There is a proven need to revise the family code 2000 with reference to protecting women's rights in polygamous marriages. This needs innovative ways of integrating customary/ religious laws with statutory law, which opens an avenue to enact actable and enforceable law in the land sector. The right of all wives in a polygamous marriage needs to be equal in Islam. This law has to be harmonized with RLAU law in the aspects of inheritance. In addition, residence rules to have access to land need to be reviewed as women move out of their locality due to marriage and can be left out of their right to inherit parental land, enforcing the patrilineal rule of marginalizing women from property right holding a land. On the same point, the Amhara regional law established that a person has a right to inherit the holding rights of land he stays in and cares for a deceased for three years. This doesn't imply discrimination, but due to the patrilocal rule, women may not remain with their deceased family members and can lose their right to inheritance or land donation (Belay and Rose, 2019).
- **Revising the urban land registry in gender perspectives:** The current urban land registry system is based on recording holding in the name of a household head. This system doesn't protect women's rights, and it has to be revised so the urban land registry can be made in a joint spousal register.
- **Revising the urban land lease system to incorporate affirmative action:** Due to the existence and pervasive gender inequality and income gap between women and men (UN Women, 2014), women have less chance of affording the urban land lease price. Therefore, there is a need to stage an advocacy work to include affirmative action in the lease law.
- **Integrating the rural and urban land work in the land sector:** Integrating the rural and urban land administration has many advantages, and it has to be revisited by authorities. Among many benefits, it helps to reduce illegal land transfer in various forms, which puts women and vulnerable groups at a disadvantage.
- **Period of Limitation (POL):** There is a need to protect the right of women a vulnerable groups as they are the ones exposed to land rentals and other forms of informal land dealings. Failure to repay the loan allows moneylenders to use the land for an extended period, which they finally claim through seizure (period of limitation) unlawfully.

- **Provision to protect the right of Female-Headed households:** The land law policy needs to have a provision to protect women's rights, particularly Female-Headed Households and single women in areas where property ownership, transfer, and inheritance are acquired through patrilineal lines of descent. The customary practices exclude women from their rights, and they need to be given special protection under the law. Ethiopian governments ignored and forbade the application of customary law, though it nonetheless continued to operate unofficially and partly in hiding. However, in practice, the multiplicity of the often opposing and competing norms of the different legal forums poses a challenge to both legal practitioners and justice seekers (Epple & Assefa, 2020).
- **Protect the poor and vulnerable women from the growing informal mortgage using land as collateral.** Informal land rental and using land as collateral are growing. These illegal and informal practices affect the poor and vulnerable groups, including women. Legal protection must be given for these groups in order not to lose their land through illegal deals land mirage deals (Belay and Rose, 2019).
- **Enforcing criminal laws that violate women's rights:** Laws were out but not enforced in practice. There are good articles in the criminal code (Articles 407-408, 453, 685- 689, 712) that protect women's rights. Women organizations and government offices need to work with law enforcement agencies to stop land rights violations of women across the regions. This has been observed in the study conducted in the LIFT project (Belay and Rose, 2019). Those who are powerless, including women, are more affected by criminal elements of forgery and other related illegal acts. Lower-level institutions are very weak and corrupt relatively. Negatively affects women and VGs disproportionately, as they generally have weaker social connections and a weaker financial position to influence LAC and other decision-makers (Belay and Rose, 2019).
- **Execution of court judgments:** It is challenging to execute court judgments for women and the vulnerable groups due to their low status and corruption that hampers progress in this regard (Belay and Rose, 2019). A mechanism needs to develop women and vulnerable groups.
- **Monitoring and evaluating land laws:** There is no monitoring and evaluation progression and evolution of laws addressing commonly achievable goals such as introducing and enforcing pro-poor articles. Regions enact laws sometimes contravening the support for the poor and the vulnerable. Throughout the regions, efforts have to emerge to unify and harmonize land laws to promote and protect the rights of the poor and the vulnerable. This can be done by harmonization or unification of substantive rules that guarantee the rights of socially vulnerable groups. There needs to be a central body responsible for coordinating and monitoring this in the Federal government of Ethiopia.
- **Enact federal laws that regulate communal land use in pastoral areas.** Afar and Somali regional laws were found to be precarious, thin, and far from being strong and comprehensive. Paradoxically, the regional laws provide more protection to crop fields than communal (pastoral) land. It is also shown that customary and state land administration systems that operate simultaneously in the areas lack synergy and created stalemates, not to mention putting women at a disadvantage (Sisay et al., 2018).
- **Build capacity of judges in land laws:** Lack of knowledge for the RLAU laws among the lower-level judges and the public is all too common. For instance, Cassation Bench decisions that allow the Review of Judgment procedure are not fully known by judges, prosecutors, and other experts (Belay and Rose, 2019). This is because plans have not been made to disseminate laws among the public and those institutions that use the law. There is an apparent and real need for publicizing the laws and giving refreshment training for those judges in the lower courts at the Woreda level.
- **Harmonize the statutory laws with customary laws:** There are eighty formally registered ethnic groups and languages in Ethiopia (Lewis, 2009). It is a county of multiple languages, religions, social organizations, livelihoods, political and legal systems (Epple & Assefa, 2020). Diversity is restored and maintained in the current political directions. To create a conducive ground for interactions of



formal and customary laws, efforts have to be made to develop a mechanism to harmonize the two so that the rights of women are protected and upheld in all spheres of life, including in the land sector.

## 2. Administrative interventions

- **Assign a gender focus person at the Woreda RLAU office.** Women need consistent support instead of forgery and violence that have been perpetrated against them in rural areas. Perpetrators use various means to take land from women even if their right is recorded on the land certificates. Women exposed to this due to their low status in communities are still prone to any form of land right violations and violence because of their weak position. Land documentation may not lead to structural changes that protect them.
- **Increasing coordination among Woreda and zonal RLAU offices.** There need to be clear guidelines and targeted coordination among government offices that work in the land sector. This helps to examine issues closely and monitor progress in protecting women's rights and land ownership in boosting institutional support. This enables institutions to handle issues that encroach on women's rights, such as awareness of rights, dispute resolutions, and grievance mechanisms. In addition, this institutional coordination clarifies the right and obligations of government offices delineating their tasks and preventing interference of Woreda officials in arbitrating land disputes.
- **Protect and advocate for those physically challenged women:** The RLAU law recognizes the right of vulnerable groups in rural areas. They were often represented by informal representations for land registrations compromising their rights (Hailu et al., 2019). To protect them, it is better to make them be represented officially.
- **Provide refresher training for Woreda staff focusing on the dynamics of land tenure and rights in the current influence of the market:** The dynamics in the peri-urban localities throughout the country have been changed fast, often driven by the influence of the market. Informal dealings of land rentals have been common. It is imperative to assess this context in the light of gender perspectives to take appropriate intervention that salvages women's rights.
- **Revisit procedures and modalities of land expropriations in rural and urban areas:** Issues of compulsory land expropriation, valuation, level of compensation, and rehabilitation of affected people are concerned areas in many places. There is a big dissatisfaction with the less involvement of affected communities in the compensation computation process. Responding to this is related to the right of men and women to retain their land tenure.
- **Land-based investments have to be evaluated to their benefits to local communities and the food security of the local market.** Care has to be given in transferring pastoral lands without extensive assessment of the situation on the ground to affect the livelihoods of pastoral communities. A guideline that can be developed on this needs to address the rights of women.
- **Having access to land is not a guarantee for land tenure security for women.** Their rights have been undercut because of their lack of access to related agricultural inputs. Provision of credits for women is as equally important as providing them with farmland.
- **Develop a participatory land-use planning scheme that combines with forest management.** Experts often develop the land-use plan in offices, and this needs to change to make it acceptable to the communities affected by it. This work needs to include rezoning lands for different users with the participation of the local communities.
- **30% of women do not participate in KLAC as outlined in the RLAU regulation:** Enforce this regulation at the Woreda level to make their work more open and participatory. Training is to be provided for women aiming at increasing their awareness of the land laws.
- **Develop a registration law that that defines the duties of the registrar.** The Rural Land registration exercise and the urban land registration in a pilot stage have gender implications. The absence of a registration law that defines the powers and duties of the registrar, the surveyor, file management, and the legal effect of the landholding

certificate have posed serious problems that will have serious consequences for tenure security of landholders, especially women who are said to benefit much from the registration.

- **Develop strategies that protect the rights of women.** What implementing strategies should be followed to protect the rights of women have to be developed. Lack of skill in gender mainstreaming is one of the major problems. All Regional state land laws, i.e., proclamations, implementing regulations, and directives, state that women shall have equal right to access to land, etc., and do not give guidance on ensuring implementation of the vague 'equal right.'

### 3. Technical improvement

- **Land registration needs to be preceded by cadastral laws.** These increase the reliability of the records protecting rights. In most countries, legal systems have developed around the original administrative systems and use the cadaster to define the dimensions and location of land parcels described in legal documentation.
- **Land registration needs to be updated.** The land registration records have not been updated, failing to reflect changes on the ground, including land that may be sleeping away from women. The handing of cadastral data needs to be re-strengthened by assigning skilled manpower, and the records need to be desegregated by gender.

- **Conduct more research to develop a system to register communally owned lands in the pastoral areas that have not been covered so far.** This research has to examine Islamic laws on land, and the local cultural practices, as most of the pastoral population, are Muslim. Depending on the local context, Islamic laws on land can provide a tool that can protect women's rights if understood and applied at the grass-root level (Sait & Lim, 2006).

### 4. Social Interventions

- **Design a project that supports women to secure their land rights:** Land certification is a means to ensure women's right to land. As discussed earlier, women's lack of access to agricultural inputs and credit facilities exposes them to forfeit their land rights through repeated and long-term share-cropping or land rentals arrangements. Facilitation of credits and agricultural inputs to women is crucial in withholding women's right in accessing and controlling their land.
- **Internalized Patriarchal values trapped women in an unequal relationship with men:** women themselves accept their statuesque shaped by patriarchal values. It is imperative to develop a social change intervention informed by research in different communities as these values vary from one cultural group to another. These interventions need to have incremental goals involving both genders and have long-term perspectives to change the ground.

## 8 ACTION PLANS OF RLUAD AND MUDCo IN RELATION TO GENDER ISSUES IN THE LAND SECTOR

Following the validation workshop held on gender assessment of the land sector on September 5, the two leading organizations managing the lands sector agreed to develop an action plan to address issues raised and owning the responsibility of carrying out these tasks. The action plans were developed based on the issues raised in the current report and also in

relation to the gender observation that is identified as a challenge in improving women's rights in the sector. The action plans are formulated as a general direction and listed by the two responsible officers as follows:

### 8.1 Action Plan of RLUAD of MoA





TABLE 8:

## National Gender Assessment on the Land Sector in Ethiopia: Action Plan of MoA

Action Area / Issues	Objective	Activities	Indicators	Responsible Body
Legal Framework	Protecting the land rights of women and VGs	<ul style="list-style-type: none"> <li>Create awareness for these VGs prior, during, and post-registration activities</li> <li>Support VGs during the process</li> </ul>	No. of informed VGs  No. of VGs supported	RLAUD, Regional Bureaus, Woredas
	Regulating Communal land administration in a pastoral area	<ul style="list-style-type: none"> <li>Conduct assessments to know the realities on the ground</li> </ul>	No. of assessment studies	RLAUD, Regional Bureaus, Woredas
	Building the capacity of judges on land laws	<ul style="list-style-type: none"> <li>Train judges on land laws</li> </ul>	No. of judges who received training on land laws	RLAUD, Regional Bureaus, Woredas
Administrative Interventions	Supporting women on their land rights	<ul style="list-style-type: none"> <li>Assign gender focal person at woreda RLAU office</li> </ul>	No. of woredas that have gender focal persons in their RLAU offices	RLAUD, Regional Bureaus, Woredas
	Creating a conducive environment for women to protect their land rights	<ul style="list-style-type: none"> <li>Provide refresher training for woredas RLAU staffs on the interlink between gender and land tenure dynamism</li> </ul>	No. of woreda staffs who received the refresher training	RLAUD, Regional Bureaus, Woredas
	Increasing the participation of women in KLAUC	<ul style="list-style-type: none"> <li>Implement the 30 % of women membership in KLAUC</li> </ul>	% of women KLAUC membership	RLAUD, Regional Bureaus, Woredas
Technical Improvement	Updating Land Registration System	<ul style="list-style-type: none"> <li>Install and operationalize NRLAIS in woredas</li> </ul>	No. of woredas NRLAIS is installed and operationalized	RLAUD, Regional Bureaus, Woredas
	Understanding the systems in place in pastoral areas	<ul style="list-style-type: none"> <li>Conduct further assessment on the registration of pastoral lands</li> </ul>	No. of assessment study conducted	RLAUD, Regional Bureaus, Woredas, traditional leaders
	Upscaling communal land registration pilots	<ul style="list-style-type: none"> <li>Upscale communal land registration pilots in pastoral areas</li> </ul>	No. of woredas registration scaled-up	RLAUD, Regional Bureaus, Woredas, traditional leaders

## 8.2 Action Plan of MUDCo: Women, Youth and Children Directorate

TABLE 9:

### National Gender Assessment on the Urban Land and housing Sector in Ethiopia Action Plan

Action Area / Issues	Objective	Activities	Indicators	Responsible Body
Legal Framework	Lobbying for revising the lease law to include affirmative actions for VG and women	<ul style="list-style-type: none"> <li>Work with Women activists</li> </ul>	<ul style="list-style-type: none"> <li>Progress made in introducing changes on the lease law</li> </ul>	MUDCo Women and children Directorate
	Protecting the land rights of women and VGs	<ul style="list-style-type: none"> <li>Create awareness for these VGs prior, during, and post-Urban redevelopment projects</li> <li>Support VGs during the process</li> <li>Facilitate legal support for VGs in consultation with women' right organization and NGOs</li> </ul>	<ul style="list-style-type: none"> <li>No. of informed VGs</li> <li>No. of VGs supported</li> <li>Increase in the number of NGOs supporting VGs</li> </ul>	MUDCo, Regional Bureaus, Woredas
	Building the capacity of judges on land laws	<ul style="list-style-type: none"> <li>Train judges on land laws</li> </ul>	<ul style="list-style-type: none"> <li>No. of judges who received training on land laws</li> </ul>	MUDCo, Regional Bureaus, Woredas
Administrative Interventions	Supporting women on their land rights	<ul style="list-style-type: none"> <li>Provide training for gender focal persons at regional towns and woreda office</li> </ul>	<ul style="list-style-type: none"> <li>No. of regional and woredas which have received training in regional towns and woredas</li> </ul>	MUDCo, Regional Bureaus, Woredas
	Assess the urban developments in regions to see their effects on gender	<ul style="list-style-type: none"> <li>Conduce surveys in selected towns</li> </ul>	<ul style="list-style-type: none"> <li>Identify the mismatch between laws and practices on the ground in relation to gender</li> </ul>	MUDCo Women and children Directorate
	Increase the participation of women in urban redevelopment	<ul style="list-style-type: none"> <li>Work with NGOs to include the needs of VGs and women in redevelopment programs</li> <li>Work with grass-root organizations to increase women's participation in urban development</li> </ul>	<ul style="list-style-type: none"> <li>No of women participated in the redevelopment projects</li> <li>Increase the number of women organizations actively participating in development projects</li> </ul>	MUDCo Women and children Directorate and NGOs are working in the Gender area.



Action Area / Issues	Objective	Activities	Indicators	Responsible Body
Administrative Interventions, cont.	Strengthen property maintenance of women received condominium housing	<ul style="list-style-type: none"> <li>Assess women to see if they retain their ownership right of condominium</li> <li>Assess the kind of support required for women to keep their ownership of condominium housing.</li> </ul>	<ul style="list-style-type: none"> <li>The number of women retaining their condominium ownership</li> </ul>	MUDCo Women and Children Directorate and Women Associations
Technical Improvement	Updating Land Registration System	<ul style="list-style-type: none"> <li>Install and operationalize up-to-date registration in regional towns and woredas</li> </ul>	<ul style="list-style-type: none"> <li>No. of regional towns and woredas using up-to-date registration technologies.</li> </ul>	MUDCo, Regional Bureaus, Woredas
	Create awareness for the importance of joint spousal registration of landholding	<ul style="list-style-type: none"> <li>Advocate together with women activities or change in the urban land registration system</li> </ul>	<ul style="list-style-type: none"> <li>Acceptance to the necessity of change on the land registration seems by authorities</li> </ul>	MUDCo Women and Children Directorate and Women Associations

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