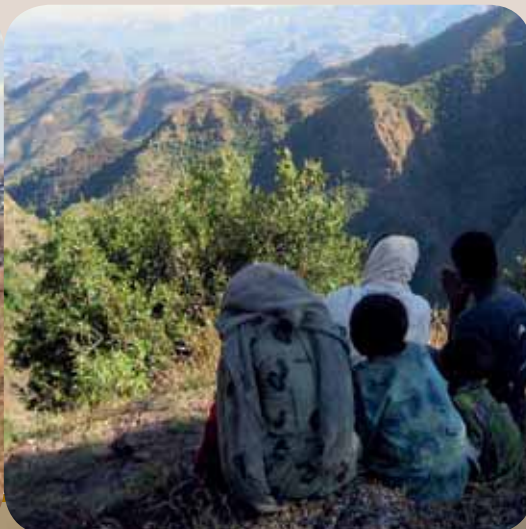


Land Registration in Ethiopia: Early Impacts on Women

Summary report



Land Certification in Ethiopia

- Early Impacts on Women

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Abbreviations

EB	Ethiopian Birr, Ethiopian currency
ELTAP	Ethiopia Land Tenure and Administration Program
EPLAUA	Environmental Protection and Land Administration and Use Authority
GLTN	Global Land Tool Network
LAC	Land Administration Committee at community (kebele) level
OR	Oromiya Region
PA	Peasant Association, the same as a kebele (community administration level)
SNNPR	Southern Nations and Nationalities Peoples Region
UN-HABITAT	United Nations Human Settlements Programme
USAID	United States of Agency for International Development
WTP	Willingness to pay
WTW	Willingness to work

Executive summary

Land reforms are again high on the international policy agenda. This can be seen from the establishment of the Commission for Legal Empowerment of the Poor (see www.undp.org/legalempowerment/), the increasing number of land reform programs funded by the World Bank in recent years and the establishment of the Global Land Tool Network (GLTN) (see Augustinus 2005; World Bank 2006). Among these tools are land registration and certification, wherein husbands and wives are given joint titles to their land.

Land certification has been implemented in Ethiopia since 1998 and over 5 million certificates have been delivered. This is the largest delivery of non-freehold rights in such a short time period in Sub Saharan Africa (Deininger *et al.*, in press). The new federal and regional land proclamations that form the basis for this land reform, aim to increase tenure security and strengthen women's rights to land and to ensure more sustainable use of land resources. This particular study in the Oromiya region (OR) and the Southern Nations, Nationalities and Peoples region (SNNPR) of Ethiopia, assesses the early impacts of land registration and certification that has been implemented there since 2004. Special emphasis is placed on the impacts of the reform on women, including the impacts of joint certification for husbands and wives.

Following the introduction, chapter 2 offers a thorough assessment of the gender implications of the reform. Chapter 3 presents an assessment of the extent to which the reform has been pro-poor. The broader issues are discussed in chapter 4 including more long-term implications, before the conclusion in chapter 5.

Traditionally, the land tenure system in Southern Ethiopia may be characterised by patrilineal inheritance¹ and virilocal residence². 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, i.e. after marriage they move to the home of their new husband and inherit no land from their parents. Bride prices and dowries are commonly 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 still the property of his clan. Hence, a brother of the deceased husband would then become the new husband of the wife.

Polygamy is quite common in Southern Ethiopia and the polygamous wives may live separately and have their own land. While the land laws first introduced in the Oromiya and SNNP regions in 2002 and 2003 stated that the husband could have his name on only one certificate, resistance caused a change such that certificates could be issued jointly to the husband and his wives, or the husband's name could also be included below the name of his second and later wives, while he has his name first on the certificate with his first wife.

Land Administration Committees (LACs) were established at village (kebele) level to implement the land reform. LACs have so far primarily been involved in land registration and certification. However, the LAC members have done so without getting any compensation for this work. The LACs have had an important role and ensured strong local participation in the process but female representation in these committees has been very weak, as is the case in the land administrations at higher levels. The new land proclamations (OR 2007; SNNPR 2007) set out ambitious goals for future work of these committees in terms of having a role in land conflict mediation, formalisation of land rental markets, implementing land use planning and monitoring and enhancing more sustainable land use.

1 Sons inheriting land from their fathers, while daughters only inherit land if they have no brothers.

2 Upon marriage the woman moves to the husband's homeplace to live with him there.

Our household survey included 600 households in two districts (woredas) in each of OR and SNNPR. The survey revealed that the land reform had, in a short period of time, registered the land of 80% of those households and that 60% thereof had received the land certificates.

The low-cost land reform in southern Ethiopia has contributed to increased perceptions of tenure security for both women and men. Fifteen percent of the households in the sample were polygamous and polygamous men and women perceived their tenure security to have increased due to the reform. More than 80% of all wives appreciated that their names and pictures appeared on the land certificates. About 41% of all wives and 43% of polygamous wives thought that having their names and pictures on the certificates would strengthen their position in cases of divorce or death of their husbands. We found evidence that the later wives of polygamous households had a weaker position

“Laws without enforcement will not help much when there are strong traditions against them.”

than the first wife of such households, based on their expectations about how much land they would keep upon divorce. The survey revealed that it was most common to give joint certificates to the polygamous husband and his wives or to have the name of both the wife and the husband on separate certificates for each of the wives. There were very few cases where polygamous wives had only their names on the certificates.

The reform has so far had limited impact on women's ability to influence farm management. This may be due to male dominance in household-farm decision-making. However, after the reform wives have more to say in relation to land rental decisions. The new

land laws state that consent of the family is required for land to be rented out and land rental contracts should be reported to the village (kebele³). While such enforcement may strengthen the rights of women, it may also increase the transaction costs in the land rental market and cause such rental arrangements to go unrecorded. Sharecropping is not considered to be a form of land renting by most households, a fact that may limit the effect of the regulation that all land rental contracts should be formally reported. The dominance of sharecropping as the main type of land rental contract may even have been strengthened due to this requirement. The law may have limited impact unless reporting of sharecropping contracts is enforced.

Our study based on interviews of more than 200 local conflict mediators revealed that they did not trust district (woreda) courts to give fair judgements and there was a common perception that these courts benefited the wealthy and influential. The study could not investigate these courts because court officials demanded high payments for providing information. The majority of conflict mediators, all of whom were men, considered joint certification and getting the name and picture of wives on the land certificates beneficial (i.e. that it would strengthen women's position in cases of divorce as well as death of their husbands).

Our study of local conflict mediators' and households' perceptions found indications that the land registration and certification has helped reduce the number of border disputes and inheritance disputes while increasing the incentive to plant trees. Better plot demarcation with neighbours as witnesses makes it more difficult to succeed with encroaching into the land of others. The certificates also enhance tenure security and thus investment incentives. These findings are similar to findings in Tigray region in northern Ethiopia (Holden *et al.* 2007b; 2007c).

The land reform may have reduced the amount of land renting because of the formal reporting requirements, including the consent of the whole family. These requirements are meant to enhance

3 Lowest administrative level.

the food security of households and may empower wives in relation to their husbands, and make it illegal for husbands to rent out their land while ignoring food production needs of the family. The new law may thus contribute to arrest excessive land renting out. This is in contrast to the study by (Holden *et al.* 2007a) which found that land registration and certification contributed to increased land rental market activity in Tigray region, where only the names of the heads of the households were included on certificates.

The research showed that the land registration and certification has been wealth-neutral in the implementation. Poorer households have had the same probability of receiving land certificates as less poor households. This in itself is a big step in the right direction as compared to many reforms in other countries that have been *de facto* anti-poor. The *de jure* changes in land proclamations have been pro-poor in the sense that they have strengthened the land rights of women who are among the poorest (due to inequitable distribution of rights within households). The law is also pro-poor in the sense that consent of the family is required before the head of the household can rent out land, and in relation to inheritance, as priority should be given to family members depending on the land for livelihood. A change in the most recent land proclamations has opened up more individualised rights, wherein land acquired through marriage may be controlled by the person who brought it into marriage. This change may weaken the position of women under the prevailing virilocal residence system.

Laws without enforcement will not help much when there are strong traditions against them, but can be an important step in the right direction with proper follow-up.

The following recommendations address how women's land rights could be strengthened further by improving the quality of the land reform, followed by some recommendations for issues where further research is needed.

1) For women the legal rule establishing co-ownership of land upon marriage appears important under the current virilocal practice. The recent change in the laws in OR and SNNPR allowing individual ownership can undermine the rights of women and can make them landless upon divorce or death of the husband. It is therefore recommended that policy-makers reconsider this change in the laws.

2) We recommend that LACs be established at sub-village (sub-kebele) level with female representation (minimum two members). It may be more feasible for women to participate if the committees are established at sub-village (sub-kebele) rather than at village (kebele) level. It may also be more feasible for women to participate after the big task of land registration has been completed.

3) Develop a system for training of local Land Administration Committee members and conflict mediators to strengthen their knowledge of the law and their gender awareness.

4) There is a need to strengthen



*Will she inherit a fair share of her husband's farm if he dies or divorces her?
The new land laws give her the right to, while traditions do not.*

administrative capacity of land administrations to ensure that they are able to handle new tasks. The most recent land proclamations emphasising land use planning, formal registration of all land rental transactions, and monitoring and enforcing sustainable land use have greatly increased their workload. It is important that a prototype system in terms of staff, skill and budget requirements is developed to be able to implement these new tasks.

5) There is serious dissatisfaction with the way the court system works in relation to resolving land disputes. There is lack of trust, as people perceive that court judges are corrupt and favour the wealthy and influential. We therefore recommend a critical assessment of the competence, knowledge and practice of the courts at different levels.

6) NGOs should be encouraged to assist with dissemination of information, awareness raising and even develop expertise in law and provision of legal services to help the poor, including women, in cases of disputes over land. Currently such services are non-existent and women who take their cases to the courts face substantial monetary and social costs.

7) The local universities may take action to help provide training and build capacity to help fill the gaps in legal competence and services. More should be done to educate women for positions in land administrations. There were no professional women in the land administrations in the survey areas.

8) There is a strong need to provide training in the new land and compensation laws and regulations to government officials involved in land-related issues like land-grabbing and compensation because current practices by local governments in relation to such cases are clearly illegal and anti-poor.

9) Using radio is a cheap way of disseminating information. In OR and SNNPR they have, with support from USAID, recently developed radio programs to disseminate information about land tenure, legislation and land reform. The SNNPR region clearly has a challenge because of the large number of language groups in the region. Developing this method for dissemination of information should be less difficult in Oromiya region.

10) Further research should focus on the extent to which women are able to claim their land rights, access needed legal support and how often disputes end with positive outcomes for women in accordance with the law.

11) We recommend a follow-up survey in a few years time to further assess plot level impacts of the reform, based on detailed farm plot level baseline data that we collected.

12) Future research should also focus on the time, knowledge and resources required to implement the ambitious strategy of integrating land use planning, monitoring of, and enforcing more sustainable land use and formalisation of the land rental markets, at the local level as well as at the higher administrative levels.

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