

A Woman's Right to and Control over Rural Land in Ethiopia: The Law and the Practice

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Abstract

This Article critically analyzes the law and the practice on women's right to and control over rural land in Ethiopia. The study employed doctrinal legal research and empirical quantitative methods to collect and analyse data from primary and secondary sources. Tools such as law review and analysis, interviewer-assisted survey questionnaire, key informant interviews and focus group discussions were used in the process of data collection. It has been found that the existing laws adequately recognize a woman's right to equality with respect to access to and control of property (including land) in Ethiopia. However, harmful customary practices and stereotypes against women are still prevalent in the Wolaita community, which hinders an effective implementation of the legal rights of women to possess and control land. It is suggested that legal awareness campaign and effective legal aid should be made available for women to empower them to their property rights in general and rural land use and administration in particular.

Keywords: women's rights; property control; common property; land law; Ethiopia

1. Introduction

Women are the most marginalized group of the society in relation to accessing and controlling rural land in Ethiopia. The main challenge for an effective implementation of women's right to rural land in the country is largely attributable to the negative attitudes and harmful practices which deny a woman's right to own, administer property and control the rural land. Moreover, women do not have a customary right to inherit land from their family; and the control of land during marriage falls chiefly under the control of their husband.

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Besides, a woman cannot control the fruits of the land as she does not successfully involve in household decision making. Worst of all, after divorce, a woman has to leave her husband's home and look for another marriage without claiming her share of the matrimonial property.

On the other hand, the Federal Democratic Republic of Ethiopia (FDRE) Constitution recognizes gender equality (FDRE Constitution, Arts. 25, 34, 35 and 40). The revised family laws, adopted following this Constitution, also recognize the equality of men and women in all aspects particularly regarding the ownership and administration of personal and common property. Furthermore, the Ethiopian government has enacted rural land administration legislations which recognize a woman's equal right to rural land. Land registration and titling, which are aimed, *inter alia*, at ensuring women's right to and control over rural land in the country have also been implemented in four States including Oromia, Tigray, the Southern Nations, Nationalities and Peoples Region (SNNPR) and Amhara. Gender policies are also introduced both at the federal and States levels. Moreover, institutions working on empowerment of women are established in the country.

Despite such a firm commitment of the government in recognizing a woman's right to possess and use rural lands, the customary laws and practices, which deny women's equality, are still persistent in the Wolaita community. Women generally lack legal awareness regarding their right to and control over household lands. The government authorities at *Kebele* (lowest administrative unit) level are also very much hesitant to enforce the legal rights of women. Instead of the modern laws, the customary practices of dispute resolution are still prevailing in the community. Thus, although there is strong statutory recognition of a woman's right to rural land, this study shows that much remain untouched on implementation of the law.

This Article critically assesses the law and the practice on a woman's right to and control over rural in Ethiopia with specific reference to a case study in Wolaita community.

1. Objective of the Study

2.1 General objective

The overall objective of this study was to assess the extent of the rural land use and administration law implementation with respect to women's equal access to and control over rural land with focus on smallholder farmers' landholding system in the SNNPR, Woliata zone.

2.2 Specific objectives

Specific objectives were to:

- examine the Ethiopian rural land use and administration laws in terms of women's right to rural land.
- assess the extent of enforcement of laws regarding women's access to and control over rural land in two rural districts of Wolaita zone, Southern Ethiopia.

3. Methodology

3.1 Research Design: this research employed survey research design to collect and analyse data.

3.2 Methods: *The research applied both quantitative and qualitative methods to clarify concepts, characteristics, descriptions and measures to demonstrate implications of the issue under question.*

3.3 Sources of Data

Data presented in this paper were obtained from primary and secondary sources.

Primary sources:

- 1) Legal documents,
- 2) Interviewer guided survey questionnaire, Key informant interviews and focus group discussions.

Secondary sources: text books, journal articles and reports

3.4 Sample Size Determination

The Population for quantitative data collection for this study was women from rural households in randomly selected *kebeles* and villages in two purposefully selected *woredas* (districts) based on the large number of women residing there.

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

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

Where:

n designates the sample size the research uses;

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

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

1 designates the probability of the event occurring.

Therefore:

$$n = \frac{N}{1+N(e)^2} = \frac{61745}{1+61745(.05)^2} = 397$$

The required sample size thus is 397 women (respondents).

3.5 Sampling Techniques

Quantitative data sample was taken from randomly selected households. Data was collected from women in 397 eligible households. Each household was selected by picking every other household from list of households in selected villages listed separately in *kebeles'* records to ensure randomness.

Key informant interviewees were purposely selected with respect to their roles in land administration process and their knowledge and experience on the subject of the study for the qualitative survey. *Woreda* (district) land administration experts and *Kebele* Land Administration Committees are implementers of the rural land policy. The role of women's affairs desk was also considered to be significant input to the study in the context of the policies, the regional rural land administration and use laws pertinent to women.

Focus group discussions with rural women was considered important to get information on their lived experiences and views on their rights to and control over land, household resources and equal decision-making power. Discussion participants were purposely selected exclusive of quantitative survey respondents. One case story participant was selected on the basis of relevance of issues she raised in the focus group discussion.

3.6 Ethical Considerations

Quantitative survey respondents and qualitative survey informants were provided sufficient explanation about the overall objective of the study ahead of time. Interviews were administered on free will of respondents. They were informed that they may decline if they do not want to be interviewed. Case story presented using hypothetical name.

4. Legal Recognition of Women's Right to Land

4.1 International Legal Frameworks

Women's property rights include the right of women to acquire, manage and dispose of any movable or immovable property obtained either through self-acquired means or inheritance. Women's property rights are protected under international frameworks such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Given the centrality of land to development and livelihoods, and the role of women in such processes, discrimination in access to and possession of land is both a violation of the human rights of women and a barrier to economic development.

Article 14 (g) of CEDAW provides for equal treatment of women in land and agrarian reform as well as in land resettlement schemes. This provision also calls on State Parties to facilitate access to complementary measures such as credit. Making significant progress over CEDAW, the Protocol to the African Charter on Human and Peoples Rights in Africa (the African Women's Protocol) approaches the issue of women's property rights more purposefully.

Under Article 19 entitled 'Sustainable Development', the Protocol's Sub Article (c) provides that African governments should "promote women's access to and control over productive resources such as land and guarantee their right to property". Article 16 also obliges State Parties to grant women access to housing irrespective of their marital status. Furthermore, Article 21 entitled the 'Right to Inheritance' guarantees the equal right of women to division of property upon divorce, and the right of widows to continue to live in their matrimonial home. Similarly, the Beijing Declaration, Beijing Platform for Action (BPFA), 1995 and the Solomon Declaration on Gender Equality in Africa, 2004, provide for governments to undertake all necessary administrative and legislative reforms with respect to land and other property in order to ensure equitable access.

The Land Policy Initiative (LPI) of the African Union/ Economic Commission for Africa and African Development Bank (AU-ECA-AfDB), which was established in 2006, has developed a Framework and Guidelines on Land Policy in Africa (F&G). The F&G provide directions on how to track progress with the land reforms that are underway in Africa.

They recommend that measures taken by member States should address issues of gender inequality in land ownership and tenure security for women. In their Declaration calling for the effective implementation of the F&G, the African Heads of State and Government at their thirteenth Ordinary Assembly in Sirte, Libya (1 to 3 July, 2009) resolved to strengthen security of land tenure for women, as a measure requiring special attention.

Similarly, the Sixth African Development Forum (ADF-VI) organized by ECA, AU and AfDB, which took place 19-21 November 2008, gave special emphasis to women's access to land. ADF-VI noted that customs and practices determine women's access to land through a variety of factors, including class, marital status, age, sex of children and place of residency.

The majority of statutory systems in Africa reaffirm these same customary systems, with land governance systems excluding women from decision-making on issues of land management. The Forum also recommended a shift in the discourse on women and land issues, from the private sphere of family and marriage to the public domain of human rights, to ensure equal access and opportunity.

4.2 Women's Rights in Ethiopia

A) Women's Rights under the FDRE Constitution

Ethiopia adopted laws and policies to ensure gender equality since 1991. Taking the historical legacy of women's discrimination in the country and with a view to remedying the historical gender inequality, the FDRE Constitution separately provides for women's rights under Articles 34 and 35. Under Article 34, the Constitution explicitly stipulates that:

Men and women, without any distinction as to race, nation, nationality or religion, who have attained marriageable age as defined by law, have the right to marry and find a family. They have equal rights while entering into, during marriage and at the time of divorce.

Furthermore, it stipulates that "Women shall, in the enjoyment of rights and protections provided for by this Constitution, have equal right with men" (FDRE Constitution, Art. 35 (1)).

The same provision also prescribes that "the historical legacy of inequality and discrimination suffered by women in Ethiopia taken into account, women, in order to remedy this legacy, are entitled to affirmative measures. The purpose of such measures shall be to provide special attention to women so as to enable them to compete and participate on the basis of equality with men in political, social and economic life as well as in public and private institutions" (Ibid, Art. 35 (3)). The State is duty bound to 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 (Ibid, Art. 35 (4)). The Constitution further stipulates that:

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 land. Women shall also enjoy equal treatment in the inheritance of property (Ibid, Art. 35 (7)).

As can be discerned from these constitutional provisions, Ethiopia showed its commitment to protect women's rights in general and their right to use and control land fruits on equal footing with men. As the problem of gender inequality is rooted in both attitudes and practice of the community, the State entitles women to *affirmative action* in which women may be afforded with special and differential treatment in enjoying some rights. The Constitution also tries to give special emphasis to the protection of women's property rights including acquisition, administration, control, use and transfer. Particular emphasis is also given to the importance of land to the empowerment of women. The law signifies the recognition and enforcement of women's right to use, transfer, administration and control of land. In cognizant of gender inequality and discrimination in the country with respect to property inheritance, the law again stresses the recognition and enforcement of the principle of equality with respect to the inheritance of property. In addition, the Constitution lays down a duty of the Ethiopian government to enforce the right of women to eliminate the influences of harmful customs.

It is worth noting that verbatim copies of Article 34 and 35 of the FDRE Constitution are adopted in the constitutions of all regional States. Furthermore, Art. 9 (4) of the FDRE Constitution stipulates that international treaties ratified by Ethiopia are the part and parcel of the law of the land.

B) Women's Right to Property under the Revised Family Codes

Ethiopia has also given a due attention to the women's equality with men in all aspects in its family laws. The revised family codes of the federal and state governments, which are updated in line with the FDRE Constitution, recognize the pecuniary effects of marriage whose primary aim is to protect the women's right to property before marriage, during marriage and upon its dissolution. Spouses have a right to own personal property in addition to their common property which they own jointly. But any property obtained in the form of income is always considered to be the common property of spouses although it is derived from the personal income of one of the spouses (Arts. 57 - 73 of the Revised Federal Family Code (RFC); Arts.

73-89 of the Oromia Family Code; Arts. 80 - 94 of the Tigray Family Code; Arts. 66 - 82 of the SNNPR Family Code).

Pursuant to Art. 57 of the RFC, any property that is owned by a spouse on the day of marriage shall remain his/her personal property. This is to mean that any property owned by a spouse prior to marriage (if s/he is already the owner of such property on the day of the marriage) will be her/his own property even after the conclusion of the marriage. This provision also prescribes that if one of the spouses acquires property by way of donation or succession (acquisition not by onerous title) during the marriage, such property shall belong to the spouse, to whom the donation was made even if the property is acquired after the celebration of the marriage. Moreover, Art. 59 of the RFC stipulates that each spouse shall administer her/his own personal property. It also prescribes that if this property generates an income, the owner spouse shall collect the income. Moreover, the owner spouse can freely dispose of her/his personal property. Freely disposing a property is the power of selling or exchanging or donating the property to somebody by one's free will and volition. This power shows the full ownership over a property.

The law also provides another option for the administration of personal property of spouses. As provided in Article 60 (1) of the RFC, spouses may agree in their contract of marriage that the whole or part of the personal property of one spouse to be administered by the other spouse. However, sub-article (2) of the same provision obliges the spouse to whom this power was given to submit a yearly report of accounts regarding the property at the request of her/his spouse.

Besides, Art. 61 of the RFC provides that one of the spouses may freely appoint the other spouse as an agent to administer her/his personal property. This is possible even in the absence of a contract of marriage.

In the family codes, the notion of *common property* is stipulated in a broader manner mainly to protect women's property rights which have been long denied by men who work and generate income while most women are busy in domestic works and child rearing and bearing.

Thus, in Ethiopia all property that is not specifically defined as personal property is the common property of spouses.

All incomes of the spouses that are derived by their efforts shall make the common property of the spouses. Salaries and wages of spouses are their incomes derived by their efforts. Moreover, any income from an income generating property is also a common property. This is true irrespective of whether the income generating property is personal or common property.

Art. 62 (2) of the RFC states that any property acquired by any of the spouses by onerous title shall be the common property of the spouses unless it is declared by a court of law to be the personal property of one of the spouses as specified in Art. 58 (2) of the RFC. When any change is made to a personally owned property (e.g., when it is sold, exchanged with another property or when a new property is purchased by money that is personally owned), this situation has to be reported to the court. Any property acquired through donation or inheritance during marriage shall be the personal property of one spouse if the donation or the will clearly indicates that it is made to one of the spouses. However, this rule will not apply if the act of the donation or will does not state any of the spouses but simply made to them jointly.

The law generally presumes that any property in the hands of the spouses is their common property. This is true even if the property is registered in the name of only one of the spouses. This rule is crucial in a country like Ethiopia where it is customary that almost all very important properties are registered in the name of the husband. But the presumption is a rebuttable one. That is, a spouse who claims that he/she owns a property personally can prove that he is the sole owner of that property. He can prove by showing one of the following:

- By producing a document that shows he owned the property before the marriage;
- By producing an evidence that shows he acquired the property by way of donation or succession;
- By producing evidence that he acquired the property by an onerous title (exchange, sale, etc. of his/her personal property) during marriage. In this case the spouse must also show that he has informed the court about this fact to obtain approval.

Therefore, any property in the possession of the spouses is assumed to be their common property unless otherwise proved in one of the ways shown above.

Regarding management of common property, although salaries and wages of each of the spouses are common properties of both spouses, the law allows each spouse to collect or receive his/her earnings (RFC, Art. 64). Each spouse shall receive or collect his earning in person. He/she can deposit his/her earnings in personal or joint bank accounts.

But this does not mean that each spouse can dispose his/her earning freely. It is ruled under Art. 62 (1) of the RFC that all incomes obtained from the personal efforts of spouses should be their common property. Moreover, according to Art. 64 (3), each spouse is expected to show the other spouse the amount of his/her earnings and expenditures. However, the law provides for an exception to Art. 64 (1).

As per Art. 65 (1), one of the spouses can officially permit the other spouse to collect his/her earnings. In other words, a husband may freely give the mandate to his wife to collect his earnings and vice versa. In addition to this, the court may order, at the request of one of the spouses, the earnings of one spouse to be received by the applicant spouse. This means that the court may, for example, order the wife to collect the husband's salary if she applies to the court and gets for such authorization. Also the husband may apply to the court to be authorized to receive the salary of his wife. As stipulated in sub-art. (1) of Art. 66, both spouses shall administer their common properties conjointly. Nevertheless, the same sub-art. provides that the spouses may vary this provision by their contract of marriage. That is, they may agree in the contract of marriage that a part or the whole of their common property will be administered only by one of the spouses. This will give the power of administering their common property either to the husband or wife only (See Art. 66).

Accordingly, if one of the spouses becomes incapable (sick, judicially interdicted, or is away from home, etc.) to involve in the administration of the common property, the other spouse alone shall take the responsibility of administering their common property.

The Ethiopian family law generally prohibits the disposal of a common property only by one spouse. In order to alienate a common property, both spouses should give their respective consents. However, the law does not tell us how each party is to express his/her consent. Sometimes it may be difficult to know if both spouses have given their consent.

One way to prove that both parties have given their consent is by requiring both parties to sign a document that transfers the property. The laws of some countries have this type of requirement (RFC, Arts. 68 and 69).

Pursuant to Art. 68 of the RFC, the agreement of both spouses is necessary to do one of the following, even if only one of them is empowered to administer their common property:

- a. To sell, exchange, rent out, mortgage or alienate in any way a common immovable property to give a right to third parties on such property.
- b. One of the spouses alone has no power to sell, exchange, pledge or alienate in any other way, a common movable property or securities registered in the name of both spouses when the value of such properties is greater than Birr 500.
- c. One of the spouses is not allowed to give by way of donation any property the value of which is more than Birr 100 or cash that exceeds Birr 100.
- d. One of the spouses cannot borrow or lend money exceeding Birr 500 by his/her own unilateral decision. Nor can he/she stand surety for a debt of another person to such amount of money.

One can see from Art. 69 (1) the RFC that if one of the spouses enters into obligations in violation of the provisions of Art. 68, the court may, at the request of the other spouse, invalidate such obligations.

C) Women's Rights under Land Laws in Southern Ethiopia

The necessity of protecting women's right to and control over rural land in Ethiopia is also reaffirmed in both federal and state land proclamations, regulations and directives. This section briefly reviews the relevant provisions governing women's equal right to acquire, use, control and administer rural land particularly in the SNNPR, which is relevant to the case study area (i.e., Wolaita zone). The relevant land legislation, SNNP Land Administration and Use Proclamation No.110/2007, recognizes women's right to acquire rural land and to equally use it with men. This law specifically stipulates that "Women who want to engage in agriculture shall have the right to get and use rural land" (SNNP Proc No. 110/2007, Art. 5 (3)). The law seems to protect women from the administrative discriminations with respect to rural land acquisition. Moreover, it stresses that "a husband and wife have equal use right on their common land holdings.

They do not lose their land holding because of their marriage that they possessed individually before.” (Ibid, Art. 5(5)) This provision is crucial as it entitles women to equally use a household land in marriage and at the same time it recognizes a possibility of maintaining personal landholding of one of the spouses acquired before marriage. It is a matter of common knowledge that not all women live in marriage. Thus, the law states that “women household heads shall have full use right on their land holdings” (Ibid, Art.5 (6)). Besides, women whose husbands are engaged in government services or in any other activities shall have the right to use rural lands (Ibid, Art. 5(7)). This provision tries to consider the marginalized status of most women who live in rural areas while their husbands work as government employees. It guarantees them the right to have independent landholding as long as they are interested in farming. Rural land can be obtained from a family by gift or inheritance or from the competent authority (Art. 5 (11)). Additionally, women may acquire land by settlement (Art. 5(12)).

With respect to rural land registration and certification Art. 6 prescribes the following:

1. Any holder of rural land shall be given land holding certificate prepared by the competent authority which describes the size of the land, land use type and cover, level of fertility and borders, as well as the obligation and right of the holders.
2. Where land is jointly held by husband and wife or by other persons, the holding certificate shall be prepared in the name of all the joint holders.
3. A household head woman shall be given a land holding and use right certificate in her name.
4. A woman shall get a land use right certificate prepared in her name even where her husband is found being engaged in government services or in and others services.
5. The possession of underage or orphans can be measured and registered and the orphans shall be given landholding certificate in care of their guardians.

Land registration and certification practice has been introduced in Ethiopia with a view to insuring tenure security. The law also underlines the importance of preparation of landholding certificates jointly in the names of both husband and wife.

It again considers the special need of female headed family and entitles a woman out of marriage to landholding certificate issued in her name. In practice, the certificates are being distributed to farmers in Wolaita zone. It is to be noted that the rural land use right of peasant farmers, Semi-pastoralists and pastoralists shall have no time limit. Women have also a right to transfer their rural land use right through inheritance to members of their family; and they have the right to sale, lease, bequeath and pledge the property produced (Art. 8 (5) and (6)).

The law further provides for guidelines on dispute resolution with respect to use and administration of rural land (Art. 12). Thus, if dispute arises over rural land holding right, the case shall be brought to *kebele* land administration committee. The committee is duty bound to let the dispute be resolved by negotiation and arbitration through local elders set by the choice of the two parties. In case where one of the parties is dissatisfied with a decision rendered by elders s/he has a right to appeal to *woreda* court and after that to the higher court. A party who may disagree with decision made the high court can bring appeal to the Supreme Court which must be final. Even after this lengthy process, this law allows a person to bring a case to the regional Supreme Court of cassation where s/he thinks that there is fundamental error of law in the decisions.

In practice, women are facing difficulties to protect their rights through this land dispute settlement mechanism. In the first place, it is found the *Kebele* land administration committees are very reluctant to resolve disputes in the best interest of the women as they are highly influenced by local patriarchal customary practices. Secondly, the law provides for a very lengthy procedure which disadvantages poor women who cannot afford the cost of litigation through all these stages.

D) Customary Land Rights in Wolaita Community

The informal customary land right, which constitutes knowledge of the community members, is the issue of possession of land and resources. Land is not considered as goods that can be bought or sold, but is managed according to family and lineage structures, marriage practices and religion. Generally, men control land and women gain access mostly through their relationship with male relative. The customary law limits women's rights on land and this law underpins patriarchal system of traditional authority to reinforce patriarchal values which disadvantage women and place them to subordinate position in society (Woldetensay, 2007).

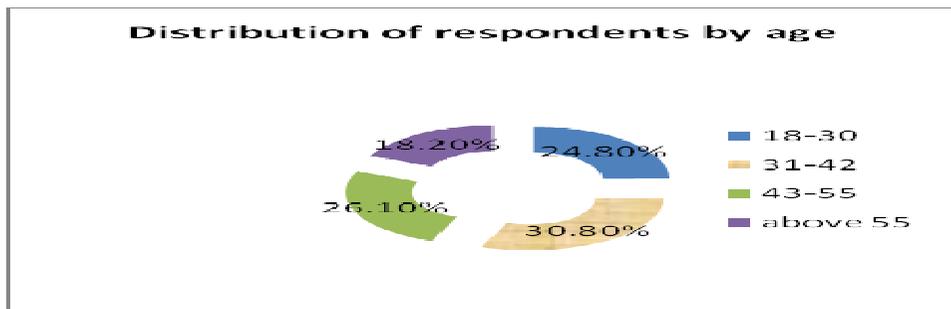
Unmarried women have little access to land because they have no property right to inherit in most patriarchal societies (Nizoki, 2002). Where customary law is in force, it directly discriminates against women and provides them with few rights of control over land. Discriminatory practices do not provide daughter with equal inheritance right to those of sons (Ikdhal *et al.*, 2005). The customary land right in Wolaita community tends to be the unwritten social rules and structures of a community derived from shared value and based on tradition. Customary land right in Wolaita is to the disadvantage to women.

Customary land right of women is based on social relations between men and women. According to the Wolaita customary law, women do not have right to land possession and property ownership. They cannot share and inherit the land. Women only eat and dress for their lifelong period. Beyond this, they have no any say on their properties. At divorce, the woman only has to take with herself the knife for processing enset (staple food) and pillow to go with. Male and female children are not treated equally for inheritance right. Land is given to male children. The laws had been discriminatory towards women for long time and remain obstacle to women's attempt to ensure their right, enjoy the fruits of their labour and participation.

5. Women's Access to and Control over rural land in Wolaita, Southern Ethiopia

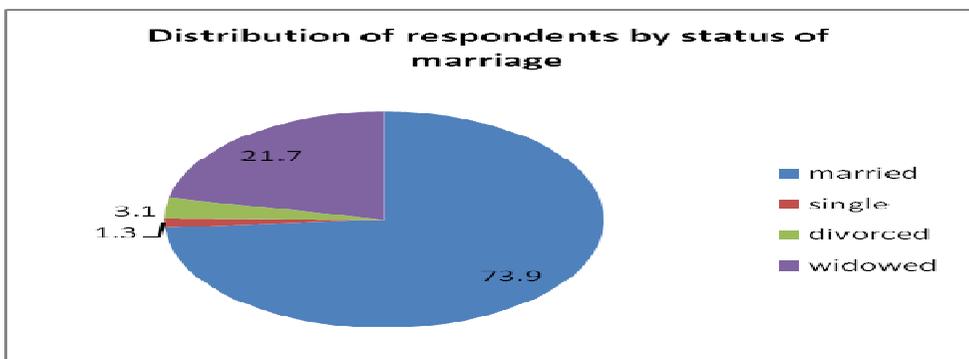
5.1 Demographic characteristics of survey respondents

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



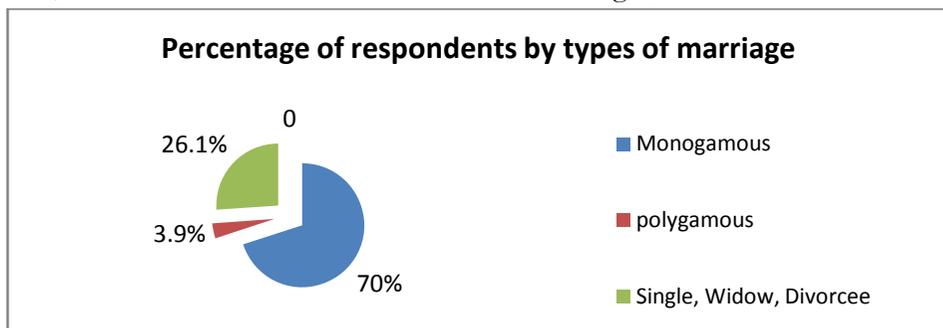
Source: Own survey, July 2013.

Data collected on age of respondents shows that, 30.8% of the respondents are in 31-42 age group, 26.1% are in 43-55 age group, 24.8% are in 18-30 age group and 18.2% are above 55 years of age.



Source: Own survey, July 2013.

With regards to marital status, 73.9% of the respondents are married, 21.7% are widowed, 3.1 % are divorced and 1.3% women are single/unmarried.

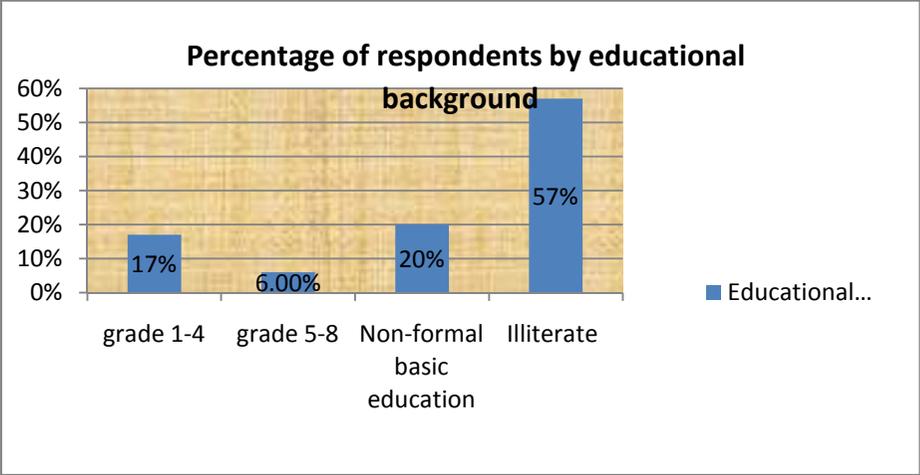


Source: Own survey, July 2013.

As to the type of marriage, 70% are in monogamous marriage (are the only spouses in their marriage) and 3.9% are in polygamous marriage. Hence, the study covers women from different age groups and marital statuses. Survey respondents are in 18-55 and above age groups. Almost three fourth of the respondents are married and most of them are in 18-42 age groups. There are widows across all age groups although most are in the 43-55 and above Age Groups.

5.2 Socio-Economic Situation of Survey Respondents

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



Source: Own survey, July 2013.

The chart above shows responses obtained on educational background of survey respondents. Out of the total 397 respondents, 57% are illiterate, 20% have non-formal basic education, 17% have formal first cycle academic education (grade 1-4) and 6% have second cycle (grade 5-8) level academic education. Survey findings on educational status of respondents reflects high illiteracy rate among women in the study area.

Quantitative data collected on average annual income earned from sales of agricultural products revealed that 30.23% earn Birr 3000 – 5000, 28.71% earn Birr 1000 – 3000, 14.86% earn Birr 5000 – 7000, 10.83% earn over Birr.7000, 15.36% earn less than Birr 1000 from sales of agricultural products. Data collected on trends in income expenditure reflect that 55% responded that they spend incomes on other investments like buying cattle, leasing land etc., 35% responded they spend income on household need satisfaction, 8% uses for house construction and maintenance and 2% spend income on purchase of farm inputs like fertilizer, plough oxen, etc. On the other hand, qualitative information obtained from focus group discussions with rural women on income and expenditure trends reveals that they give priority to loan payments mainly for fertilizer provided by Kebele administration on credit basis in fear of measures on delay or failure.

Trends on income and expenditure show that most respondents use their incomes for investments like leasing land, house construction and maintenance and purchase of cattle.

Table 1: Distribution of Respondents by Level of Income and Marital Status

Average Annual income (Ethiopian Birr)		Less than 1000	Birr 1000-3000	Birr 3000-5000	Birr 5000-7000	Over Birr 7000	Total	remark
Marital Status	Single	3						
	Married	41	82	99	43	28	293	
	Divorced	3	4	2	2	1	12	
	Widowed	14	27	18	13	14	86	
Total		61	114	120	59	43	397	
Percentage		15.36%	28.71%	30.23%	14.86%	10.83%	100%	

Source: Own survey, July 2013.

The above table demonstrates data obtained on the relationship between average annual income earned from agricultural products with marital status. The data on this relationship reflect that out of the total 293 married respondents, 99 earn Birr 3000 – 5000 from sales of agricultural products, 82 earn Birr 1000 – 3000, 43 earn Birr 5000 – 7000, 28 earn over Birr 7000 and other 41 did not earn income or only earn less than 1000 Birr from sales of agricultural products.

Out of the total 86 widowed respondents, 27 they earn Birr 1000 – 3000 from sales of farm products, 18 earn Birr 3000 – 5000, 13 earn Birr 5000 – 7000, 14 earn over Birr 7000 and 14 earn only less than 1000 Birr from sales of agricultural products. Out of 12 divorcees, 4 earn Birr 1000 – 3000, 2 earn Birr 3000 – 5000, 1 earns Birr 5000 – 7000 and 3 earn no income from sales of agricultural products.

Responses obtained from 6 single/unmarried women reflects that 3 responded that each of them earn Birr 1000 – 3000, Birr 5000 – 7000 and over Birr 7000 from sales of agricultural products and 3 of them earn less than 1000 Birr income from sales of agricultural products. Findings reflect that average annual income earned from agricultural products varies across marital status.

Out of the total 104 female headed families (FHH) (considering total number of single/unmarried divorced and widowed women) 20 (5%) earn less than 1000 or they do not earn income from agricultural products.

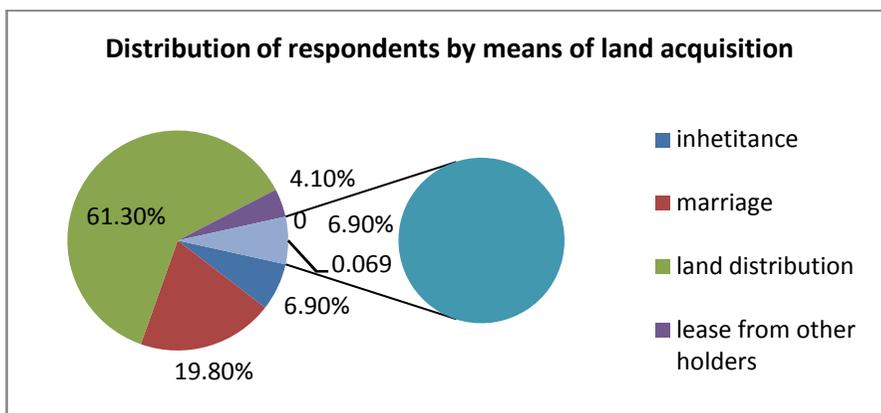
Quantitative data collected on asset ownership and control reflects that 62% of the total survey respondents own cattle, sheep, goats, poultry; whereas, 38% of the respondents do not own these assets. Out of the 62% respondents who own cattle, sheep, goats, poultry, etc., 21% own poultry and sell animal products and poultry, 16% own assets but do not have control over assets like cattle, sheep, goat, etc., 10% do not own and control assets and 15% have equal ownership and control over all assets including income from sales.

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

Survey findings generally show a prevalence of gender biases in asset ownership and control. Women in the study area own and manage assets that have less value. Women mostly own poultry and manage animal products. Findings further reveal biases not only in asset ownership but also cultural constraints on women's using household assets.

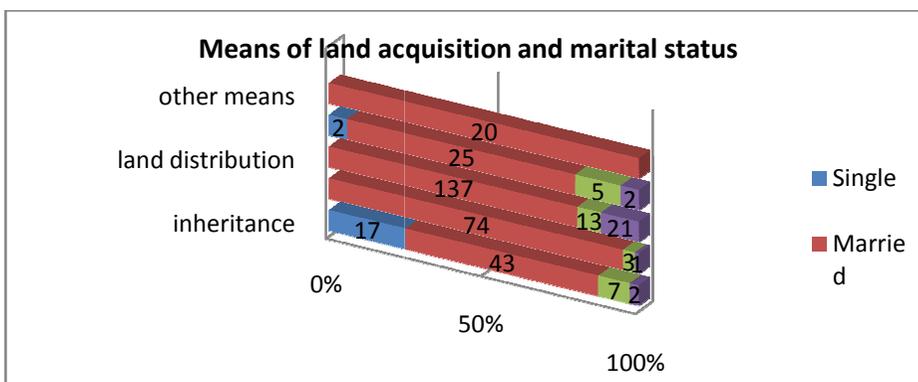
5.3 Women’s Access to Rural Land

A number of questions were included in the survey questionnaire and qualitative survey tools to collect data on women’s access to land. Questions focused on women’s access to land are means of land acquisition and size of landholdings. Land access rights of different group of women are also included in the survey questions.



Source: Own survey, July 2013.

Data collected on means of land acquisition in the study area show that out of the total 397 respondents, 61.3% accessed land through land distribution, 19.8% accessed land through marriage, 6.9% accessed land through inheritance, other 6.9% get access to land through other means and 4.1% lease land from land holders.



Source: Own survey, July 2013.

Data displayed on the above figure shows the relationship between means of land acquisition and marital status in the study area. Out of 171 respondents accessed land through land distribution, 137 are married, 21 are widows, and 13 are divorcees. Out of 105 respondents who accessed land through marriage, 74 were married and 31 were widows and divorcees. Out of 69 respondents who accessed land through inheritance, 43 were married, 2 were widows and 7 were divorcees.

20 respondents who accessed land by other means were all married. Out of 34 respondents who accessed land by lease, 25 were married, 2 were widows, 5 were divorcees and other 2 were single/unmarried.

Survey findings on means of land acquisition in the study area revealed that most respondents (43%) acquired land through state land distribution carried out by the Derg before 32 years. However, most respondents (56%) are in 18-42 age group and not be able to be of age to acquire land through the Derg land distribution. This study shows that marriage has impact on women's access rights to land. Most women get access to land through marriage as most survey respondents were married women who get access to their husbands' land and widowed women who get access to their deceased husbands' land. Literatures reveal that women's access to their husbands' land offers them secondary rights and this right is seriously constrained in reality because women's rights to their husbands' land is secured as long as the marriage lasts.

Qualitative information obtained from focus group discussions with rural women in study area indicate that respondents who accessed land by other means are custodians of lands of individuals residing out of the Kebeles. Information obtained from the focus group discussions further show that most women get access rights to land through marriage while losing access rights to their natal land at the same time. The case story below explains this fact.

Chuna is a middle aged woman living in Woalita community Sodo Zuria district Dalbo kebele. She raised the issue on the focus group discussion. Her tears drop as she tells the multiple problems she faced in her life since she has been denied the access right to land.

My parents had 8 children but only five of us survived out of which three are female. My father died in 1992 and my mother seven years back. I married and living with my husband and my five children when my mother died in 1995. I divorced nine years ago and left my home with my children. I did not get my share from my common property. I took only my clothes as I was expelled out of my home at time of divorce. Although I asked my ex-husband several times to give me my share from our common property and land through community elders, he refused. He said '...land is mine and you are not entitled to it'. He got married soon after I left home and had now other children.

I returned to my parent's village after divorce and prefer to live in my deceased parents' house. I asked my brother who inherited our parents' land to give me my share as I badly need income to raise my children. He refused. I insist on asking him through community elders but there was no way to convince him. My brother died two years ago. I again started asking his children, my nephews, for my share. Their response was negative. They started to stalk me to the extent of forcing me leave the house I live in. I did not know about my legal rights and how to enforce them. Fortunately, I now get some advice from a woman working as health extension in our village, who told me that I can claim my share of inheritance and my common property from my ex-husband. I have already applied to the kebele Social Court. Nevertheless, the Court could not help me. I am leading a miserable life.

Now I am trying to generate some income by selling tella and areki although it is not enough to fulfill the basic needs of my children. I do not know how to access justice and getting out of this problem.

Chuna is not still sure about getting her share from her husband's land or from her deceased parents' land. She is bearing the burden of raising three children without sufficient income. Her physical condition and her facial expression speak louder than her words in showing her problems.

Breach in marriages and problems in ensuring marital property rights cause insecurity in women's land rights in Ethiopia. Traditional divorce practices impede women's rights to secure matrimonial property including land. Traditional dispute settlement means used by communities hardly ensures women's marital property rights since patriarchal attitudes and practices bias against women. Women also lack legal awareness and capacity to access justice. Thus divorced women bear the burden of single motherhood without getting their share from their matrimonial land.

5.4 Access to Land by Different Groups of Women

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

Information obtained on land rights of women in polygamous marriages reveal that polygamy is mostly attached to infertility and ageing of women and that wives themselves agree with their husbands' entering into second marriage in such cases.

The husband shares yields obtained from the land registered in his name to all wives and all wives get their share from the husband's land in case of divorce. However, there is policy gaps on land rights of women in polygamous marriages. The law does not provide a clear cut solution to property rights of women in polygamous marriage. This legal gap moreover impedes the enforcement of women's land rights.

Furthermore, the SNNPR rural land Proclamation affirms that land holding right is not subject to permanent residence in the area where land is located. However, the land administration implementation regulation denies this right to women under polygamous marriages. The regulation does not allow these women to use land if they reside out of the kebeles where land is located and if they engage in other businesses. These inconsistent provisions impede the realization of landholding rights of women in polygamous marriages.

Information obtained on single/unmarried women's access to abandoned or unoccupied land from interviews with LAC members show that abandoned or unoccupied land is not distributed to single/unmarried women. LAC members mentioned that single/unmarried women did not apply to get land when abandoned or unoccupied land is distributed in kebeles. Means of landholding for unmarried/single women is through inheritance or government redistribution of abandoned or unoccupied land. Findings reflect that single/unmarried women's access to abandoned or unoccupied land is not realized. The patrilineal inheritance system disfavors women in terms of land acquisition through inheritance because women are not considered as custodians of family property in community practices.

The tradition in the study area gives inheritance right to male descents (grandsons) denying inheritance right to daughters of their deceased parents' land.

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

Widows traditionally have rights to inherit their deceased husband's land which they later on pass to sons in the study area. However, this right is conditional to having a child from the deceased husband. Widows with children are relatively secure to use their deceased husbands' land than widows without children. Widows with children usually continue farming their deceased husbands' lands as they continue to raise their children.

5.5 Control Over Land and Agricultural Products

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

5.5.1 Entitlement to Land Registration and Certification

As can be seen from the following table, out of 30896 farmers who received landholding certificates in Sodo Zuria woreda, 25855 are registered in the names of both husband and wife; 4375 are registered only in the name of women (FHH) and 666 were registered in the name of tutor's who represent minor children whose parents died. In the same token, out of 30849 total landholding certificates given to farmers in Bolosso Sore woreda, 23641 are registered in the names of both husband and wife whereas 6938 are registered in the name of women only.

Only 270 certificates of landholding are registered in the names of tutors. This data shows that landholding certificates in Wolaita zone are prepared to farmers in accordance with the SNNPR land Proclamation.

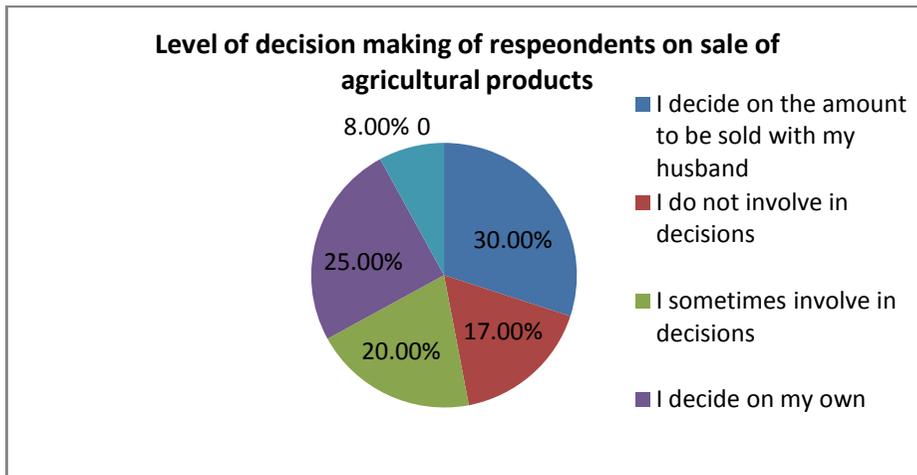
Table 2: Entitlement to Land Registration and Certification in Wolaita (1997-2004 E.C)²

No.	Name of district	No of landholder farmers				Farmers received landholding certificates during 1997-2004 E.C			
		MHF	FHF	Tutor	Total	MHF	FHF	Tutor	Total
1	Sodo zuria	25949	4393	666	31008	25855	4375	666	30896
2	B/Sore	23641	6938	270	30849	23641	6938	270	30849
3	B/ Bombe	14416	3526	49	17991	14416	3526	49	17991
4	D/Sore	14121	2189	175	16485	14121	2189	175	16485
5	K/Koysha	16611	1443	3	18057	16611	1443	3	18057
6	K/Didaye	15458	628	68	16154	15951	627	68	16646
7	Ofa	16788	2228	234	19250	16788	2228	234	19250
8	Humbo	20657	4761	456	25874	20434	4761	456	25651
9	D/Wayde	13636	2704	197	16537	13636	2704	197	16537
10	D/ Fango	15024	3624	280	18928	12735	2750	172	15657
11	D/Gale	21913	4000	279	26192	21913	4000	279	26192
12	D/ Pulasa	16433	2089	40	18562	16433	2089	40	18562
	Total	214647	38523	2717	255887	212284	37630	2609	

5.5.2 Women's Household Decision Making and Control over Income

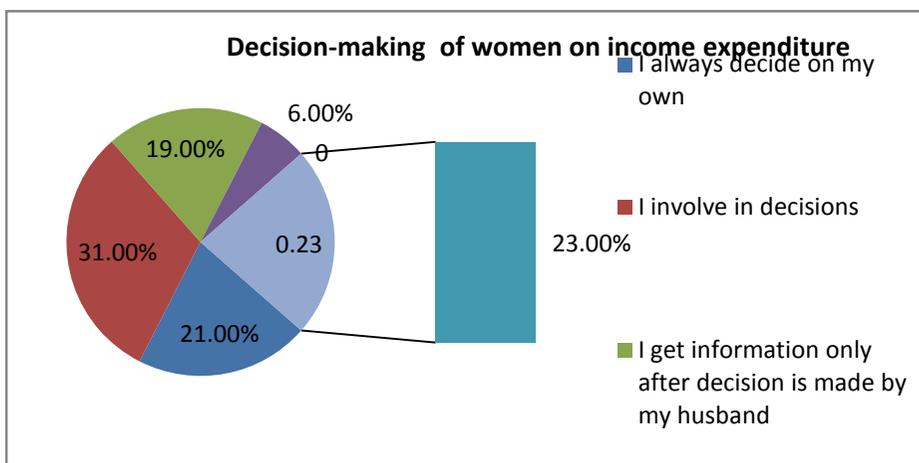
Figures 6 and 7 below summarize the level of women's decision making on sale of agricultural products and expenditure.

² Source: Archive of Wolaita zone Agriculture and Rural Development Bureau, May 2013.



Source: own survey, August 2013

Figure above displays distribution of respondents by decision-making on sales of agricultural products and control of income. Quantitative data collected on women's involvement in decision-making on the amount of agricultural products to be sold reveals that 30% of the respondents decide with their husbands, 17% do not involve in decisions, 20% are involved sometimes, 8% it is decided by others and 25% decide on their own.



Source: own survey, June 2013

Data on women's decision-making on income expenditure reflects that 31% involve in decision, 21% decide on their own, 23% have equal say with their husbands on income expenditure, 19% their husbands decide on their own and they are informed later and 6% sometimes decide on their own and their husbands decide on their own at other times.

Qualitative information obtained from focus group discussions with rural women on women's involvement in decision-making on land and land related issues reflect that women in male headed households have little say on what crops to grow, on the amount to be stocked for household consumption and on the amount to be sold. Women explained that they usually need to grow crops they prefer to use for household consumption but are not mostly accepted by husbands. They stated that land is mostly used to cultivate crops/grains that have good market prices. Information obtained from interviews with Kebele LAC members disclose that wives are not mostly consulted on matters related to land and are not informed on serious issues like leasing out land. LAC members in Dalbo kebele referred to specific case they handled with the kebele Administration on a woman's appeal to the kebele because her husband leased out land without her knowledge and the family was in short of food as a result.

6. Conclusion

Land is a life blood of rural population in Ethiopia. It is the main source of livelihood for men and women. Taking the importance of land into account, Ethiopia has afforded a legal protection for a woman's right to equality with men and equal protection before the law under its Federal Constitution of 1995, State constitutions, family laws and land laws. Thus Ethiopian women have equal right to own, administer and control property under the existing laws. Particularly, they have a right to access the rural land free of charge and control it equally with men. The revised family codes of the country also uniformly recognize a woman's right to equal share of a common property, including land, upon divorce. Furthermore, women have an equal right to property inheritance.

However, this study shows that the law is not effectively implemented in the Wolaita community, one of the administrative zones in the southern Ethiopia because of practical reasons. The main challenge to women's right to and control over rural land is the pessimistic attitude of the community towards women.

The harmful practices are also prevalent among men who involve in various government organs at different levels. Moreover, women generally lack legal awareness on the breadth of their right to the rural land. Therefore, legal awareness campaign should be undertaken by concerned bodies towards women, society and law enforcing organs at all levels.

Moreover, women face challenges in enforcing their rights through the lengthy trial procedure from Kebele (the lowest administrative unit) to the Federal Court of Cassation due to resource limitation and lack of an effective legal aid system to women. Thus, there should be organized state funded legal aid scheme which exclusively aims at the women's empowerment and enforcement of their rights to property including rural land.

Women residing in rural Ethiopia are the most disadvantaged groups who are both illiterate and poor who face inconceivable challenges because of the society's stereotypes and discrimination against them. When they are evicted from their landholding illegally and thrown out to the field, it is really the most life threatening act that must be interfered by the concerned governmental bodies such as the women and children affairs bureau. It is suggested that a provision of an effective legal aid for the Ethiopia women can be a voice for the voiceless.

In addition to the practical problems, the law also has a gap with respect to women in polygamous marriage. It does not specify how they can get their share from the matrimonial property. This legal gap could be filled by amending the relevant law.

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