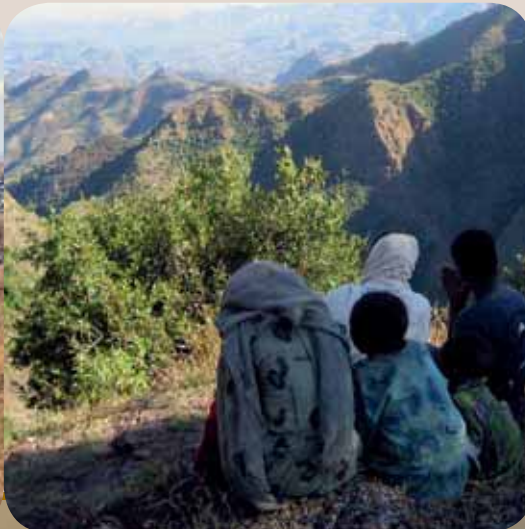


Land Registration in Ethiopia: Early Impacts on Women

Summary report



Land Certification in Ethiopia

- Early Impacts on Women

Copyright © United Nations Human Settlements Programme (UN-HABITAT), 2008

HS/1035/08E

ISBN:978-92-1-132014-5

Disclaimer

The designations employed and the presentation of the material in this publication do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area, or of its authorities, or concerning delimitation of its frontiers or boundaries, or regarding its economic system or degree of development. The analysis, conclusions and recommendations of this publication do not necessarily reflect the views of the United Nations Human Settlements Programme or its Governing Council.

United Nations Human Settlements Programme (UN-HABITAT)

P.O. Box 30030, Nairobi 00100, Kenya

Tel: +254 20 762 3120

Fax: +254 20 762 3477

www.unhabitat.org

All photos by Ulrik Westman © UN-HABITAT

Principal authors: Stein Holden, Tewodros Tefera

Contributors: Clarissa Augustinus, Ulrik Westman, Asa Jonsson, Solomon Haile, Remy Sietchiping and Szilard Fricska of UN-HABITAT. See also acknowledgements on the inside back cover of the report.

Editor: Robert Wagner

Sponsors: Norwegian Government, Swedish International Development Cooperation Agency, and the Norwegian University of Life Sciences

Printer: United Nations Print Shop in Nairobi

Land Registration in Ethiopia: Early Impacts on Women

Summary report

2008



Contents

Abbreviations	2
Executive summary	3
1. Introduction	7
2. Gender implications of land certification and empowerment of women.....	8
2.1 Traditional position of women vs. the effects of the land reform.....	8
2.2 Polygamy and position of polygamous wives.....	12
2.3 Women’s participation in the process.....	16
2.4 Women’s and men’s perceptions of women’s benefits of the reform.....	17
3. How pro-poor was the land reform?.....	18
4. Overall discussion.....	21
5. Conclusions	23
6. References	24

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-kebelle) 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-kebelle) rather than at village (kebelle) 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.

1. Introduction

Land reforms are again high on the international policy agenda as can be seen from the establishment of the Commission for Legal Empowerment of the Poor (<http://legalempowerment.undp.org/>), 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) (Augustinus 2005; World Bank 2006). Among these tools are land registration and certification where husbands and wives are given joint titles to their land aiming to strengthen women's land rights that traditionally have been weaker than those of men in most societies.

Land certification has been implemented in Ethiopia since 1998 and over 5 million certificates have been delivered, 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 are 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 study in Oromiya and the Southern Nations, Nationalities and Peoples (SNNP) regions of Ethiopia draws systematic lessons from the implementation of this low-cost, large-scale, and broad-based gender-sensitive land reform.

Traditionally the land tenure system in Southern Ethiopia was characterised by patrilineal inheritance and virilocal residence. Young girls did not have anything to say in relation to marriage and had to go to the husband that their clan or family identified for them. After marriage they moved to the home their new husband's home and inherited no land from their parents. Bride prices and dowries are still commonly used, making girls the property of the husband and his clan. This also implied that if the husband dies, his wife is the property of his clan and a brother of the deceased would become the new husband. How widely these traditions continue may vary from place to place and from family to family.

The Ethiopian Land Reform of 1975 that followed the military coup by the Derg regime, made all land state land. State ownership is still the rule today and was inspired by a communistic "land-to-the-tiller" ideology. However, recent federal and regional land laws, or proclamations (FRLAUP 1997; 2005; OR 2002; SNNPR 2003) have strengthened inheritance rights by way of use rights of land within the family, giving equal rights to inheritance for sons and daughters. The new laws imply that land should be shared equally between the husband and wife upon divorce and the wife and children should take over the land if the husband/father dies. The new laws also deal with polygamy, which is still common practice in Southern Ethiopia, and the polygamous wives may live separately and have their own land.

This study focuses on how the land law has been implemented in practice. In particular, the study examines how the position of women, in cases of divorce or death of the husband, may have changed and whether the new laws have impacts on the empowerment of women. However, as the study focuses on early impacts of the process, it is unrealistic to expect large changes in the amended roles and improved rights of women. Gender impacts are also captured by comparing the situation of female-headed households with other households.



For this family the rugged land is their life. Ethiopia's land reform will have an impact on their future livelihood.

2. Gender implications of land certification and empowerment of women

2.1 Traditional position of women vs. the effects of the land reform

When assessing the impact of the land reform it is important to take the traditional position of women in Southern Ethiopia as a starting point. Women traditionally have a weaker position than men within households as well as in society overall. The husband is considered to be the head of the household and women become heads of households only if they have no husband. Few women hold local leadership positions and are usually confined to taking care of children, preparing food and doing other household chores. Women in Ethiopia are less involved in farming activities than in many other African countries. By tradition they are not allowed to plough with oxen although they do planting, weeding and harvesting. The husband is in charge of the farming activities in most cases. It is uncertain to what extent (if at all) the land reform has affected traditions and changed the position and decision-making power of women in agricultural production. This section explores the position of women by reviewing gender-related findings from the household survey.

Table 2.1.1. Women's participation in village activities

Questions asked to adult women (wives and female heads)	Sashe-mene	Arsi Negelle	Wondo Genet	Wollaita	Total
Participate and speak up in village meetings	19.9	26.4	18.5	12.1	18.7
Member of women's association	23.1	31.8	8.7	24.6	23.3
Member of village council	3.9	4.1	2.9	12.1	6.4
Other leadership position	5.8	5.4	1.9	3.5	4.3
Always vote in elections	18.6	21.0	32.0	27.1	24.1
Have money or assets that you control alone and decide on use	28.9	23.7	21.4	45.7	31.9
Taken loan in cash or kind to start expand a business	10.9	4.7	19.4	50.8	23.9
Permitted to go to the market place alone	40.4	42.6	40.8	43.2	41.9

The table gives the % of households responding 'yes' to the questions above.

Few women are members of village councils or have leadership positions in the village. There is considerable variation across woredas in terms of the degree of participation. Women in Wollaita are least likely to participate and speak in village meetings but are more likely to have money or assets that they control independently or have taken loans to expand their own business.

The next table gives information on women's participation in household decision-making. Note that again, women in Wollaita seem to have more independent control over their incomes.

Table 2.1.2. Women's participation in household decision-making

Questions asked to adult women (wives and female heads)	Sashemene	Arsi Negelle	Wondo Genet	Wollaita	Total
Involved in land investment and production decisions, %	26.9	37.2	37.9	45.7	37.5
Involved in decisions on use of income from crop production, %	37.2	35.1	22.5	32.2	32.5
Full control over own income generated, %	18.6	16.9	20.4	38.7	25.1
Involved in decisions on common resource utilisation, %	71.1	71.6	43.7	60.2	63.1
Can decide alone whether to involve in non-farm income generating activity, %	21.8	17.6	18.5	30.7	23.1

A case study interview with one woman in a kebele in Arsi Negelle illustrates the change. She is a single wife and emphasized that her husband has education. Both of their names, as well as those of their five children appear on their land certificate. She perceives that the land certificate has increased their tenure security and says that the land certification has improved her situation, making her an equal owner and participant in decision-making. Before certification her husband made all land-related decisions but now they make joint decisions. They have 6 ha of land. Before they had no oxen and therefore sharecropped their land. Now they have oxen so they cultivate the land themselves. Their children include one girl and four boys. The daughter has married and moved away and did not get any land, but she will inherit some when they die as they plan to divide the land equally among the children. They have so far given one hectare of land to the first-born son but the remaining land has not been divided among the children.

We also asked the same questions as those summarised in Tables 2.1.1 and 2.1.2 after the land reform and the responses are presented in Tables 2.1.3 and 2.1.4 below. The reform has not yet been implemented in Wondo Genet.

A comparison of Tables 2.1.1 and 2.1.3 shows a strong tendency of increased participation by women in Sashemene, and a weaker tendency in Arsi Negelle but little change in Wollaita.

Table 2.1.3. Women's participation in village activities after the reform

Questions asked to adult women (wives and female heads)	Sashe-mene	Arsi Negelle	Wondo Genet	Wollaita	Total
Participate and speak up in village meetings, %	26.9	22.3	-	14.1	17.2
Member of women's association, %	29.5	41.2	-	25.1	26.4
Member of village council, %	5.1	6.1	-	12.1	6.8
Other leadership position, %	5.8	5.4	-	3.5	4.3
Always vote in elections, %	25.6	29.1	-	27.6	23.1
Have money or assets that you control alone and decide on use, %	39.7	24.3	-	46.7	31.9
Taken loan in cash or kind to start expand a business, %	17.3	4.7	-	50.8	2.6
Permitted to go to the market place alone, %	64.1	46.6	-	42.2	41.9

The table gives the % of households responding yes to the questions above.

Table 2.1.4 presents the responses about participation in household decision-making after the reform.

Table 2.1.4. Women's participation in decision-making in the households after the reform

	Sashemene		Arsi Negelle		Wondo Genet		Wollaita	
	Men	Women	Men	Women	Men	Women	Men	Women
Has no effect, %	36.2	42.8	29.9	37.0	23.5	26.1	58.3	56.9
Stronger position in the case of divorce, %	30.3	27.0	48.1	35.1	35.7	28.7	22.6	19.6
Involve more on land related decisions within marriage, %	4.6	6.0	4.6	2.6	4.4	2.6	3.9	2.5
Control more of the income from production on the land, %	0.7	1.3	1.3	0.7	0.9	0.0	2.0	2.0
Involved in land renting decision, %	0.0	0.7	0.0	1.3	2.6	1.7	1.5	1.0
Perform more work on the land, %	4.6	2.6	0.0	0.0	0.0	0.9	0.5	0.5

There is a tendency toward increased participation in women's involvement in decision-making after the reform compared with Table 2.1.2 but not in terms of women becoming more able to make independent decisions over own income and involvement in non-farm activities.

Who will inherit land

Men and women were asked separately about who will inherit the land of their household. The table below summarises the responses of men and women in the four districts.

The table shows that there is a strong tradition for the oldest son or unmarried son to inherit the land from the parents, while the oldest daughter has a higher probability of inheriting land in Wondo Genet and Wollaita. Overall this demonstrates a clear gender bias that follows the traditional patrilineal inheritance system and patrilocal system of residence (after marriage a woman moves to the home of her new husband). This traditional inheritance and marriage pattern frames how the land certification reform affects women. Polygamy is very common in Southern Ethiopia, which complicates the situation. The implications of the reform for polygamous households and wives will be considered later.

Table 2.1.5. Who will inherit land according to male and female family members

District/Respondent	Sashemene		Arsi Negelle		Wondo Genet		Wollaita	
	Men	Women	Men	Women	Men	Women	Men	Women
Who inherit								
Oldest son/daughter	5.1	5.8	1.4	2.7	15.5	13.6	13.1	13.7
Oldest son	50.6	37.8	32.4	37.8	23.3	26.1	28.6	33.2
Oldest daughter	0.6	2.6	0.7	1.4	0	0	3.0	3.5
Youngest unmarried son/daughter	10.3	13.5	10.1	11.5	8.7	11.7	2.0	0.5
Unmarried son	10.3	15.4	21.6	27.7	9.7	8.7	11.1	10.6
Unmarried daughter	0	0	0.7	2.0	0	0	0.5	0
Favourite son	0.6	1.9	3.4	0.7	1.9	0	0.5	0.5
Favourite daughter	0	0	0	0	0	0	0	0
Other family members	0	0	0.7	0	4.9	3.9	2.0	3.5

One of the issues is how the land reform may affect men and women in cases of divorce and death of one spouse and the consequent division of land. Table 2.1.6 presents data from households that have experienced divorces or deaths of spouses in the past. Also, all households were asked what they think would be the outcome in the event of a divorce or death today. Husbands and wives were interviewed separately.

Table 2.1.6. Household break and division of land

Questions to husbands and wives	Number of responses or % by category					Total
	All	>Half	Half	<Half	Nothing	
In case of household break in the past, how much land did you get?						
Women, number	18	2	11	0	22	53
Men, number	44	5	11	6	18	84
In case of divorce today how much of the land would you get?						
Women, %	11.4	3.0	50.2	4.6	0.3	
Men, %	17.0	6.6	46.5	4.8	5.0	
In case of death of spouse today, how much of the land would you get?						
Women, %	64.0	3.6	12.7	0.5	1.5	
Men, %	67.2	2.0	9.1	1.2	0.8	
In case of death of spouse today, how much land would be given to the children?						
Women, %	20.5	11.9	36.6	8.6	1.3	
Men, %	18.2	8.1	31.2	13.9	5.9	

The table shows that men were more likely to get all the land in case of household breakup in the past. The hypothetical questions provided a difference in answers in cases of divorce than in cases of death of spouse. Close to 50% of men as well as women thought that the land would be shared equally in cases of divorce, while close to 65% of men as well as women thought they would get all the land in case of death of the spouse. The differences between men and women were not significant in these cases.

How much land each spouse keeps after divorce may depend on whether and how much land each brought into marriage. The law on this was recently changed in SNNPR from equal sharing of all land brought into marriage by both parties to each taking with him/her out of marriage what they brought in.

We asked about the determinants of land kept after marriage in case of divorce and the responses are presented in the table below.

Table 2.1.7 Perceptions on determinants of land kept after marriage in case of divorce

District/Respondent	Sashemene		Arsi Negelle		Wondo Genet		Wollaita	
	Men	Women	Men	Women	Men	Women	Men	Women
Land brought into marriage does not affect land distribution upon divorce, %	65.4	64.1	59.5	71.0	41.8	43.7	25.1	24.1
Land brought into marriage is kept by the individual after marriage, %	17.3	19.9	18.9	13.5	15.2	26.1	30.1	31.2

The responses were clearly in favour of joint ownership and equal sharing of all land brought into marriage in Arsi Negelle and Sashemene, with a weaker balance in the same direction in Wondo Genet. In Wollaita a higher percentage of households favoured more individualized rights where land brought into the marriage is also kept after a divorce. The recent change in the law in SNNPR is therefore in agreement with the majority perceptions in Wollaita on this but not with those in Wondo Genet. Expectations about the division of land may also depend on the number of children they have, the age of the children at the time of the break and where the children will live after the break.

This recent change in the law is likely to favour men at the expense of women with the current marriage and residence system. When a women moves to the husband's place upon marriage, he is likely to be the one named on the land certificate. She will not get her name there unless he agrees. This means that she is not entitled to half of the land upon divorce or death of the husband. This may have serious gender equity implications for the future in terms of how land rights will be distributed. However, the fact that further subdivision of farms is restricted limits the possibility of dividing the land upon divorce.

2.2 Polygamy and position of polygamous wives

The survey examined the position of polygamous wives, their knowledge of and participation in the land reform and the likely effect of the reform on them. The position and opinions of their husbands is important for the impacts on polygamous wives. These are examined next.

Information from polygamous men

Table 2.2.1 presents information on the distribution of polygamous households in the household sample across the four woredas. The percentage of polygamous households varies from about 12% in Wondo Genet and Wollaita and up to about 20% in Sashemene.

Men were asked whether each of their wives possessed separate land that they farmed on their own. This information is summarised separately for the first wife and for the remaining wives in the table below. The first wives, as well as the other wives, were more likely to have their own land.

Table 2.2.1. Polygamous households, wives' access to land and names on certificates

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Total
Percentage polygamous households in sample	19.9	16.9	11.7	12.1	15.2
Number of polygamous households	31	25	12	24	92
Number of polygamous wives:					
Wife 1 has separate land to farm	14	13	6	14	47
Wife 1 does not have separate land to farm	7	8	1	0	16
Wives 2, 3, 4 and 5 have separate land to farm	14	14	7	17	52
Wives 2, 3, 4 and 5 have no separate land	6	9	0	3	18
Whose name on land certificate: Number					
No certificate	5	6	8	7	26
Husband's name only	5	1	1	4	11
Wife's name only	0	3	1	1	5
Husband's and wife's names	20	20	4	12	56
Husband and several wives on one certificate	11	9	0	2	22

We also asked the polygamous men whose names appeared on the land certificates for the land. The responses are summarised in the table above. In close to 50% of the cases, names of both husbands and wives were included on the certificates. In about 20% of the cases certificates were made to include the names of the husband and all the wives on one certificate. There were very few cases where only the wife's name appeared on the certificates even though this was the initial plan and statement in the land proclamation for the second and later wives. Protests from polygamous men caused a change in the implementation such that they also were included on the certificates of their second and later wives.

Perceptions of tenure insecurity among polygamous men

Polygamous men were asked whether it mattered whose name is on the certificate for who will keep the land in case of divorce. The small sample size of 92 polygamous households means the number of responses are given rather than percentages. About a third of the polygamous men thought that whose name is on the certificate is important for who keeps the land in case of divorce. Slightly more than a third of the polygamous men thought that the land certification has increased their feeling of tenure security and none of them responded that they felt less secure after the reform. They do not therefore consider their wives to be an important cause of tenure insecurity. This is also indicated by the 50% who thought that their wives have obtained stronger land rights after the certification.

Table 2.2.2. Land certification and perceptions of tenure security

Number of respondents	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Total
In case of divorce it matters whose name is on the certificate for whom keeps the land	9	13	1	6	29
Feel more tenure secure after land certification	14	13	3	3	33
Feel less tenure secure after land certification	0	0	0	0	0
Wives have stronger land rights after certification	17	18	3	9	47
Husband's response to this					
Avoid to divorce	4	5	1	2	12
Let the wives decide more	7	4	3	1	15
Do not marry more wives	2	6	0	2	10
Prevent wives from getting certificate	0	0	0	2	2
Prevent wives from having their name on certificate	2	0	0	5	7
Ensure that you keep the children in case of divorce	3	1	1	0	5

The survey also queried husbands' views on women getting stronger land rights. The most common responses were: to let the wives decide more, avoid divorce and avoid marrying more wives. A few also responded that they would try to prevent their wives from getting certificates or having their names on the certificate, and ensure that they would keep the children in case of divorce.

A follow-up question asked them how much land they expected to keep in the event of divorce from each of their wives. Table 2.2.3 shows that about 50% of them expect to keep half of the land and less than 20% expect to keep all the land, less than 20% expect to get less than half, and less than 20% stated that it would depend on who would keep the children.

Table 2.2.3. Polygamous men's expected division of land upon divorce and death of wife

Number of respondents	Sashe-mene	Arsi Negelle	Wondo Genet	Wollaita	Total
In case of divorce, how much land do you expect to get from each of your wives?					
All	5	2	3	1	11
More than half	2	1	0	1	4
Half	10	20	0	3	32
Less than half	2	2	0	3	7
Nothing	3	0	0	1	4
Depends on who keeps the children	3	4	0	4	11
In case one of your wives die, who would get the land if the certificate were in her name?					
The husband	0	1	3	4	8
Her children	18	13	4	5	40
Share equally with her children	7	7	2	7	23
In case one of your wives die, who would get the land if the certificate were in your name?					
The husband	1	5	3	4	13
Her children	14	10	3	6	33
Share equally with her children	10	8	2	6	26

Polygamous wives' responses

Polygamous wives were also asked what they expected the division of land to be in case they were to divorce. Table 2.2.4 shows the responses of non-polygamous wives compared with those of polygamous wives and the responses of the first wife in polygamous households with those of the later wives in the same households. Polygamous wives have significantly lower expectation of how much land they would keep after divorce than other wives had. This indicates the weak position of polygamous wives. Issuing certificates with their names would be an important device to strengthen their rights to land.

Table 2.2.4. Polygamous and other wives' expected division of land upon divorce

Percentage of respondents	Other wives	Polygamous	Wife 1	Wife 2-5
In case of divorce, how much land do you expect to get from each of your wives?				
All	16.5	7.2	11.8	2.6
More than half	3.7	9.2	5.3	13.0
Half	70.3	64.1	69.7	58.4
Less than half	6.7	15.0	6.6	23.4
Nothing	0.3	0.7	1.3	0
Depends on who keeps the children	0.6	1.3	0	2.6
Total number	327	153	76	77
Significance test		***		***

Polygamous wives' participation in and knowledge of land reform activities

Polygamous wives were less likely to have participated in public information meetings about land certification than other wives. About half of the wives had knowledge of the existence of a Land Administration Committee (LAC) in their PA, but only about 15% of them had been involved in electing the LAC committee members. The first wives of polygamous households were significantly more likely to have participated in the election of LAC members. Few of the women knew about the requirement of female members in LAC committees or what the minimum number of female members in the committees should be. The second and later wives of polygamous households appeared to be even less aware of this than the other wives. About 15% of the wives were aware of any female members of the current LACs. The sample included two wives that were LAC members, one of whom was from a polygamous household.

Table 2.2.5 shows the polygamous wives' perception of the importance of having their names and pictures on land certificates and whether they think this affects their decision power over the land. About 50% of all wives, and less than that for polygamous wives, think that having their names and pictures on land certificates will affect their power over the land. In this case it appears that the second and later wives of polygamous households are more likely to believe that it will strengthen their positions in cases of divorce and death of husbands than the first wives believe. This may be because of their weaker initial position as other findings have revealed.

Table 2.2.5. Polygamous and other wives' perception of the importance of their names and pictures on land certificates

Percentage of respondents	Other wives	Polygamous wives	Wife 1	Wife 2-5
Good that wife also should have name and picture on certificate	82.9	82.5	83.3	81.4
Does wife's name on certificate affect her power over the land?				
Has no effect	50.0	44.4	50.6	37.5
She has a stronger position in case of divorce or husband's death	40.5	43.1	35.4	51.4
She involves more in land-related decisions within marriage	4.8	3.3	6.3	0
She controls more of the income from production on the land	1.8	4.0	2.5	5.6
She is involved in land renting decisions	1.8	1.3	0	2.8
She does more work on the land	1.2	4.0	5.1	2.8
Significance test for difference		**		**

** significant at 5% level, *** significant at 1% level

2.3 Women's participation in the process

Table 2.3.1 compares the responses of women in the different districts, peri-urban PAs and female-headed households. Data presented gives the general level of the responses and whether there are some peculiar differences between the different categories of women.

Table 2.3.1. Women's participation in and knowledge of land reform activities

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Female heads
Number of meetings attended, median	0	1	0	1	1	1
Knowledge of LAC in PA	55.8	57.4	19.4	36.2	57.8	50.7
Participate in election of LAC	10.9	11.5	1.9	13.1	8.5	17.3
Reservation for female members in LAC	11.5	6.1	1.9	7.5	7.8	10.7
Min. number of female members in LAC=2	3.9	3.4	1.0	3.5	4.9	6.8
Currently female members in LAC	11.5	3.4	2.9	9.6	7.0	8.0
Are you member of LAC	0	.7	0	1	0	0

The average number of land reform-related meetings attended by women was one. The majority of women did not participate in any meeting in Sashemene and Wondo Genet. About 50% of the women were aware of the establishment of LACs in their PAs, but only 17% had participated in election of members for these committees, 11% knew that there were reserved places for women in these committees, and only 8% knew that there were female members in the LAC in their PA. The awareness in Wondo Genet was generally poorer than in the other woredas. This may be because of the delay of implementation of the land certification there. There was even lower female participation in LAC elections in peri-urban areas. Female heads of households were more likely to participate than females in male-headed households.

The distribution of certificates, names and photos on certificates is presented in table 2.3.2. About 60% of all households in the sample have received certificates. The very low percentages in Wondo Genet are a result of delays in implementation. SNNP region was the only one that provided space for photos of both husband and wife, giving data for only one study area, Wollaita, to assess how the introduction of photos of both husband and wife has been implemented.

Table 2.3.2. Distribution of certificates, names and photos on certificates

	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	Peri- urban	Female- headed	All hh.
Percentage of households with certificate	72.4	80.4	1.9	64.8	84.5	57.3	59.9
Husband's name on certificate only	10.3	9.5	2.9	12.6	14.8	6.7	9.6
Husband, wife and children's names	55.8	50.7	1.9	49.3	57.0	21.3	43.2
Wife and children's names on certificate	2.6	7.4	1.0	3.0	4.9	18.7	3.6
Female head or wife alone	1.9	0	0	1.0	0	4.0	0.8
Husband's photo on certificate only	93.4	87.0		3.2			
Husband and wife's photos on certificate	na	na		92.5	na		
Female head or wife's photo only	5.9	12.3		4.3			

About 43% of households have received certificates with the names of husband, wife as well as children included. About 10% have certificates with only the name of the husband, and close to four percent have names of wife/female household head and the children. Less than one percent have certificates with only the female head or wife's name. This means that about 80% of all distributed certificates have names of women (wives or female heads). This is a success from a gender perspective, although there is a long way to go before women's rights to land are *de facto* equal to those of men.

2.4 Women's and men's perceptions of women's benefits of the reform

Table 2.4.1 gives responses on women's and men's perception of the effect of women's names on the land certificates on their rights and decision-making power related to land. The percentage of men that did not believe it had any effect varied from 23 to 58% and for women it varied from 26 to 57%, being lowest in Wondo Genet and highest in Wollaita. This finding is a bit surprising given that the certification process just has been started in Wondo Genet. These expectations may change quickly after experiencing the reform.

The expectation that a woman's name on the land certificate strengthens their position in relation to divorce, ranged from 23 to 48% for men, and from 19 to 35% for women. The lowest expectation levels were in Wollaita and the highest in Arsi Negelle. The no-response rate was higher in Wondo Genet perhaps because many did not yet know what to believe related to this issue.

Table 2.4.1. Women's and men's perception of the effect of women's name on the land certificates on their decision power related to land

	Sashemene		Arsi Negelle		Wondo Genet		Wollaita	
	Men	Women	Men	Women	Men	Women	Men	Women
Has no effect	36.2	42.8	29.9	37.0	23.5	26.1	58.3	56.9
Stronger position in the case of divorce	30.3	27.0	48.1	35.1	35.7	28.7	22.6	19.6
Involve more on land related decisions within marriage	4.6	6.0	4.6	2.6	4.4	2.6	3.9	2.5
Control more of the income from production on the land	0.7	1.3	1.3	0.7	0.9	0.0	2.0	2.0
Involved in land renting decision	0.0	0.7	0.0	1.3	2.6	1.7	1.5	1.0
Perform more work on the land	4.6	2.6	0.0	0.0	0.0	0.9	0.5	0.5

It is mainly in relation to divorce cases that names on the certificates may have a significant effect on women's decision-power, while there are not likely to be strong effects related to their involvement in land management.

3. How pro-poor was the land reform?

Land reforms often hurt the poor because of corruption, poor implementation, high costs of obtaining land titles and disregard for rights (Cotula *et al.* 2004; Besley and Burgess, 2000; Deininger, 2003). This section assesses how particularly poor households in Southern Ethiopia benefited from the registration and certification, and if they had equal access to the benefits as the less poor households. The assessment used different poverty indicators to assess whether poor households were disadvantaged in the reform process.

Have small farms been discriminated against in the land reform process? The minimum farm sizes are set to 0.5 ha for cereal crops and 0.25 ha for perennial crops. One question asked was how frequently were minimum farm size restrictions violated? A second question was did violators of minimum farm size get land certificates? Table 3.1.1 shows how often minimum farm size was violated.

Table 3.1.1. Minimum farm size violations in the study areas

	Woreda				All hh.
	Sashe- mene	Arsi Negelle	Wondo Genet	Wollaita	
Farms smaller than 0.5 ha, %	21.8	12.2	64.1	67.3	41.6
Farms smaller than 0.25 ha, %	3.2	2.0	34.0	34.2	18.3
Farms smaller than 0.5 ha with certificate, %	71.9	70.6	4.0	70.5	56.1
Farms smaller than 0.25 ha with certificate, %	60.0	100.0	4.0	71.6	55.0
All farms with certificate, %	75.3	82.6	2.5	69.4	64.7

41.6% of all households sampled had a farm size below 0.5 ha and 18.3% of all households had a farm size below 0.25 ha. In Wondo Genet and Wollaita 34.0 and 34.2% of the sample households have farm size below 0.25 ha while very few of the farms in Sashemene and Arsi Negelle were that small.

Overall farms below 0.5 and 0.25 ha were significantly less likely to have received a certificate than larger farms. However, this difference could be due to the limited distribution of land certificates in Wondo Genet where farm sizes are small.

The study used the relative asset and income poverty categorisation of households, comparing the situation of livestock-poor, land-poor, labour-poor and income-poor households with the average situation of all households. The findings for knowledge of and participation in the land reform activities are presented in Table 3.1.2.

In reviewing the data, hardly any evidence emerged that the reform has been biased against the poor. Only one variable was significantly lower than for other households. That was the case for access to written material which was lower (significant at 5%) for livestock-poor households than for other households. Labour-poor households were found to be significantly more likely to have a land certificate than other households (significant at 10% level only). This indicates that the reform has neither favoured the poor nor the wealthy in relation to these indicators.

Table 3.1.2. Poor households' participation in and knowledge of land reform

	Livestock-poor	Land-poor	Labour-poor	Income-poor	All hh.
Awareness of public meetings, %	72.9	72.7	77.7	68.3	72.4
Attended meetings, %	61.6	63.4	71.2	59.0	63.5
Number of meetings attended, mean (standard error)	3.26 (0.32)	3.44 (0.28)	4.06 (0.41)	3.48 (0.44)	3.71 (0.24)
Access to written material, %	3.9**	6.8	10.6	7.8	8.4
Member of LAC, %	6.9	6.3	8.2	7.8	7.4
Household land registered, %	80.8	80.5	87.7	78.5	80.4
Having land certificate, %	62.1	62.0	69.4*	58.5	59.9

* significant at 10%; ** significant at 5%; *** significant at 1%

Does poverty affect the demand for land certificates, including the demand for upgrading of certificates, the demand for compensation in case of land expropriations and the willingness to sell land if it were legalised? Also, do the poor perceive that land certificates provide protection to the same extent as other households? The poor may be less able to pay for land certificates but they may also be even more dependent on their land than other households so it is not obvious that their willingness to pay is lower. Table 3.1.3 gives the results.

Table 3.1.3. Poor households' participation in and knowledge of land reform

Median values in EB	Livestock-poor	Land-poor	Labour-poor	Income-poor	All hh.
WTP for lost certificate	7	7	6	6	6
WTP for certificate if no certificate	8.5	10	10	6	6
WTP for new improved certificate	12.5	10	10	10	10
WTP work for new certificate, mandays	3	3	4	3	3
Land compensation	50000	40000	50000	30000	50000
Minimum land price if legal to sell	50000	50000	67500	45000	60000
Willing to sell if legalised, %	24.9	27.5	22.8*	24.0	26.8
Certificate protects against encroachment by neighbours, %	36.4	30.4	31.3	34.4	35.0
Positive impact of certification on women, %	88.2	85.6	81.5	81.6	84.3

* significant at 10%; ** significant at 5%; *** significant at 1%

The table shows that particularly poor households were willing to pay at least as much for land certificates as other households, even though they are poorer and therefore have lower purchasing power. This implies that they perceive the certificates to be at least as important as the less poor households. The poorest households were also not more likely to be willing to sell their land if land sales were legalised. Finally, the poorest households were also as likely as less poor households to perceive that land certification has had a positive effect on women. Based on these findings the land registration and certification has been wealth neutral. However, since women are among the poorest of the poor, the reform has been pro-poor in the sense that it has aimed to favour women in order to reduce the traditional gender bias.

How pro-poor are other aspects of the recent land reforms? Assessing the recent changes in land proclamations shows they have strengthened the position of the poor in some ways while weakening it in others. Positive changes include:

- a) New compensation laws should grant better treatment of poor households subject to land expropriations for various purposes.
- b) Changes in inheritance laws where priority is to be given to those who depend on the land for livelihood or for those without alternative incomes.
- c) Option of individualised property ownership (partners can retain individual ownership of land after marriage).
- d) Poor female-headed households, disabled or orphan households are allowed to rent out all their land rather than facing the restriction that only half of the land can be rented out. Such households typically lack assets to farm efficiently. They are therefore better off renting out all their land as long as they get acceptable contract conditions.
- e) Formalisation of land renting such that the husband needs consent of his family to be allowed to rent out his land. Such formal registration of land rental contracts is also meant to ensure that the poor receive fair contracts.

What are the *de facto* implications of these *de jure* pro-poor changes in the land laws?

- a) ELTAP (2007) found that compensation laws have not yet been effectively implemented. Government land expropriations and non- or minimal compensation is clearly anti-poor and favours investors. Illegal methods have often been used to evict poor households using police and even imprisonment with little opportunity for redress.
- b) It is too early to assess whether inheritance laws in reality will favour those dependent on the land and family members without other sources of income.
- c) It is also too early to see the impact of individual property ownership after marriage. It is more likely to favour men over women with the current virilocal marriage system. Exceptions may be female-headed households and households with only female children. Such individualised rights are likely to lead to more landlessness and more skewed land distribution. This may also stimulate more migration and possibly urbanisation.
- d) Allowing poor households to rent out all their land is clearly beneficial for the poor who are unable to cultivate their land themselves. This rule is also likely to enhance the efficiency of the land rental market and lead to more efficient land use.
- e) Formalisation of fixed-rent contracts has started in some study areas, making it more difficult for male household heads to keep all the rental income from the rest of the family. Sharecropping contracts are less likely to lead to this problem and are not subject to the same restriction. Focus group discussions revealed that the requirement to report fixed-rent contracts has led to a prevalence of unreported sharecropping contracts. Punishments for unreported fixed-rent contracts were severe, with landowners getting one year imprisonment and tenants giving half of the output to the kebele administration.

4. Overall discussion

This study aimed to identify the early impacts of the land registration and certification in Oromiya and SNNP regions in Southern Ethiopia. The selected districts and communities may not be representative of the whole regions, particularly SNNP region.

The standard low-cost approach to land registration and certification has been used in three of the four districts studied. The fourth, Wondo Genet, has been selected for more advanced registration and certification in SNNPR. This is one of the reasons that the registration and certification had not been completed in this district by the time of the survey.

The pilot approach requires more staff, staff training and equipment. In Wondo Genet, located in the Sidama zone of SNNPR there is a stronger feeling of autonomy with more resistance against land reform than in other zones. The three-year implementation period for the USAID pilot program is ending in 2008, however, and Wondo Genet may not be able to complete the process before the project ends.

Oromiya region is more homogenous than the SNNP region. One of the surprising findings was that even though a lot of written material had been produced for dissemination in this region, very little of this material had reached the districts covered by this study. Access to written materials turned out to be better in SNNPR even though there were more severe language problems.

Both men's and women's knowledge of the land laws and regulations was very poor for many aspects of the law. The knowledge was better when it came to certain gender aspects of the law and this may be due to the focus on issuing joint certificates.

New land proclamations were issued again in 2007 to harmonize the regional land proclamations with the federal land proclamation of 2005. This means that the land proclamations of 2002 for Oromiya region and from 2003 for SNNP region are outdated. New regulations to accompany the new proclamations of 2007 are also not out yet. Considering the long time it takes for laws to be disseminated and the rapid changes in the laws it is understandable that rural households have a limited knowledge of the law. Even though the changes in the laws lead to improvements in the formal laws it may also lead to confusion about what the law is, and whether the old regulations should be followed or totally disregarded.

Many aspects of the land proclamations remain unclear and even inconsistent and therefore open for local interpretation. The new land administrations that have been quickly established lack competence in law. Still, they are the first organ to deal with land disputes. They are advised to mobilize local elder conflict mediators to solve land disputes. However, these elders also have very limited knowledge of the land proclamations and lack formal training in law. The same is the case for judges in the local social courts and even for judges in woreda courts. It is questionable that women will be protected in cases of disputes, even though they have the law on their side, if they take their case to the local land administration, local mediation or even to the courts. The costs of doing so may be too high for many women. This is an area where NGOs could play an important role by providing legal services to women who want to bring their cases to court.

One example found in one study area illustrates some of the problems. When one wife's husband died,



Do the changing land laws mean more secure land rights for young Ethiopian women?

according to the tradition she became the property of her husband's family. She refused this, married another man independently, and became pregnant with her new husband. However, after the child was born the clan of her late husband came and killed her newly born child. This sad story shows how life-threatening it can be to exercise one's rights according to the law. We were informed about six murder cases in relation to land disputes in another study area.

It is evident from the share and number of households that have been reached with the low-cost land registration and certification that the approach is scalable. The extra cost of joint titling (including the names of both husband and wife, even children) is low. Allowing photos to be optional may therefore be a preferred solution in such locations. It is likely that the names on the certificates are more important than the photos even though the level of illiteracy is high. This seems to be the perception among people. The ordering of the names on the certificates may also matter. It is therefore important that the second and later wives of polygamous men get their names first on the certificates. It may give them a stronger position than if they have their name on a joint certificate for the husband and all the wives.

The patriarchal cultural traditions and virilocal marriage systems imply that married daughters leave their parents' home and married sons do not. The recent change in the law in SNNP region from, according to the proclamation of 2003, a situation where land held separately before marriage will be common land after marriage, to the formulation in the 2007 proclamation stating that the land holding right held before marriage is not lost because of the marriage, may cause married women of the next generation to become landless in case of divorce or death of their husband. Their alternatives may be to continue to stay with their in-laws and farm jointly with them or they may return to their own blood relatives but they may not be able to keep any of the land as they are not likely to have their name on the land certificate of their husband.

Another uncertainty is whether the parts of the law that prohibit further farm fragmentation below 0.5 ha for cereal crops and below 0.25 ha for perennial crops will be implemented as fragmentation has passed this level for many households. Assuming it will be implemented, the consequence is that parents will have to farm jointly with their children on the small farms. The issue will be how many of the children will continue to stay on the farm as co-managers, how many will bring in a wife and get children that also have to stay there. Boys will be more likely to stay while daughters who marry are likely to leave. The demographic pressure will depend on the farm size vs. the family size, developments in the marriage market and labour market, the production technology, and the ability of the household members to cooperate and intensify their production. High demographic pressure in the households leads to more severe poverty.

Fafchamps and Quisumbing (2005) found that most of the land is passed on to the sons at time of marriage while daughters received very little or no land and that the distribution of wealth at time of marriage was very inequitable both for grooms and brides. They also found assortative matching such that more wealthy grooms marry more wealthy brides thus strengthening the tendency of inequitable distribution of resources across generations. The inequitable distribution also continued at time of inheritance as the majority of women inherit nothing. They found sibling competition among sons. The explanation for this pattern may be that sons who stay at home also take responsibility for their parents as they grow old. They did not find the same sibling competition for land at the time of marriage, possibly because such marriages do not take place at the same time and because at that time young married couples may have been able to obtain land through allocation from the kebele. The new land proclamations in OR and SNNPR emphasise that land should be transferred to those children that depend on the land and have no alternative source of income. This shows the pro-poor aspect of the land proclamation. However, with the increasing land scarcity and landlessness, the safety-net role of land can only support some of the children if family planning and birth control is not implemented.

5. Conclusions

The survey revealed that the land reform programme had in a short period of time registered the land of 80% of the households in the study sample and 60% had received land certificates. There was a positive demand for land certificates among households and 60% of the households also demanded improved certificates with maps of the plots. The median willingness to pay for certificates was low, as compared to the median fair compensation value of 50,000EB stated by the households in case their land is taken.

Land reform in Southern Ethiopia has contributed to increased perceptions of tenure security for both women and men. Having women's names on land certificates increases the perceived probability that they would keep the land after divorce or death of their husband. Fifteen percent of the households in the sample were polygamous and both polygamous men and women perceived their tenure security to have increased due to the reform. More than 80% of all wives and of the polygamous wives recognized the benefit of having their names and pictures on the land certificates.

The study showed that polygamous wives had a weaker position than the first wife based on their expectations about how much land they would keep upon divorce. This appeared to be the case even though the certification was not carried through as initially was planned by providing certificates to the polygamous husband with his first wife only while giving separate certificates to later wives. 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 minimal impact on women's ability to influence farm management due to the strong traditions of male dominance in household-farm decision-making. Following the reform, it appears that wives have more influence over land rental decisions. The fact that sharecropping is not reported, because it is not considered the same as land renting, may limit the effect of the regulation to formalise land rental market transactions.

The study showed that the land registration and certification process has been wealth-neutral in the implementation. Poor households were as likely to receive land certificates as less poor households. The *de jure* changes in land proclamations have been pro-poor because they have strengthened the land rights of women who face inequitable distribution of rights within households. This is also the case with inheritance where priority goes to those depending on the land for livelihood.

A new study by Ethiopia Land Tenure and Administration Program (ELTAP, 2007) of the rural land valuation and compensation practices in Ethiopia reveals that local governments illegally evict landholders, using police and imprisonment if necessary, violating the federal law regarding advance payment of compensation and giving due prior notice. Knowledge of the new land and compensation laws is low not only among farmers but also among government officials and court judges. People evicted from their homes will have difficulty succeeding if they bring their case to court (ELTAP, 2007).

Further research should focus on the extent to which women are able to enforce their rights, the legal support they are able to get and how often such disputes are settled in favour of women in accordance with the law. Views expressed by local conflict mediators revealed that they did not trust *woreda* courts to give fair judgements. Although all of these traditional conflict mediators were men, the majority approved of joint certification and believed it would strengthen women's position in the event of divorce or death of their husbands.

6. References

- Augustinus, C. (2005). *Global Network for Pro Poor Land Tools*. Nairobi, UN-Habitat.
- Besley, T. and R. Burgess (2000). "Land Reform, Poverty Reduction, and Growth: Evidence from India." *The Quarterly Journal of Economics* 115(2): 389-430.
- Cotula, L., C. Toulmin, et al. (2004). *Land Tenure and Administration in Africa: Lessons of Experience and Emerging Issues*. International Institute for Environment and Development. London.
- Deininger, K. (2003). *Land policies for growth and poverty reduction*. A publication of the World Bank and Oxford University Press, The World Bank.
- Deininger, K., D. A. Ali, S.T. Holden and J. Zevenbergen (in press). "Rural land certification in Ethiopia: Process, initial impact, and implications for other African countries." *World Development* **Forthcoming**.
- ELTAP (2007). *Study on The Assessment of Rural Land Valuation and Compensation Practices in Ethiopia. Final Main Report*. Addis Ababa, Ethiopia-Land tenure and Administration Program.
- Fafchamps, M. and A. R. Quisumbing (2005). "Marriage, Bequest, and Assortative Matching in Rural Ethiopia." *Economic Development and Cultural Change* 53: 347-380.
- FRLAUP (1997). *Federal Rural Land Administration and Utilization Proclamation*. Federal Democratic Republic of Ethiopia. 89/1997.
- FRLAUP (2005). *Federal Rural Land Administration and Utilisation Proclamation*. Federal Democratic Republic of Ethiopia. 456/2005.
- Holden, S. T., K. Deininger, and H. Ghebru (2007a). *Land Certification and Land Market Participation in Tigray: A Household Panel Model with Unobservable Heterogeneity and State Dependence*. Paper presented at Nordic Conference in Development Economics, 18-19th June, 2007. Ås, Norway, Norwegian University of Life Sciences.
- Holden, S. T., K. Deininger, and H. Ghebru (2007b). *Land Certification, Land-related Investment, and Land Productivity Impacts*, Norwegian University of Life Sciences.
- Holden, S. T., K. Deininger, and H. Ghebru (2007c). *Impacts of Land Certification on Land-related Conflicts in Tigray Region*, Ethiopia.
- OR (2002). *Oromiya Rural Land Administration and Use Proclamation*. 56/2002.
- OR (2007). *Proclamation to amend the proclamation No. 56/2002, 70/2003, 103/2005 of Oromiya Rural Land Use and Administration*.
- SNNPR (2003). *SNNPR Rural Land Administration and Utilization Proclamation*. 53/2003.
- SNNPR (2004). *Rural land administration and utilisation: Implementation Rule*. 16/2004.
- SNNPR (2007). *SNNPR Rural Land Administration and Utilization Proclamation*. 110/2007.
- World Bank (2006). *Land Policy and Administration*, The World Bank.

The Global Land Tool Network

The main objective of the Global Land Tool Network (GLTN) is to contribute to poverty alleviation and the Millennium Development Goals through land reform, improved land management and security of tenure.

The Network has developed a global land partnership. Its members include international civil society organizations, international finance institutions, international research and training institutions, donors and professional bodies. It aims to take a more holistic approach to land issues and improve global land coordination in various ways. These include the establishment of a continuum of land rights, rather than a narrow focus on individual land titling, the improvement and development of pro-poor land management, as well as land tenure tools. The new approach also entails unblocking existing initiatives, helping strengthen existing land networks, assisting in the development of affordable gendered land tools useful to poverty-stricken communities, and spreading knowledge on how to implement security of tenure.

The GLTN partners, in their quest to attain the goals of poverty alleviation, better land management and security of tenure through land reform, have identified and agreed on 18 key land tools to deal with poverty and land issues at the country level across all regions. The Network partners argue that the existing lack of these tools, as well as land governance problems, are the main cause of failed implementation at scale of land policies world wide.

The GLTN is a demand driven network where many individuals and groups have come together to address this global problem. For further information, and registration, visit the GLTN web site at www.glttn.net.

Acknowledgements

The principal authors of this research are Stein Holden (Norwegian University of Life Sciences) and Tewodros Tefera (University of Hawassa). The report was prepared for the Global Land Tool Network. The research builds on good collaboration between Norwegian University of Life Science and University of Hawassa. Special thanks go to Million Tadesse, Worku Tessema, Wubnesh Dessalegn and Genene Tsegay for help with organizing and executing the survey in the different districts and regions. Thanks are also due to the Land Administrations in the Oromiya and SNNP regions and districts where the survey for facilitating the research was undertaken and for good interactions in discussions on the findings. Thanks are also due to all the enumerators and supervisors that were engaged in the survey as well as all the farm households, women and men, that set aside time for the interviews. Finally, the authors acknowledge the benefits from earlier collaboration with the World Bank doing research on land certification in Ethiopia.

The responsibilities for the interpretations and conclusions still remain those of the authors. Special thanks go to Clarissa Augustinus, Ulrik Westman, Asa Jonsson, Solomon Haile, Remy Sietchiping and Szilard Fricska of UN-HABITAT for providing comments and inputs and to Robert Wagner for editorial assistance. The research and the publication were funded by the Global Land Tool Network/UN-HABITAT (with funds provided by the Norwegian Government and the Swedish International Development Cooperation Agency) and the Norwegian University of Life Sciences.

About this publication

This publication from the Global Land Tool Network belongs to a series of research reports examining the changing landscape of land tenure security in developing countries. The intent is to provide up-to-date information to land professionals and policy-makers working in the land sector and to raise awareness on what is being done at the country level.

This study focuses on how Ethiopian land law has been implemented in practice. In particular, it examines how the position of women, in cases of divorce or death of their husbands, may have changed and whether the new laws have impacts on the empowerment of women. Gender impacts are also captured by comparing the situation of female-headed households with other households. This report is an abridged version of the full research paper available on the GLTN website (www.glttn.net).

HS/1035/08E

ISBN:978-92-1-132014-5

UN  HABITAT

UNITED NATIONS HUMAN SETTLEMENTS PROGRAMME

Shelter and Sustainable Human Settlements Development Division

Shelter Branch (UN-HABITAT)

P. O. Box 30030, Nairobi 00100, Kenya

Tel: +254 207623120; Fax: +254 207624266 Website: www.unhabitat.org



**GLOBAL
LAND
TOOL
NETWORK**

GLTN contributes to the implementation of
pro-poor land policies to achieve
secure land rights for all
www.glttn.net