

# Women's Land Use Right Policy and Household Food Security in Ethiopia: Review

Gashaw Tenna Alemu

Department of Rural Development and Agricultural Extension, College of Agriculture and Environmental Sciences, Bahir Dar University, P.O.Box- 5501 Bahir Dar, Ethiopia

## Abstract

The issue of land and women's land rights in rural Africa is at the heart of scholarly literature written by African and non-African scholars in recent years. This appears to be a common practice especially in rural parts of sub-Saharan Africa. Women play a critical role in agricultural production in developing countries, where they usually make up the majority of the agricultural workforce. Thus, secure access to productive land is critical to the millions of poor people living in rural areas and depending on agriculture, livestock or forests for their livelihood. Women's access to land, in particular, is widely recognized as important both for ensuring equality of basic rights and for reducing poverty and ensuring household food security. This would makes it more critical to review a literature on women's land use right and household food security to look at whether women enjoy equal rights to land, property and natural resources in practice, rather than only under statutory law, to achieve food security at household level. Women's insecure land tenure and property rights in Africa can be linked to a mix of economic and social pressures that have profoundly transformed social structures and land tenure systems. When deprived of access to, ownership and use of land, women are left without the means to create stable and sustainable livelihoods in the aftermath of the war. As a result many of the women may be compelled to seek alternative livelihoods outside agriculture wherein they are prone to exploitation such as working as maids, waitresses or sex workers. In order for land to play a key role in socio-economic growth and poverty alleviation, a functioning land administration system must support secure, easily transferable land rights and be capable of maintaining comprehensive aspects; the land reforms must consider the social as well as legal legitimacy of the change they seek; meaningful representation and participation of women, and training of community members and organizations are an important step towards helping women gain access to established rights. Therefore, improving women's access to and control over land is crucial to socio-economic development of Africa in general, and Ethiopia in particular.

**Keywords:** Gender, Land, Access, Control Over

## Introduction

*"Secure women rights to land are a critical, but often overlooked, factor in achieving household food security and improved nutritional status."*

The issue of land and women's land rights in rural Africa is at the heart of scholarly literature written by African and non-African scholars in recent years. As one of the natural resources, land is central to the existence and livelihood of humankind. It can be said that both traditional and modern societies have used and exploited land for a variety of purposes since the past (Abdulai and Antwi, 2005).

Africa is a continent where most of its rural communities still use land based on traditional/customary land tenure schemes instead of modern land tenure systems established by state institutions. This appears to be a common practice especially in rural parts of sub-Saharan Africa. There are seemingly three reasons for the close relationship between Africans and the land. First, land is the main source of livelihood; second, it is a source of power and social status; and third, it is identity indicator of the people living on it (Cotula, 2007).

Women play a critical role in agricultural production in developing countries, where they usually make up the majority of the agricultural workforce. Today, more and more women are heading rural households. Gender is a basic determinant of social relations and rights in households and rural communities. Together with class, ethnicity, and caste, gender determines to a great extent a person's opportunities, aspirations, standard of living, access to resources, status in the community, and self-perception. In addition, women's rights to resources influence their ability to produce and their behaviour as producers (WB, 2009).

Secure access to productive land is critical to the millions of poor people living in rural areas and depending on agriculture, livestock or forests for their livelihood. It reduces their vulnerability to hunger and poverty; influences their capacity to invest in their productive activities and in the sustainable management of their resources; enhances their prospects for better livelihoods; and helps them develop more equitable relations with the rest of their society, thus contributing to justice, peace and sustainable development (IFAD, 2010).

Women's access to land, in particular, is widely recognized as important both for ensuring equality of basic rights and for reducing poverty and ensuring household food security. While women's land rights have become better protected by national laws, discrimination against women stems from both the state (e.g. via administrative processes) and customary systems (Jonckheere *et al.*, 2013).

There are both economic and social benefits when women have secure land rights in practical. In line with this FAO (2007) declared that If women had the same access and ownership to productive resources as men, they would increase yields on their farms by 20-30 percent. This could raise total agricultural output in developing countries by 2.5 and four per cent, enough to pull 100-150 million people out of hunger.

This would makes it more critical to look at whether women enjoy equal rights to land, property and natural resources in practice, rather than only under statutory law, to achieve food security at household level. As gender equality may challenge deep-seated power structures, legal reform must be accompanied by awareness-raising, capacity-building and improved access to legal services.

Women's equal rights to access, own and control land, adequate housing and property are firmly recognized under international law (UN HABITAT, 2002). However, at country level, the persistence of discriminatory laws, policies, patriarchal customs, traditions and attitudes in various countries are still blocking women from enjoying their rights (Benschop, 2004). Although, Throughout Africa, the vast majority of poor women (most of whom depend on land for their livelihood) are either landless or have limited and insecure rights to land. This reality has important consequences for sustainable socio-economic development of the continent (Odeny, 2013).

Women's insecure land tenure and property rights in Africa can be linked to a mix of economic and social pressures that have profoundly transformed social structures and land tenure systems. These factors include colonial and post-colonial private property legislation, an influence of investment options, an increase in the resource value of land, the liberalization of markets through structural adjustment programs in the 1980s and 1990s, co modification of land, the growth of land markets, population increase, large-scale resettlement of people, rise in competition over land, land scarcity, and recent large-scale land acquisitions (FAO, 2007; and Cousins, 2009).

When deprived of access to, ownership and use of land, women are left without the means to create stable and sustainable livelihoods in the aftermath of the war. This has the effect of not only making women vulnerable to poverty but also reinforce and perpetuate their social, economic and political inequalities. Yet as it is widely admitted, most women in SSA depend on agriculture for subsistence hence the significance of land to them. Women's participation in agriculture in SSA accounts for close to 70-80% of labour, 90% food processing and storage, but own less than 20% of the land (Murisa, 2008).

As a result many of the women may be compelled to seek alternative livelihoods outside agriculture wherein they are prone to exploitation such as working as maids, waitresses or sex workers. Loss of access to land also affects agriculture productivity in that the labour force lost from such women, gradually, may have a long term diminishing effect on productivity (Kindi, 2010). So far, women's land and property rights have remained mainly illusory rather than substantive and the majority of women have therefore not been able to enjoy these rights.

In rural Ethiopia, land appears to be one of the causes for social inequality and conflict among most households despite the fact that it was redistributed "equally" after the 1974 revolution. In addition, as Tesfaye (2003:20-22) notes, the availability and quality of rural land to users has decreased greatly because of population growth and environmental deterioration. These and other factors seem to exert negative impacts on the land rights of women in rural Ethiopia.

According to Zenabaworke (2000), many women of rural Ethiopia have had almost no land rights in practical terms due to discriminatory cultural values and belief systems. As the Ethiopian rural society is traditional and patriarchal in nature, men have been controllers of almost every facet of rural life in the country – social, economic, and political. They also have used and administered nearly all the natural resources (including land) that support the livelihood of the community they are part of .

In this regard, the situation/status of women living in different regions and villages of rural Ethiopia appears to be critical when one looks into aspects of gender equality and land entitlements of them. In particular, the condition of rural women in the ANRS of Ethiopia deserves scholarly assessment and investigation. In light of the aforementioned justifications, this paper reviews the theoretical aspects of women's land use right and household food security in Ethiopia.

## **Methodology**

This article is based on intensive literature review of published and unpublished materials.

## **Results and Discussion**

### ***Women's Land Use Rights and Land Administration***

The technical systems of land administration dealing with land delimitation, titling and registration of land or user rights play an important part in creating equal access to land in different systems of land tenure. It provides opportunities for ensuring that laws and policies on equality in access are implemented or that informal agreements on access to land are formalized and thereby improve tenure security. In systems of private tenure

rights, land titling and registration is a prerequisite for land owners to use their land as collateral. Processes of land delimitation, titling and registration of tenure have to be carried out in an open manner which does not discriminate against women in any way and which encourages an increase in women's access to land (SIDA, 2009).

Securing the existing tenure rights in an accessible manner would be a key to a functioning land administration system. Most African countries' systems do not currently support these elements of a functioning land administration system – either in design or in practice. The systems suffer from an incomplete design, incomplete (or non-existent) data on land holdings, lack of records, cumbersome, time consuming, and imperfectly understood transaction processes, high transactions costs, lack of information and processes to determine land values, and lack of institutional capacity to create and maintain records to manage transfers (WB, 2003).

The informal systems of land administration and management operate in a void that makes women's participation or leadership in land administration and management particularly difficult. It is therefore imperative to assess whether principles of gender equity are broadly embraced, socially or legally accepted, and promoted at the institutional level (such as land registries, courts, conflict resolution institutions, and local land administration agencies); assess the gender balance within land administration agencies; and examine the rules, institutions, and players involved in customary, religious, and informal frameworks - particularly those regarding inheritance and divorce (Odeny, 2013).

#### ***Legal and Policy Situations on Women's Land Use Rights***

While African countries have achieved different legal and policy strides in addressing the land issue, studies have shown that even where laws are equitable, women may not know their legal rights. In addition, implementation may still be gender-biased, and law enforcement may be grossly inadequate or prejudiced against women. In Kenya for example, laws technically allow women to own land, yet nearly all land is registered in the names of male elders. This needs a concerted effort and the diligent implementation of the newly enacted land laws to benefit the women (Odeny, 2013).

It is important to examine legislations in African countries that affect women's land tenure rights with a specific reference to the types of rights that exist and how those rights are held including whether women can hold property in their own names. Legal situation of women's land rights to be looked at beyond land laws, family laws, inheritance laws in particular are critical to the land rights of women. Some African countries have positive action oriented provisions in their legislation; however implementation remains a major challenge (Ibid).

#### ***Women's Participation in Decision Making over Land Matters***

While in some African countries women's land rights are enshrined in the constitution or land law, in reality this does not bring feasible outcomes with respect to equitable access and control over land due to poor implementation and enforcement of the laws. Women still lack decision-making power. Participation of women in local land management and administration committees including in land dispute resolution/management committees is basic for women's empowerment as it enables them to take part in community level decision making processes (Odeny, 2013).

#### ***Women's Land Use Rights in Ethiopia***

Women's property rights in land are acknowledged by FDRE's Constitution irrespective of their place of residence. However, the right women enjoy over any land is only user right because the state is the ultimate owner of rural and urban land and all natural resources. Article 40/3 states that: "The right to ownership of rural and urban land, as well as of all natural resources, is exclusively vested in the state and in the peoples of Ethiopia. Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or other means of exchange."

The Constitution further assures that peasants, pastoralists and semi-pastoralists of both sexes have the right to get land for cultivation and grazing free of charge and without any danger of eviction from their possession (Article 40/4 & 5).

Based on the provisions on the Constitution pertaining to land, the current government of Ethiopia issued a rural land policy entitled Federal Rural Land Administration and Use Proclamation (FRLAUP) in 1997 (Proclamation No. 89/1997). The government, however, amended it and reissued a new federal rural land law in 2005 (Proclamation No. 456/2005).

The government issued FRLAUP 2005 because rural land is the foundation for the Ethiopian agrarian economy and is the main provider of livelihood for the rural population. In particular, agriculture accounts for half of the gross domestic product (GDP) and 85% of total employment (Zenabaworke, 2003:289). Based on these facts, the government has repeatedly voiced the need to issue a rural land policy with the objective of

administering and managing rural land efficiently by the state and its institutions to realize improved performance of the agricultural sector through the equal participation of men and women farmers (FRLAUP 2005).

Ensuring tenure security and equality of landholding among rural land users are some of the other objectives of the 2005 federal rural land policy. Accordingly, the policy proclaims that any Ethiopian citizen who wants to engage in agriculture and is 18 years or above can get user right over rural lands (FRLAUP, 2005 Article 5/1b). It should be noted here that the same article recognizes women's access to rural land for undertaking agriculture irrespective of their marital status (Article 5/1c). The land use right of peasants, semi-pastoralists and pastoralists of both sexes are for life (Article 7/1).

The state is not the only provider of rural land. Any family with user right over rural land can transfer land to its members through gift and inheritance (Article 5/2). Land obtained in such manners shall be measured, registered and given holding certificate by a responsible government institution (Article 6/1 & 3). In cases 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 (Article 6/4).

Regarding the transfer of rural land user right, article 8/1 allows rural land certificate holders to lease the land they hold to other farmers or investors provided that they have enough land for their livelihood. Article 8/1 further states that rural land administration laws of regions based on particular local conditions shall determine the lease period.

Article 17, sub-articles 1 and 2 bestow the power to enact regional rural land administration and use laws and establish institutions to each regional state council so as to implement FRLAUP 2005 in the regions. This is done based on article 52/2d of the FDRE Constitution that stipulates that regional states shall have the power to administer land and other natural resources in accordance with federal laws.

It can thus be argued that the land rights of rural women are entrenched in FRLAUP 2005. In a similar manner, the land rights of Cameroonian women is recognized and protected by the 1974 land law. The referred law guarantees Cameroonian women to access land, both as full property and for use. In Cameroon, women enjoy the legal right to own and sell land to any purchaser after they register and get it titled (Logo and Bikie, 2003:53).

Accordingly, in 2000, the Amhara regional government presented the Land Use and Administration Proclamation. The proclamation defined the right of possession as well as the right to use, rent, or inherit. The policy's stated objectives are to ensure the long term land use rights of the landholders and to encourage productivity and sustainable development. It also aims to initiate a sense of security of rights among land users to encourage them to safeguard the soil and thereby sustain its productivity (Land Policy Pro. No. 46/96, 2000).

Further to this proclamation, an implementation policy strategy was developed by the Natural Resource and Land Use Bureau of the region. This guideline described in detail the responsibilities and accountability of the actors during the process of land rights registration. Also, conditions for the rights of land-use, inheritance rights, and land division in the case of divorce, were spelled out. This policy does not allow for redistributing land; instead, land under private cultivation will be registered with its actual size and the identification of the individual who has been cultivating it since the 1991-1996 land redistribution (Land Use Policy No. 46/96, 2003).

### ***Women's Land Use Rights in Development Context***

Secure rights to land and property for women are widely regarded as fundamental to ensuring effective and sustainable human development. Rights to land and property include the right to own, use, access, control, transfer, exclude, inherit and otherwise make decisions about land and related resources. Secure rights to land are rights that are clearly defined, long-term, enforceable, appropriately transferable, and legally and socially legitimate. For women, exercising these rights should not require consultation or approval beyond that required of men (Gomez and Tran, 2012).

There is an increasing body of literature which has produced tangible evidence highlighting the insecure position of women's land rights. The existing gender inequality in access to and control over land and natural resources is an obstacle to the sustainable management of natural resources and socio-economic development. Land is one of the cornerstones of economic development on which farmers, pastoralists and other communities base their livelihoods. Land is also a significant component of business assets, which play significant role in business investment strategies. Thus, securing land rights can have a profound impact on economic development. Land in rural areas is both a means of agricultural production, livestock rearing and a place for gathering natural products that play an important role in local economies such as woodcutting, wild harvesting, grazing, fishing, hunting, etc. Furthermore, land is a source of identity and cultural heritage (Odeny, 2013).

The importance of women's land rights especially in Sub-Saharan Africa (SSA) has to be understood against the backdrop that whereas it has been relatively easier for women to make some gains in education, access to formal employment and participate in politics, achievements in land rights have been rather difficult.

Because of the male-centered nature of land tenure systems in many societies of SSA, particularly customary tenure, a lot of agencies including governments have been gradual if not reluctant in their approach to fight for women's land rights. In the context of violent conflict, women's land rights are further exacerbated by the effects the conflicts impose on them. Most humanitarian agencies, NGOs and governments often concentrate on women's access to social services, training and education, and domestic violence, among others, despite women facing land related challenges in the aftermath of the conflict (Kindi, 2010)

Yet addressing all the other challenges is dependent on the security women have in access and use of land. As Foley (2007) argued, land rights cut across a number of different sectors including displacement and return, human settlements, agriculture and livelihood, economic development, environmental issues, urban and rural planning, security, land mines, and justice and the rule of law. Land is a basis for shelter, food, economic activities, and is the most significant employer of women's labour in SSA (Kabonesa, 2002). Hence whatever short term or long term programs designed for women in post conflict reconstruction, access to, ownership and use of land remains a key aspect in rebuilding their lives.

Rural poverty is strongly associated with poor access to land, either in the form of landlessness or because of insecure and contested land rights. Economic analysis has long recognized the importance of secure property rights for growth, and therefore for the poverty reduction which growth can bring. Increased land access for the poor can also bring direct benefits of poverty alleviation, not least by contributing directly to increased household food security. In countries where agriculture is a main economic activity, access to land is a fundamental means whereby the poor can ensure household food supplies and generate income. This applies both to societies in which subsistence agriculture is prevalent, where access to land is the sine qua non of household food security; and to societies where agriculture is more market-oriented, in which family farming provides a principal source of employment generating the income with which to buy food. Even where agriculture and land are becoming less important with the growth of alternative sources of income, secure land rights provide a valuable source of income for investment, retirement or security in case of unemployment (Cotula *et al.*, 2004).

The relationship between access to land and poverty reduction cannot be seen in isolation from broader agricultural and economic policy. Equally, these issues are intimately connected with rural development policies and environmental outcomes. The distribution of land rights and opportunities for access to land will have implications for the distribution of wealth, rates of economic growth and the incidence of poverty, and the shape and direction of agricultural development will affect the incomes and returns from different types of farming activity, the value of land and demands for access to land resources (Cotula *et al.*, 2004).

Land is an important source of security against poverty across the continent and developing world, unequal rights to land put women at a disadvantage, perpetuate poverty, and entrench gender inequality in Africa. Gender has become a critical issue in women's land rights due to the fact that there is direct relationship between accessing land resources, having secured land rights, achieving food security and overcoming poverty. Women produce more than 80% of the food in Africa, yet they own only 1% of the land (SOFA, 2011). Therefore, improving women's access to and control over land is crucial to socio-economic development of Africa.

### ***Land Use Rights and Food Security***

The dramatic rise in global food prices in, which hampered the already limited ability of many people to buy food, highlighted the vulnerable state of food security and nutritional status for millions of people around the world. When people lack secure and sustainable access to sufficient and nutritious food, hunger and malnutrition have profoundly negative impacts on their health and productivity. For children, the harm to their cognitive development and educational achievement often mean that they cannot fully contribute to their household or their country's socioeconomic development in the future as adults.

Given these high stakes and the recognition that food security will become an increasingly important issue in light of the growing world population, governments, policymakers, and others in the international development community are paying greater attention to agricultural interventions that can help reduce global hunger and malnutrition.

Secure rights to land are a critical, but often overlooked, factor in achieving household food security and improved nutritional status. Secure land rights refer to rights that are clearly defined, long-term, enforceable, appropriately transferrable, and socially and legally legitimate. These rights can lead to increased household agricultural productivity and production by: Providing incentives to invest in improvements to the land, Increasing opportunities to access financial services and government programs, and Creating the space needed—one without constant risk of losing land—for more optimal land use (Giovarelli and Wamalwa, 2011).

Increased agricultural productivity and production can enhance household food security and nutrition through two avenues: directly, through increased food production for consumption, and indirectly, through increased incomes permitting the purchase of more and better quality food. In both ways, secure rights to land

can help moderate the impact of food price volatility on poor rural households (UN, 2010).

A growing body of evidence, from a variety of settings around the world, illustrates the positive correlation between land rights and food security and nutrition. A preliminary study of a land purchase program in the Indian state of Andhra Pradesh, which provided beneficiaries with plots of land of up to one acre, found that beneficiary households experienced significantly higher levels of food security: 76% of beneficiary households reported having two meals a day, compared to only 50-57% of non-beneficiary households (Hanstad and Nielsen, 2009). A household survey conducted in five Asian countries found that among four levels of food security, the food secure group had the largest percentage of owner cultivators at 70% (Miggiano *et al.*, 2010). In China, the number of undernourished people fell from 387 million in 1969-1971 to 150 million in the mid-2000s—a reduction that had its roots in key agricultural reforms related to improve land rights (FAO, 2006).

Even secure rights to “micro plots” of land—plots as small as one-tenth of an acre—protect against household food insecurity and improve nutrition. They provide space for home gardens and for keeping poultry, livestock, or other animals. A variety of studies show that these micro plots produce a high percentage of the fruits and vegetables consumed by families. A study of wage-earning families in the Indian state of Kerala revealed that the value of micro plot production was the most “consistent positive predictor of child nutrition.” Small plots held by urban residents in the former Soviet Union played a major role in ensuring household food security in both the Soviet and post-Soviet era: In 1990, these small plots comprised about two percent of agricultural land cultivation, but accounted for approximately 27 percent of the gross value of all agricultural output. In Puerto Rico, house-and-garden plots allocated to landless agricultural workers helped ensure food security for recipient families (Mitchell *et al.*, 2009).

### ***Women’s Land Use Rights and Household Food Security***

The link between secure rights to land and household food security and nutrition is more pronounced when women in the household have secure land rights. An increasing body of research points to that connection. When women have secure property rights including rights in the land they cultivate, they gain improved status which leads to greater influence over household decisions. Such influence is significant because women are more likely than men to make decisions that improve the household’s welfare, including decisions regarding food and nutrition needs (FAO, 2012).

Furthermore, when women have direct control over assets like land and the income from those assets, they are more likely than men to spend the income on the next generation. Indeed, a World Bank report points out that the income and resources that women control wield disproportionately strong effects on health and nutrition outcomes generally (WB, 2007).

Women with land rights generally have enhanced status and greater bargaining and decision-making power at home and in their communities. A study in Central America found that in some countries, women with land rights are more likely to have control over household income and access to credit. In Nicaragua, for instance, women with either individual or joint title control over half of the crop income while women who have no land rights control only 14% of that income (Katz and Chamorro, 2002). In Nepal, researchers found that women who own land are significantly and more likely to have the final say “I” in household decisions (Allendorf, 2007).

Women with secure rights to land also have greater influence over decisions regarding what types of crops to grow on that land. Studies have shown that in some settings, men tend to plant crops with a high market value, whereas women tend to plant crops that can supplement a family’s diet (Mitchell and Hanstad, 2004).

Furthermore, when women own land, their food purchasing decisions are likely to benefit the household’s food security and their children’s nutritional status. A study in Nicaragua and Honduras, found that families spend more on food when the woman of the house owns land. A study in Ghana showed that when women own a larger share of the household’s farmland, families allocate a larger proportion of their household budget to food (Doss, 2006). In Nepal, research demonstrated that the likelihood that a child is severely underweight is reduced by half if the child’s mother owns land. The Nepal study suggested that the route to better child nutrition was through the greater income and resources provided by the women’s right to land. Data analyzed by the OECD Development Centre show that countries where women lack rights or opportunities to own land have on average 60% more malnourished children than countries where women have some or equal access to land (OECD, 2012).

Despite the evidence showing that women have a pivotal role in improving household food security and nutrition when they have secure land rights, many women have only weak or unclear rights over the land they farm.

### ***Opportunities and Challenges on Securing Women’s Land Use Rights***

Due to colonial influences, individualization of land tenure, land market pressure and other factors, many customary laws and practices have eroded over time; the forms of solidarity that used to exist and that protected

women from exclusion, have now disappeared in many areas. Even where statutory national laws recognize women's rights to land, housing and property, "traditional" values prevail amongst judges, police officers, local councilors and land officials. They often interpret statutory laws in what at present are understood to be "customary ways", as a result of which women are deprived of the rights they should enjoy under statutory law (Benschop, 2004).

While in communal land tenure systems, women had significant indirect access and rights to use communal resources through their roles as household managers, they were further excluded when land tenure was individualized and invariably adjudicated and registered in the name of "heads of households" or men. Without legal protection, women are at risk of suddenly becoming landless, as has happened in the many cases where the husband sells the family land. Upon divorce, women still have to prove their contribution to the marital home in court. Upon the death of the husband, the marital home is included in the deceased husband's estate and is divided among his heirs. Many succession laws only entitle widows to a temporary use right of the marital home. If the marital home had been registered jointly, it would not become part of the estate upon the death of any spouse, and instead the widow would remain registered right holder of the land and house with the authority to sell, mortgage or carry out any other transaction. Unequal land distribution and widening gaps between rich and poor have further excluded women. Overemphasis on privatization, individual freehold tenure and rigid planning and registration procedures that are costly, lengthy and often inaccessible to the (urban) poor deepens the gap between those who can and those who cannot afford (Ibid).

An increasing number of countries have now recognized women's equal rights in their Constitution, thus complying with international human rights standards and obligations. However, there still are countries, such as Zimbabwe, Zambia, Lesotho and Kenya, where discrimination in customary and personal law matters (such as inheritance) is still permitted in their current Constitution. The notorious Magaya case in Zimbabwe, in which the Supreme Court ruled that Ms. Magaya could not inherit land, because customary law does not permit women to inherit and the Constitution still allowed for discrimination in such matters, shows the disastrous consequences that can follow from such legal provisions. The necessity of a constitutional provision that prohibits discrimination, including in customary law and practice (as laid down in the Constitutions of Uganda, South Africa and Mozambique) cannot be overemphasized (Ibid).

Even today, laws and policies related to land and housing that explicitly discriminate against women still exist, as in the case of Swaziland, where married women are specifically excluded from registration of title to land in their name. In most countries, such laws and policies are gender neutral, but do not address existing discrimination. For example, many land laws allow for co-ownership of land, but spouses have to mutually agree on this and take active steps to register as co-owners. In practice, it is only a small proportion of, usually well educated, urban-based and relatively wealthy people who do so. And even among this group, many women face cultural attitudes that favor registration of land and housing in the name of men. Innovative approaches, such as in Tanzania's Land Act of 1999, where land occupied by both spouses is now presumed to be co-registered unless otherwise indicated by the spouses, are much more protective of women's interests and needs and actually implement women's rights. In Latin-America, most civil codes now include joint titling of spouses. However, in practice, these provisions are widely misunderstood and misused: cases of brothers or fathers and sons registering land jointly are widespread, and defeating the purpose for which this provision was formulated. Cultural attitudes and lack of clarity about implementation of such provisions go hand in hand to prevent the implementation of joint titling for spouses (Ibid).

Laws related to marital property and inheritance rights remain discriminatory in most Sub-Saharan African and various other countries. In countries like Lesotho and Swaziland, married women are seen as legal minors, who cannot enter into contracts without consent of their husband. While laws increasingly recognize equal inheritance rights of daughters, this is often not the case regarding widows. In the few countries where the laws recognize women's equal marital property and inheritance rights (for example in Latin America), cultural attitudes in many areas in Latin America expect a daughter to relinquish her right to inherit land to her brother. In many sub-Saharan African countries, the idea of women inheriting land is seen as a threat to the continuity of clan land. Even in various matrilineal societies, such as in Malawi, Zambia, Mozambique and Tanzania, land market pressure and individual registration processes are threatening the continuity of inheritance systems that so far have protected women more. Religious laws usually entitle women to inherit, but the share of inheritance is invariably smaller, and there is an emphasis on access rather than ownership rights (Ibid).

Without gender aware officials on bodies dealing with land allocation, inheritance and dispute settlement, a male bias among these officials will continue to stand in the way to women's enjoyment of their rights. Moreover, inclusion of women in decision-making and policy formulation processes, especially among vulnerable groups such as slum dwellers, ethnic minorities etc. is crucial (Ibid).

## **Conclusion**

In order for land to play a key role in socio-economic growth and poverty alleviation, a functioning land

administration system must support secure, easily transferable land rights and be capable of maintaining comprehensive, clear, accessible land records; creating mechanisms for the efficient and effective transfer of land for a reasonable fee; and providing accessible avenues for handling land disputes fairly, predictably, and in a timely fashion.

Several countries in Africa have either formulated their land policies or are in the process of doing so. Reforms that seek to formalize land rights must intentionally consider the economic, social, and political dimensions of property rights to ensure that women are not left worse off by the process. At the same time to be effective in the long term, the reforms must consider the social as well as legal legitimacy of the change they seek.

Effective land administration requires women's participation at policy formulation and at level of implementation on an equal footing with men in order to ensure gender-equitable land tenure system. Hence meaningful representation is an important step towards helping women gain access to established rights. It is not just a matter of placing women in positions to add to numbers, but to ensure that their voices are heard. Women must be an integral part of the implementation of land reform programmes. Training community members as paralegals, topographers and conflict mediators can help build community skills and increase the probability that women's concerns will be addressed. Women's organizations can be effective tools in promoting local participation, building consensus and raising consciousness at all levels, especially as women are generally not well represented in decision-making bodies, and they are often instrumental in pressuring for government programmes to include women as equal participants.

Land is an important source of security against poverty across the continent and developing world, unequal rights to land put women at a disadvantage, perpetuate poverty, and entrench gender inequality in Africa. Gender has become a critical issue in women's land rights due to the fact that there is direct relationship between accessing land resources, having secured land rights, achieving food security and overcoming poverty. Therefore, improving women's access to and control over land is crucial to socio-economic development of Africa in general, and Ethiopia in particular.

Secure rights to land are a critical, but often overlooked, factor in achieving household food security and improved nutritional status. These rights can lead to increased household agricultural productivity and production by: Providing incentives to invest in improvements to the land, Increasing opportunities to access financial services and government programs, and Creating the space needed—one without constant risk of losing land—for more optimal land use.

When women have secure property rights including rights in the land they cultivate, they gain improved status which leads to greater influence over household decisions. Such influence is significant because women are more likely than men to make decisions that improve the household's welfare, including decisions regarding food and nutrition needs

Laws and policies, even if recognizing women's equal rights to land and property, are still very difficult to implement. Regulations and guidelines for implementation of laws and policies are often very technical and in many cases have not yet been written from a gender perspective. As a result, forms for registration of land for example, often simply lack the space to indicate joint registration of both spouses. And the land officials having to work with these forms often lack any gender awareness. Persistent cultural and customary attitudes also work against implementation of women's rights.

Among men and women alike, there still is a lack of gender and human rights awareness, of the serious repercussions that the denial of women's rights continue to have and of the possible strategies towards actual implementation of these rights on the ground. In addition, many women do not have information, confidence, experience and resources to obtain what they are legally entitled to.

## References

- Abdulai, R.T. and Antwi, A., 2005. "Traditional Landholding Institutions and Individual Ownership of Land Rights in sub-Saharan Africa." *World Review of Science, Technology and Sustainable Development*, 2 (3/4): 302-319.
- CSA (Central Statistics Authority), 2007. The 2007 population and housing census of Ethiopia, Central Statistics Authority, Addis Ababa, Ethiopia.
- Cotula L., Toulmin C. & Quan J., 2006. BETTER LAND ACCESS FOR THE RURAL POOR. LESSONS FROM EXPERIENCE AND CHALLENGES AHEAD IIED, FAO.
- Cotula, Lorenzo (ed.), 2007. *Changes in "Customary" Land Tenure Systems in Africa*. Great Britain: IIED. Retrieved on 27-February-2010, from <http://www.iied.org/pubs/pdfs/12537IIED.pdf>.
- Cousins, B., 2009. Potential and Pitfalls of Communal Land Tenure Reform: Experience in Africa and Implications for South Africa.
- C. Doss, 2006. The Effects of Intrahousehold Property Ownership on Expenditure Patterns in Ghana, *J. AFR. ECON* 15(1): 149-180, at 171.

- E. Katz and J. Chamorro, 2002. Gender, Land Rights and the Household Economy in Rural Nicaragua and Honduras 11, paper prepared for the Regional Workshop on Land Issues in Latin America and the Caribbean.
- FAO (Food and Agriculture Organization), 2006. *The State of Food Security in the World*.
- FAO (Food and Agriculture Organization), 2007. Good governance in land tenure and administration. Land Tenure Studies 9. Food and Agriculture Organization, Rome.
- FAO (Food and Agriculture Organization), 2012. *The State of Food and Agriculture: Women in Agriculture – Closing the Gender Gap for Development 2010-2011*, 43.
- FDRE (Federal Democratic Republic of Ethiopia) Constitution, 1995. Federal Negarit Gazeta 1/1. Addis Ababa.
- FRLAU (Federal Rural Land Administration and Use) Proclamation No. 456/2005. Federal Negarit Gazeta 11/44. Addis Ababa.
- Foley Conor, 2007. “Land rights in Angola: poverty and plenty”, HPG Working Paper November 2007.
- Getachew Senishaw, 2003. *Household Access to Farmland and Socio-economic Status: The Case of Wonqa Kabale (Gozamin Woreda), Amhara Region*. Addis Ababa: Addis Ababa University. Master’s Thesis. Retrieved on 16-February-2010, from <http://hdl.handle.net/123456789/1151>.
- IFAD (International Fund for Agricultural Development), 2010. Improving access to land and tenure security. Corporate Land Policy. International Fund for Agricultural Development, Rome.
- Kabonesa, K ., 2005. “Gender Mainstreaming and Implications for Peace”, *Gender and Peace Building in Africa*.
- Kifle Lemma and Yosef Gebrehiwot, 1999. The Food Security Situation status in Ethiopia: Concept, Status and Trends. In:Taye Asefa (ed.). Food Security in Sustainable Land Use: Proceedings of the First National Workshop of NOVIN Partners Forum on Sustainable Land Use. NOVIN. Addis Ababa.
- Kindi, F. I., 2010. Challenges and Opportunities for Women’s Land Rights in the Post-Conflict Northern Uganda. MICROCON Research Working Paper 26, Brighton: MICROCON
- K. Allendorf, 2007. *Do Women’s Land Rights Promote Empowerment and Child Health in Nepal?*, WORLD DEVELOPMENT 35 (11).
- Land Policy Proclamation No.46/96, 2000. Amhara National Regional State, Ethiopia: Ethiopia Government Printing Office.
- Land Use Policy No. 46/96, 2003. Amhara National Regional State Natural Resource and Land Use Administration Bureau. Implementation Guidelines, Ethiopia Government Printing Office.
- Logo, P.B. and Biek, E., 2003. “Women and Land in Cameroon: Questioning Women’s Land Status and Claims for Change.” In L. Muthoni Wanyeki (ed.): Women and Land in Africa: Culture, Religion and Realizing Women’s Rights. South Africa: David Philip Publishers, 31-66.
- L. Miggianno *et al.*, 2010. Links between Land Tenure Security and Food Security.
- Mamitu Yilma, 2002. Some Aspects of the Status of Women among the Konso of Southern Ethiopia. Addis Ababa: Master’s Thesis Submitted to Addis Ababa University.
- Marjolein Benschop, 2004. Women's Rights to Land and Property. *Commission on Sustainable Development - Thursday 22 April 2004*. Women in Human Settlements Development, Challenges and Opportunities.
- Mayra Gomez, and D. Hien Tran, 2012. WOMEN’S LAND AND PROPERTY RIGHTS AND THE POST-2015 DEVELOPMENT AGENDA.
- Millicent Odeny, 2013. Improving Access to Land and strengthening Women's land rights in Africa. Paper prepared for presentation at the “ANNUALWORLD BANK CONFERENCE ON LAND AND POVERTY”. The World Bank - Washington DC, April 8-11, 2013
- Murisa, Tendai, 2008. “Agrarian Reforms in Southern Africa: Contradictions of Neoliberal Prescriptions”, Extrait du suite Foundation Gabriel Peri.
- OECD, 2012. Development Centre, At Issue: Do Discriminatory Social Institutions Matter for Food Security?
- R. Giovarelli and B. Wamalwa, 2011. *Issue Brief – Land Tenure, Property Rights, and Gender: Challenges and Approaches for Strengthening Women’s Land Tenure and Property Rights 2*
- R. Mitchell and T. Hanstad, 2004. Small Homegarden Plots and Sustainable Livelihoods for the Poor.
- R. Mitchell, *et al.*, 2009. Micro-plots for the Rural Poor, in ONE BILLION RISING 157 (R. Prosterman, et al. eds., Leiden U. Press).
- SIDA (Swedish International Development Cooperation Agency), 2009. Quick Guide to What and How: Increasing women’s access to land. Women’s Economic Empowerment Series.
- SOFA Report, 2011. Women in Agriculture: Closing the gender gap for development. Retrieved on December 4, 2012. [www.fao.org/docrep/013/i2050e/i2050e00.htm](http://www.fao.org/docrep/013/i2050e/i2050e00.htm).
- Steven Jonckheere, Espérance Musirimu, and Harold Liversage, 2013. Legal Empowerment to Secure Women’s Land Rights in Burundi. Paper prepared for presentation at the “ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY” The World Bank - Washington DC, April 8-11, 2013

- Tesfaye Beshah, 2003. Understanding Farmers: Explaining Soil and Water Conservation in Konso, Wolaita, and Wollo, Ethiopia. The Netherlands: Wageningen University and Research Center. PhD Dissertation. Retrieved on 05-March-2010. <http://library.wur.nl/ebooks/1676777.pdf>.
- T. Hanstad and R. Nielsen, 2009. Land Tenure Reform in India.
- UN-HABITAT, 2002. *Rights and Reality: Are women's equal rights to land, housing and property implemented in East Africa?* 2002. <http://www.unhabitat.org/tenure>.
- UN Special Rapporteur on Adequate Housing, 2002. Study on Women and Adequate Housing, April 2002, E/CN.4/2003/55, p. 9. <http://www.unhchr.ch/housing>.
- UN (United Nations), 2010. High Level Task Force on the Global Food Security Crisis *Updated Comprehensive Framework for Action* 10.
- Von Braun, J.; Bouis, H.; Kumar, S. and Pandya-Lorch, R., 1992. Improving Food Security of the Poor: Concept, Policy, and Programs. International Food Policy Research Institute. Washington, D.C, U.S.A.
- WB (World Bank), 2003. Land Policies for Growth and Poverty Reduction (Washington DC: The World Bank), at 79-98. Strengthening Land Tenure and Property Rights Land Law and Policy. See Robin Nielsen, 2007. Background Report: Land Dispute Systems in Angola (on file with RDI).
- WB (World Bank), 2007. From Agriculture to Nutrition: Pathways, Synergies and Outcomes.
- WB (World Bank), 2009. Module 4: Gender Issues in Land Policy and Administration. Gender in Agriculture Sourcebook. World Bank, Washington.
- Zenabaworke Tadesse, 2000. "Women and Land Right in Ethiopia." Presented on the workshop Land Tenure Project on Access to Land and Resource Management in Ethiopia. Workshop Paper. <http://www.law.emory.edu/WAL/WAlstudies/ethiopia.htm>.
- Zenabaworke Tadesse, 2003. "Women and Land Rights in the Third World: The Case of Ethiopia." In L. Muthoni Wanyeki (ed.): Women and Land in Africa: Culture, Religion and Realizing Women's Rights. South Africa: David Philip Publishers, 67-95.

The IISTE is a pioneer in the Open-Access hosting service and academic event management. The aim of the firm is Accelerating Global Knowledge Sharing.

More information about the firm can be found on the homepage:

<http://www.iiste.org>

### CALL FOR JOURNAL PAPERS

There are more than 30 peer-reviewed academic journals hosted under the hosting platform.

**Prospective authors of journals can find the submission instruction on the following page:** <http://www.iiste.org/journals/> All the journals articles are available online to the readers all over the world without financial, legal, or technical barriers other than those inseparable from gaining access to the internet itself. Paper version of the journals is also available upon request of readers and authors.

### MORE RESOURCES

Book publication information: <http://www.iiste.org/book/>

Academic conference: <http://www.iiste.org/conference/upcoming-conferences-call-for-paper/>

### IISTE Knowledge Sharing Partners

EBSCO, Index Copernicus, Ulrich's Periodicals Directory, JournalTOCS, PKP Open Archives Harvester, Bielefeld Academic Search Engine, Elektronische Zeitschriftenbibliothek EZB, Open J-Gate, OCLC WorldCat, Universe Digital Library, NewJour, Google Scholar

