

Rural Women Land Use Right in Tigray Regional State: The Case of Kafta Humra Woreda

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Abstract

The fundamental nature and history of the Ethiopian land holding and use right was characterized by Feudal as well as Military system in which women were of the most disadvantaged groups of the society. These days, Ethiopia has introduced constitutionally recognized land holding and use laws that clearly ensure the issue of gender equality on land holding and use rights. Nevertheless, ineffectiveness of implementing these given rights was observed in many instances. Therefore; the study was aimed to critically assess and explain rural women land use right in Tigray: the case of Kafta Humera Woreda. To assess the facts and practices of rural women land use right, probability and non probability sampling techniques were utilized and questionnaires, FGD, as well as key informant interviewees were also used to collect primary data. Secondary data were captured from different documents. The study employed both descriptive and explanatory methods and it was quantitative and qualitative in approach. The quantitative data were analyzed using Mann Whitney and Ch-Square Tests to check some differences and perceptions of responses. Besides, content analysis and narrations were also used to analyze some qualitative data. Finally, the factors that impede the implementation of rural women land use right were identified and the discussion was concluded; regardless of the institutional framework in place and some positive changes can be cited, the rural land administration system was not fully implemented. Women's equitable access to and control over land was not fully realized. Land redistributions, certifications and registration practices were benefiting men than women. Household decision makings and community land issue participations of women was less. In the land administration system, customary and statutory land use practices were not well compromised. The root causes of the influence of customary land laws were due to weak application of legal land use rules and regulations. The socio-cultural values that encourage men as the bread winners in community decision makings play role in retreating of women land use right. Poor government access of farm land facilities, weak institutional capacity, and less leadership commitment were also among the core challenges of rural women land use right in the study area.

Keywords: Rural women land use right, access to and control over land, Statutory and customary land use

INTRODUCTION

The issue of rural women vis-a-vis land use right has a long history and rooted patriarchal decent along the globe. Unlike to those women of developed countries who are relatively empowered with powerful voice and positive action, women in developing nations are generally silent whose voice has been snatched by deferent economic and cultural factors (ESPS, 2008). In view of this, many scholars suggest that, women should have direct and visible autonomy in accessing and controlling over resources, participatory decisions in economic and political issues, self-esteem and freedom of domestic violence. Many countries in the globe have been making such gender forwarding policies and strategies (WB, 2013). But, many writers also argued that implementing these gender based policy reforms have been confronting with deferent challenges. This central point should be the work of future researchers in advance; as women are half part of any society but whose land use right was misused for centuries (Tran, 2012).

Ethiopia is among the agrarian nations of East Africa where land is the main source of rural living. Throughout history, this land tenure system has been characterized by different reforms (Grow Africa, 2014). According to this fact, land related issues before 1991 were both feudal and patriarchal which was passed by heredity and proximity to the crown church. The patriarchal land ownership was characterized by negative discrimination; women's socio-economic and political rights were under the dominations of their male counterparts (Almaz, 2010). In the military era, despite the fact that, rural land was distributed to peasants, practically it was designed in line with its socialist orientation where women's land use right was distorted (Tamrat, 2013).

The political nature and governance system of the current Ethiopian government is different from the feudal and socialist regimes. It was during the currently ruling government of Ethiopia that a new land use policy was introduced in the national constitution. The 1995 Ethiopian constitution provides gender equitable land reform basically to improve socio-economic conditions of women and equal rights to property ownership. Article 35 of the Ethiopian constitution states that women have equal access to economic opportunities: including land, employment and related matters. On top of this, Women's Policy and other similar policies and proclamations have introduced for the benefit of the female population in the country.

The Ethiopia constitution gives right to regional states to cascade their own land use policies and

proclamation to realize the new land tenure system and the right of women to own and use land (Mebrat, 2011 and Tamrat, 2013). Today, women are relatively beneficiaries of their land use right and many exercising property rights. Despite to this fact, all women are not beneficiaries of their land right in practice. Implementation gaps are still argued to exist. Such a situation works for women in Tigray.

Tigary region has introduced its own land Administration and Land Use Proclamation 2007, Art 12/1. However, the ineffective implementation of land administration in the region especially in the study area negatively affects women land use rights. Therefore, this study was intended to critically assess and explain the implementation challenges of rural women land use right in Tigray: The Case of Kafta Humera Wereda. In doing so, the journal article tried to address the following core research questions:

1. How rural women land use right is implemented in Kafta Humera Woreda?
2. What practical challenges are affecting rural women land use right in the study area?
3. What are the root causes of the inhibiting factors of rural women land use right?

The democratic outlook of land use right is to empower women in socio-economic and political activities. Hence, the study is objectively designed to analyze the hindering factors of rural women land use right. This helps to understand the existing intra and extra household gender specific barriers of equal land utilities. If such constraints are not well identified and addressed in the implementations of the development policies, gender differential treatment of benefits would continue which in turn can abort the realization of intended social change because the issue of gender is the issue of country's sustainable development.

Theoretical and Conceptual Literatures

Modern Land Administration Theory

The modern theory of land administration is the land management paradigm where the issues of land tenure, value, use and development are basically concerned as important activities of one's people (Walace and Ford, 2010). Modern land administration is the management of land policies, land rights, property and economics of its utility. It is also the act of land use control, regulation and monitoring implementation and effective development of land (William, 2010 and Enemark, 2005). According to the theorists, one tool of such management is the land policy for the promotion of objectives: social justice and equity, economic development, and political stability of a country. The implementation of land Policies basically depends on the access to land and allocating land related opportunities. So, the role of governments in such management paradigm is proper regulations of land related issues: land holding rights, economizing and controlling of land uses, as well as forwarding of its development (William, 2010).

As asserted by Enemark (2005), land administration is the operational facet of land management paradigm through which proper management of duties and responsibilities of property and land use rights are basically ensured. Such functions are concerned with securing and transferring of rights in land and natural resources, valuation and taxation of land and properties, planning and control of land use and implementing utilities, infrastructure and construction planning. Therefore, this theory needs the implementation of land management paradigm in dealing with land rights, restrictions and responsibilities in supporting sustainable development (Enemark, 2005).

The Debate between Feminism versus Individual Choice Theories

The Feminist and the Individual choice theorists debate on gender labor market differentials. Individual choice theorist is at the heart of neo-classical economics that viewed gender issue as the early work and labor market conditions. This theory confirms, work-gender-differentiated labor market outcomes is explained as the result of women's biological endowment for the role of reproduction and their weaker attachment to labor market (Becker, 1971 and Polachek, 1981).

In the outlook of feminist economists like Figart (2005), gender is much more than what has argued by the individualistic and neo-classical theorists. For these feminist authors, the economic market deference on gender is unworthy to explain away in a sense that individual men or women choice cannot be a means rather it is structured into the market forces through discriminatory practices from which inherited the past communal legacies. Other Feminist theorists like Barriteau and Davis (2003) argued that, in developing countries, gender bias division of labor is the result of the rooted colonial legacies. In those societies with patriarchal family structures, the value of women and girls is less equal than men. All the productions of women including children have been belonging to the husband.

As an urgency agenda, the Fourth World Conference on Women Forum held in Beijing (1995) had strongly underlined that "human rights are women's rights and women's rights are human rights" (Barriteau and Davis, 2003). So, contextualizing this theory to the Ethiopian ground, and thereby down to the study area is a leading theory for proper women sensitive land use right practices.

The Concept of Rural Women and Land Use Right

Land and property right is considered as best and vital ways of ensuring sustainable human development (Tran, 2012). Rights include ownership, utility, access, control, transfer, exclude, inherit kinds of land and land related resource decisions of the guarantee of rural women's life. According to Tran (2012), secure land rights are clearly defined as, long-term, enforceable, appropriately transferable, and legally and socially legitimate rights. Agarwal (1994) also explained, women whose land rights are secure become potential to get better social facilities. This is because they have the income at hand.

In spite of this reality, women of developing nations, especially of Sub-Saharan Africa have been in distinctive social dilemma. Most African countries in which customary systems of governance are commonly predominate and the control of house hold land is mainly vested on men. The land and land related resource is at the hand of the man for decision (FAO, 2012). Literature from Rwanda also shows that, women were not recognized as full citizens till 1998 (Fenrich and Higgens, 2001). The same document also stated that, Rwandan woman who wants to buy a house or a plot of land had done in the name of her male relative or establishes a corporation which could act her as a legal person. The effect of such rooted legacy still influencing their right when the current constitution legally allows operate economic and social actors as well as the socio cultural effect is still hindering them (ibid).

In contrary, current experiences from Latin America demonstrates deferent scenario that, women are more legally protected. The statutory property laws are working better than the Sub-Saharan Africa nations (Deere, Diana and Leon, 2001). The concluding concept of this paragraph indicates that proper legal protection is the prerequisite for the realization of women's property use right.

Rural Women Access to, and Control over Land

Many scholars define the concepts of access to and control over land in different angles. But one dominant conceptual definition is given by Duncan (2004) that is access to land is the right to enter upon and use land in which such rights are usufruct rights that can be granted to both members of the family equally. Rural land access has a strong and directly related to the access of income-generation as well as food of women and men. The land asset control rights, control over land is termed as the act of land use decisions made by women and men (Duncan, 2004).

Land Tenure Security

Land tenure refers to individual or groups land holding and use rights (Lasserve, 2006). Land tenure is the perceived institutional arrangement of rules, principles, procedures and practices, whereby a society or community defines control over, access to, management of, exploitation of, and use of means of existence and production (Dekker, 2005). Fischer (1995) also affirms that, a given resource have multiple users, each of whom has particular rights to the resource. Some may have access to entire bundle of rights with full use and transfer rights but other users may be limited in their use of resources. There is a possible coexistence in one place of forms of tenure that give access to different rights and a continuum between these different forms of tenure. This highlights the fact that ownership is only one form of tenure among many others.

Land Administration Concept is a legal framework which includes both customary and statutory systems (Lasserve and Royston, 2006). The security derives from the fact that the right of access to and use of the land and property is underwritten set of rules and that right is justifiable. The tenure can be affected in variety of ways depending on constitution and legal framework, social norms, cultural values and to some extent, individual preferences. In summary, a person or household can be said to have secure tenure when they are protected from involuntary removal from their land, except in exceptional circumstances, and then only by means of a known and agreed legal procedure (ibid).

Legal Position of Rural Women land Use Rights

International and Policy Instruments

Global legal and policy framework lay-out on clear foundation for women's land and land related use rights. Such rights internationally protect gender equal to access, use and control over land. Article 3 of the International Covenant on Economic, Social and Cultural Rights similarly calls countries to undertake to ensure the equal right of men and women to enjoy all economic, social and cultural rights set forth in the present covenant and prohibit discrimination. More recently, at UN Conference on Sustainable Development (Rio+20), heads of state and government resolved to undertake legislative and administrative reforms to give women equal rights.

National Policy Frameworks

The Ethiopian Constitution and Women's Rights

The current Ethiopian government granted constitutionally women's land holding and use right. Article 35 of

FDRE Constitution specifically states the rights of women. In this Article, the constitution stipulates women equality. Similar provision in response to the historical legacy of inequality and discrimination suffered by women in the country provides that women are entitled to affirmative measures in competing and participating on equal foots in political and socio economic life and in public and private institutions (Art.35:3). This means that, the state has dual responsibility to enforce such legally provided rights. The Constitution also gives recognition and enforcement of women's right to use, transfer, administer and control.

Proclamations of Land Use Administration

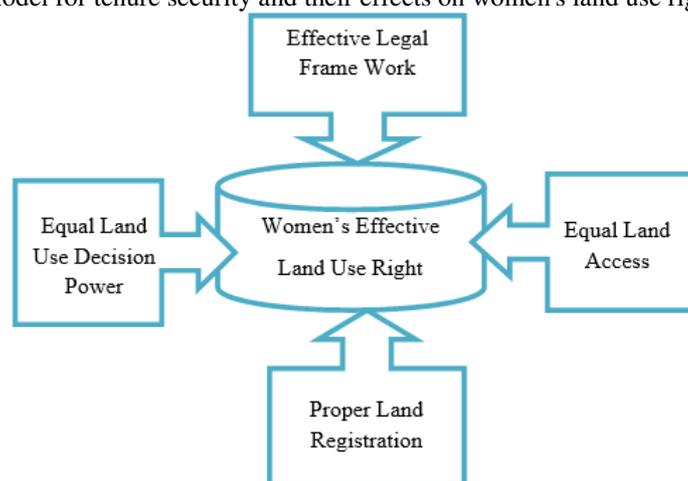
The Ethiopian farmers today have a perpetual use right on their plot of land. It is placed in the revised Federal Land Administration and Land Use Proclamation No. 456/2005. Such rights are being supported by the issuance of certificates and keeping of registers. Proclamation 456/2005 delegates regional states with the power to "enact rural land administration and land use law which is consistent with Proc. 456/2005 in order to implement the land administration law on regional level (Art.17). Further, most of the regional states: Tigray, Amhara, Afar, Oromia, Benishangul Gumz and SNNPRS have adopted their own Rural Land Administration and Use proclamations and urban lands holding lease regulations down to the federal rural and urban land related proclamations.

The Revised Family Codes and Women's Property Rights in Ethiopia

The Ethiopian revised family codes at Federal and State level are enacted on the bases of Ethiopian constitution. The primary purpose of this legal set-up is to protect the right of women to property before and during marriage and upon its dissolution. In the constitution, the notion of common property is stipulated in a broader manner mainly to protect women's property rights which have been long denied by men. All incomes of the spouses that are derived by their efforts shall make the common property of the spouses.

Regional Legal Framework

In line with the Ethiopian constitution, land use policies and proclamations have been enacted at Federal and Regional level. Tigray regional state issued and enacted its own rural land administration policy and Proclamation 2007. In its land policy, rural land is totally prohibited for sale, exchange, mortgage or perpetual lease. But land transfer on inheritance to his children or parents is allowed (Gebreselassie, 2006). In fact, certain legal provisions in regional laws are believed to undermine security of land tenure, restrict access to land for in-migrants, or deter people working elsewhere to remit earnings back home. For instance, land laws in Tigray require residency on one's holding. Thus, any holder absent from the locality for more than two years risk forfeiture of their landholdings (Tigray State Land Administration and Land Use Proclamation 2007c, Art. 12/1).



Source: Own Survey, 2015

Most literatures of this study detailed that Ethiopian women have been affected by four major determinants; equal inaccessibility of land, inefficient land administration process, lack of their land asset right control, and lack of proper legal frame work implementation. So, the conceptual framework shows the link between the land tenure security and women's effective land use rights.

The researcher thought that women in Kafta Humera Woreda can effectively realize their land use right if the four affecting variables are properly addressed. Equal land access, and land administration where registration and proper certifications are fundamental factors. Likewise, women's household use decisions on land and land related assets are thought among the necessities for ascertaining rural women land rights in the

study area. On top-of-all, the implementation of legal support is the fourth decisive factor that may bring all women's right in the legal ground.

Research Methodology/Design

The fundamental nature of the research work was to investigate the root causes of the factors that hinder the implementation of effective rural women land use right in Kafta Humera Woreda. The research was both descriptive and explanatory and was qualitative and quantitative (Mixed concurrent) in approach. Primary and secondary data sources were used. Key interviewee, survey questionnaires and Focus group discussion methods were used to collect primary data. However, constitutions, proclamations, rules and regulations, books, journal articles and reports were worthily utilized for document analysis.

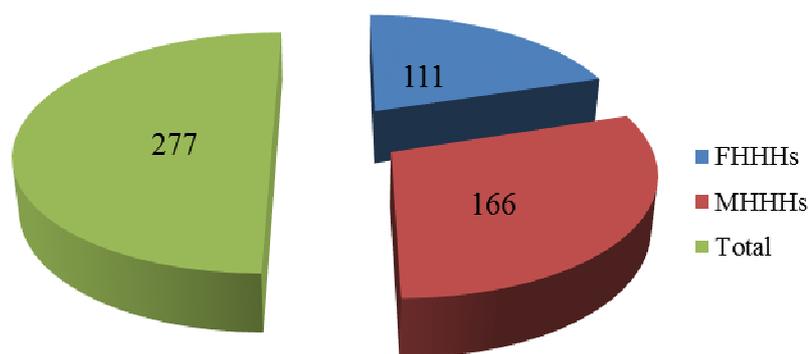
The analysis techniques were also both qualitative and quantitative. The quantitative data were analyzed using descriptive statistics like Mann Whitney and Chi-square Tests. For qualitative data were analyzed using content analysis, narrations and comparison. Then after, results of both qualitative and quantitative findings were concurrently mixed, triangulated, explained, and critically interpreted.

Results and Analysis

Household Information

As far as this study was concerned to deal with the issue of women's land use practices, it was important to consider samples of both the FHHs and the MHHs. The rationale for this was to investigate the similarity and deviation of the rural land policy implementation between those distinct households. The researcher sought to use full investigating both households for which the severity of one challenge might be high for the FHHs, for example, but not be the same for the MHHs and vice-versa.

Figure 2. Household Composition of the study



NB: FHHs: Female Headed House Holds, MHHs: Male Headed House Holds

Source: Field survey, 2015

As it can be seen from the above figure, out of the 277 women respondents, 166(59.9%) were MHHs and 111(40.1%) were those of FHHs. The study had also assessed the age category of these respondents. With regard to this, the huge share was taken by the age group of 18-29, and that of 30-48 age group which accounts 107(38.6%) and 129(46.6%) respondents respectively. The remaining 41 (14.8%) respondents were from the age group above 48 years of age. So, this category shows majority women of this study were under the agriculturally active work force.

Marital Status and Job Conditions

Many literatures asserted that women in male headed households confront challenges from their husbands in holding their own jobs; men seek them to merely act as housewives.

Table-1. Job Conditions * Marital Status Cross Tabulation

		Marital status					
		Single	Married	Divorced	Widowed	Total	
Job conditions	No	Count	10	158	52	33	253
		% within Job conditions	4.0%	62.5%	20.6%	13.0%	100.0%
	Yes	Count	1	8	11	4	24
		% within Job conditions	4.2%	33.3%	45.8%	16.7%	100.0%
Total		Count	11	166	63	37	277
		% within Job conditions	4.0%	59.9%	22.7%	13.4%	100.0%

Source: Field survey, 2015

As showed in Table-1 above, 166 women were already MHHs in which they were all under the married category. But, about 62.5% of these were simply acting as a house wife; only which 32.5% had jobs. The 111 FHHs were single, divorced, or else widowed respondents. The job conditions of these FHHs, 62.4% were found with job and the remaining 37.6% were in the job less category. The implication here is that women in the MHHs had extra household challenge in holding their own job by husband's influence.

Educational Back ground

Many scholars agree that, the educational status of one's society has the direct relationship with awareness of self right. This was the reason why nation states always try to educate, or to the minimum illiterate their people. It is general truth that education adds knowledge to the life of one's society. Such part of human capital has a role in changing backwardness of rural women by implication which can assist them act against their gender disparity.

In the educational background of the research households, about 136(49.1%) of the respondents were illiterate which covered huge portion of human capital retreatment. The severity seems on those MHHs for which about 112(67.5%) of the 166 MHHs were found illiterate; whereas 24(21.6%) of the 111 FHHs were from the illiterate respondents. Access to education was still challenging on those women in the MHHs; for which women in that households usually confront husband's direct or indirect influences.

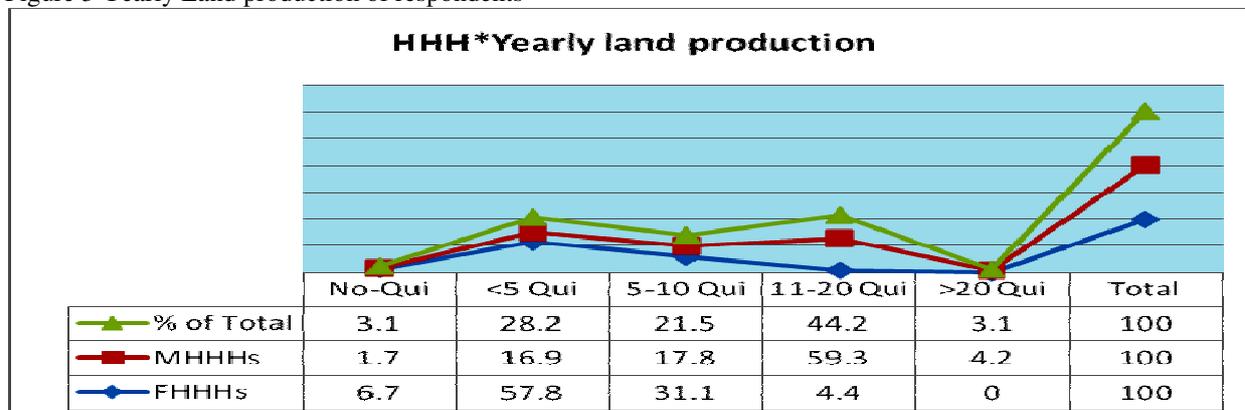
Land Possession Status

With regard to respondents' land possessions, the finding indicated as majorities (58.1%) were land holders; and 41.8% were land less households. Despite this fact, the proportion of land accessed FHHs were found smaller than that of MHHs. For this, out of the 111 FHHs, only 37.7% were accessed to land but about 61.3% of them were land less households. The MHHs covered 71.1%) of land possessions, 28.3% of them were land less. Here, the gender disparity is clearly shown in which women have been addressed less than men. Land owning Respondents were also asked to provide information about their yearly crop productions as follow.

Yearly Income/Land Production Conditions

As the trend indicated below, the land production line of FHHs is pointing towards below 5 quintals up to 6 to10 quintals of yearly production and only few were under the category of 11 to 20 quintals of yearly production. But in the MHHs, the line shows an increasing trend. Here, the point is that women, especially those who did not have land farm facilities, rent their land, and gain less fruits than they should.

Figure 3 Yearly Land production of respondents



Source: Of own field survey, 2015

The Implementation of Rural Women Land Use Right in Kafta Humera Woreda Land and Gender Equality Use Right

Scholars like Hanstad (2014), argued that there is nothing better first step than securing land rights to empower rural women of developing nations. That is because; the basic livelihood of developing countries is agricultural economy which is the main source of power and wealth. In support of this, international legal and policy frameworks layout clear foundation for women's land and land related use rights. Article 3 of the International Covenant on Economic, Social and Cultural Rights similarly calls on States parties to "undertake to ensure equality right of men and women to the enjoyment of all economic, social and cultural rights" and prohibits discrimination based on sex. With regard to this point, the researcher assessed the degree of women's awareness on their land use equality right in study area.

Therefore, majority of the respondents (93.86%) asserted they are clear on the equality right. However, majority of the focus group discussants confirmed that, the practical implementation is different. Women knew they have equal constitutional land use right. Key informants were also confirmed. This tells us that there is no problem of awareness on women's equality use right but it implementation.

Landholding System

When dated back to the feudalist era, the land administration system was totally discriminatory in character and land tenure was against women (Tesfa, 2002). The same document also reviled even if inheritance to land for women was theoretically possible, majority of women were landless for which institutional structure favored men. But the current era introduced a new equality based system of governance and constitutional property use right. As per to the revised Ethiopian family codes, Proclamation 456/2005 delegates regional states with the power to "enact rural land administration and land use law in order to implement the land administration law on regional level (Art.17). This proclamation has also guaranteed for its implementations that women who are involved in agricultural activities shall be given rural land free of charge. Hence, respondents were consulted to share their experience about land holding systems.

Table 2, Marital status * Land holding Cross tabulation

		Land holding system					
		Inheritance	Redistribution	During divorce	Resettlement	Total	
Marital status	Single	Count	1	3	0	1	5
		% within Marital status	20.0%	60.0%	0.0%	20.0%	100.0%
	Married	Count	12	98	0	11	121
		% within Marital status	9.9%	81.0%	0.0%	9.1%	100.0%
	Divorced	Count	5	12	2	4	23
		% within Marital status	21.7%	52.2%	8.7%	17.4%	100.0%
	Widowed	Count	0	11	0	4	15
		% within Marital status	0.0%	73.3%	0.0%	26.7%	100.0%
Total	Count	18	124	2	20	164	
	% within Marital status	11.0%	75.6%	1.2%	12.2%	100.0%	

Source: Field survey, 2015

In support to the above tabular descriptions, respondents of the Woreda officials and experts also replied that most households got land via land redistribution during the era of Gorilla fighting, and during the new land administration (after the enactment of the 1995 Ethiopian constitutions) system has been implemented. But, officials also explained that women are fully exercising their right of inheritance, equal land redistributions and their share during divorce.

Focus group discussants did not support this idea because there have been many challenges confronting women in search of their share of land in time of inheritance, divorce, and related conditions. The fact from the above table showed that the higher percentage of redistribution is covered by the MHHs (81.0%). Similar to this, 73.3% were from the widowed women and this was because they had husbands before their death. But when one looks at the divorced women, the number declines to 52%. This tells that those women who had men partners were better off. So, the land distribution disparity works here in the land administration process.

Land Cultivation versus Yearly Production Conditions

Land ownership alone cannot be guarantee for women's full land use opportunity. From the researcher's point of experience, those who plough their land themselves gain better production than that share crop out their land. Because share cropping, by its name implies sharing of crop between the land holder and the facilitator. To assess the effect of such conditions in KHW, the following summary of responses is forwarded.

From the survey respondents, 72.7% of the 44 land owner FHHs share crops their land and 15.9% of them only responded as they got family help while plough. The nastiest is 11.4% of the FHHs respondents

were either unable to share crop or did not get help. In the case of the MHHHs, about 67.3% of the MHHHs had the opportunity to plough and use their farm land either through their husbands or families. In contrast, 31.1% of these respondents use their land via share cropping.

Key Woreda and kebele interview informants similarly responded that share cropping was seen on the women headed households and of those farmers who were less capable of farm land facilities. The severity comes with the FHHHs. To this end, those who plough and harvest their land were placed under the production income category of 11-20 and above quintals of average. Share cropping has been affecting the proper use of farmer's land fruits in which FHHHs were subject to such constraints. Majority responses from FGDs also informed as lack of labor, credit, and facilities like oxen or tractor was one of women's challenges in properly using their land farm holdings. To see the effect of self harvesting versus share cropping between the two households of land production, table 2a and 2b clearly depicts the relationship:

Table 3a, Mann-Whitney Test on HHHs* average crop production Ranks

	House Hold Head	N	Mean Rank	Sum of Ranks
Yearly crop production	FHHH	45	43.58	1961.00
	MHHH	118	96.65	11405.00
	Total	163		

Table 3b, Test Statistic

	Yearly crop production
Mann-Whitney U	926.000
Wilcoxon W	1961.000
Z	-6.836
Asymp. Sig. (2-tailed)	.000

a. Grouping Variable: House Hold Head

Source: Filed survey, 2015

As illustrated in table 2a above, there is a great deference between the two households in the mean rank of yearly crop production. FHHHs' mean rank of yearly land production reads at 43.4; whereas for those MHHHs it at a rank of 96. It depicted that FHHHs were with less capability of gaining their yearly land production; and vice versa. To prove its significant difference, the following Test statistic is computed. The above test also ascertained that P-value is less than 5%; hence, we reject the null hypothesis. Thus, we can conclude that, there is a significant difference in the mean income or yearly land production of the FHHHs and MHHHs at 5% level of significance.

Women Bargaining Power on Land

Securing women's land use rights is help-full to empower and capacitate their economic potential through which they can control over their own lives. Women's rights to land and natural resources, ascertain their intra house hold bargaining power which increases the household resources allocation as well as improved family welfare (World Bank, 2011).

The study assessed on the degree to which women's awareness of the correlation between land and its bargaining power. Respondents of this research replied on the importance of land as a bargaining power of women. Accordingly, nearly all (97%) of the FHHHs and MHHHs had agreed that land has the power for women's intra and extra household strength. Those with land are more empowered than the non land holders. Only 3% of the households' response showed as land doesn't have the relationship with women empowerment.

Likewise, most of the focus group discussants agreed on the point that access to land is directly related to the bargaining power of rural women. The discussants explained that those land owning women although not fully practiced have the moral to actively act on the house hold life activities. Start to talk on public stages, ask their demand, demand rights of public services and actually start to bargain their house hold utility rights. Key informants were also supporting the idea that land is the motor for the rural women at all; their strength mostly depends on the status of land ownership. The fact of this finding is that, almost all rural women in KHW already knew land is the power of women's living; which can help them negotiate and bargain in their life activities.

Women's Decision Making on Land

Many scholars suggested that, women's autonomy should have to be direct and visible in accessing and controlling resources, participatory decisions in economic and political issues, self-esteem and freedom of

domestic violence. In ensuring the rights of women, the Ethiopian constitution stated that, women are equal with men in political, social and economic life as well as in public and private institutions Art.35:3. As one of the intents of the researcher was investigating women’s household decision power, participants reflected their responses below.

The result shows that, FHHHs were found better in their land and land related decision makings than MHHHs. 93% of the FHHHs are autonomous in their own land, 89.2% of the MHHHs confirmed as they were rarely participating in land issue decisions. Even 3.3% of them never participate in the household decisions. Discussions with the focused groups of the target study also added as FHHHs were relatively good at free decisions of their land property, decide on what seeds to sew, what inputs to use and freely negotiate while share cropping. They also decide on how and when to market their production. But such opportunity has been rare in the male headed households. Most of the time, men act as the bread winners in the households in which most land related decisions were made outside of home. Such decisions include, land input conditions, renting, and marketing of the land yields.

Legal Land Certification Process

In the current Ethiopian land tenure system, the land administration rights and responsibilities are given to the regional governments. In Tigray, the land use proclamation and certification has been carried out under the Bureau of Agriculture. As a result, 92.6% of both the FHHHs and MHHHs had legal land certificates whereas 7.4% did not have land entitlement. Key interview respondents also detailed that the land certification process was taken as one key part of the land administration system; farmers in the Woreda were entitled with their land certificates. So, certification of land was found encouraging but what was important is investigating how it was certified especially in relation to MHHHs. The following section discusses this reality.

Land Certification and Ownership Conditions

The notion of Common Property is stipulated broadly to protect women's property rights which have been long denied by men. All incomes of the spouses that are derived by their efforts shall make the common property of the spouses (Arts. 57 - 73 of the Revised Ethiopian Family Code). In this family code, there is a statement in which any property in the hands of the spouses is their common property. Such rule is important in the country for which it has been traditionally acceptable that almost all important properties have been registering in the name of husbands.

Table 4, Household*Land certification system cross tabulation

			If you have legal certificate whose name is registered?				
			husband and wife	Husband only	Wife only	No Comment	Total
House Hold Head	FHHHs	Count	0	0	41	0	41
		% within HHH	0.0%	0.0%	100.0%	0.0%	100.0%
	MHHHs	Count	39	71	0	1	111
		% within HHH	35.1%	64.0%	0.0%	0.9%	100.0%
Total		Count	39	71	41	1	152
	% within HHH	25.7%	46.7%	27.0%	0.7%	100.0%	
		% of Total	25.7%	46.7%	27.0%	0.7%	100.0%

Source: Field survey, 2015

Table 3 above illustrative that, all (100%) certified FHHHs got land entitlement in their names being household heads. But, 71(64%) of the MHHHs respondents were found with husband’s name land entitlement especially of those who got their land before 2014. Only 39(35.1%) households had entitled their land in the name of both husband and wife. Nevertheless, key Woreda informants responded that land certification was 100% modernized.

According to them, the legal land registration system, particularly of land certification was implemented in which all MHHHs got joint titling of their land. In practical investigation, the real ground differently affirmed that most participants of the FGDs supported the fact given by the survey respondents. Discussants elaborate that the already certified land before the 2013/14 distribution was in the name of the male household head. Lack of proper certification was found as one of the reasons putting women in unfavorable position when situations such as disputes over land or marital divorce occurred.

Land Entitlement versus Land Tenure Security

With regard to the respondent’s perception on land entitlement vis-à-vis tenure security, 137(90.1%) of the 153 certified households replied land entitlement has direct relation with their tenure security. Only 14(9.2%) of them responded as entitlement can’t be a guarantee for tenure security. Especially those FHHHs strongly supported

this idea for which about 95% of them believed that they feel the moral of ownership after their land had been known in their names. Key interviewees added household farmers got sense of ownership when their land becomes certified in their names. According to them, farmers knew that such land entitlement could at least be a guarantee for their land related disputes. For this, farmers always ask land certificates when land distributions took place.

As far as land security was concerned, there was a policy loophole in securing rural women land use right of Tigray, KHW in particular. In the rural land administration policy; Proclamation 2007c, Artc.12/2 of Tigray, there are some land related prohibitions. In its framework, Rural Land is totally prohibited for sale, exchange, mortgage or perpetual lease; this is accepted. But, there is another prohibition that requires residency on one's holding. Any holder absent from the locality for more than two years is liable to give up his/her landholdings. To the researcher's point of view, residential requirement devalues the tenure security of citizens. It can undermine security of land tenure, restrict access to land for in-migrants, or deter people working elsewhere to remit earnings back home. So, this point in the regional land law had been a loophole for the violation of tenure security.

Customary Land Laws and Women's Land Use Right in KHW

Currently, the Ethiopian government has introduced various gender equality laws and policies. The 1995 Ethiopian constitution, Women's Policy and other similar policies and proclamations have been in place for the benefit of Ethiopian women. Regardless of this, social norms and cultural values can delay the implementation of the legal frameworks. So, the researcher assessed if, or not customary laws hinder rural women land use right in the study area.

Table 5, House Hold Head * Influence of Customary laws Cross tabulation

		Customary laws hinder women's land use right in KHW				
		Low	Neutral	High	Very high	Total
FHHH Head	Count	6	1	57	47	111
	% within House Hold Head	5.4%	0.9%	51.4%	42.3%	100.0%
MHHH	Count	14	0	80	72	166
	% within House Hold Head	8.4%	0.0%	48.2%	43.4%	100.0%
Total	Count	20	1	137	119	277
	% of Total	7.2%	0.4%	49.5%	43.0%	100.0%

Source: Field survey, 2015

The above table 5 summarizes that, 92.9% of both the FHHHs and MHHHs rated customary laws have high hindering effect on the implementation of constitutional land use practices. But, 7.2% of the households argued that the factor has low influence on the implementation of the land use policy. Discussants of the FGD were invited to say on the issue if customary land use practices have been hindering their intra-and extra household conditions. Major of them replied these traditional rules of land have influential power in which society accustomed. In many cases men prefer traditional systems to the legal ones. According to the group discussants, when ever women claim their use rights, it lacks implementation even which those bodies who are engaged working in the modern land administration do not show commitment. It lacks compromising of the customary and the statutory land use practices.

In line to this, KHW women's association officer underlined that traditions and harmful practices have been the challenge in building socio-economic and politically strong women in the Woreda. Such male dominating trends were rooted. Especially such trends were harsh in the MHHHs for which husband's suppress is still unresolved. So, the totality of these findings showed Men are still more advantageous than women.

The Influence of Husband in the Household

In fact this question seemed normal for those married women for which husband are directly related to them. But, it is vital if all participants suggest on the issue. Because, women of the study area knew each other of their life conditions so responses from all participants was thought more representative. Even, most of the FHHHs had passed through the same life situations.

Table 6a, Marital status * Women’s household decision makings Cross tabulation

		Influence of husband in intra and extra land use decision makings					
		Very low	Low	Neutral	High	Very high	Total
Single	Count	0	1	0	5	5	11
	% within Marital status	0.0%	9.1%	0.0%	45.5%	45.5%	100%
Married	Count	1	9	4	79	73	166
	% within Marital status	0.6%	5.4%	2.4%	47.6%	44.0%	100%
Divorced	Count	0	2	3	33	25	63
	% within Marital status	0.0%	3.2%	4.8%	52.4%	39.7%	100%
Widowed	Count	0	3	0	27	7	37
	% within Marital status	0.0%	8.1%	0.0%	73.0%	18.9%	100%
Total	Count	1	15	7	144	110	277
	% within Marital status	0.4%	5.4%	2.5%	52.0%	39.7%	100%

Table 6b, Chi-Square Tests

	Value	Df	Asymp. Sig. (2-sided)
Pearson Chi-Square	13.214 ^a	12	.354
Likelihood Ratio	15.129	12	.234
Linear-by-Linear Association	2.193	1	.139
N of Valid Cases	277		

a. 12 cells (60.0%) have expected count less than 5. The minimum expected count is .04.

Source: Field survey, 2015

As can be read from the cross tab table 6a above, 91% of the total survey households supported the view that husbands highly hinder women from their household land use decision practice. Although the degree works sever on those MHHHs for which those FHHHs were relatively good at decision makings but majority of the respondents agreed that the influence of husband have been challenging women’s land right. Almost all focus group discussants supported the above view. There were Women in the house hold that take themselves as house wife and take the husband as the all doer. For accuracy, the above finding was tested via Chi-square in table 5b bellow.

As affirmed in table-6b above, the Pearson Chi-Square Test value 13.2, the significant deference (P-value) 0.354 which is greater than 0.05. This mean that, we do not reject the null hypothesis because there is no significant perception deference between the MHHHs and FHHHs that the influence of husband on women’s intra and extra household land use decisions was a challenge for their land use right security.

Socio-Cultural Trends versus Women’s Community Decision Makings

Participants were requested to respond on the degree to which socio-cultural trends hinder women from the participation of land related community decision makings. Almost the same trend of response was observed. About 12(43.7%) and 147(52%) of them underlined as cultural trends have been strongly affecting women’s decision makings in the community. A lot of backward connotation were been given to those women that start to break the social taboo. Focus group discussants elaborated this issue with vivid examples. When a woman from the MHHHs becomes elected as kebele leader, she cited as an idle, talk-active, women that undermine her husband, etc. For fear of this taboo, those few elected women were from the FHHHs.

The interview result from the Woreda women’s association supported that women in Kafta Humera have already exercised their rights; they participate in community decisions like the kebele land issues and justice. According to them, the percentage required for women’s political participation was already covered. But, interviews from each development unit of the selected kebeles opposed responses of the Woreda officials. According to them, women were still afraid of public stages. Even men do not like to include women in their activities; different cultural connotation is given to them.

Women’s Land Use Control versus Land Farm Facilities

Another constraint of women’s land use right was the inaccessibility of land farm facilities. The researcher found out that many land holders suffer from the poor access of farming facilities like credits, inputs, and lack of tractors as well as oxen to plough their farm land. In addition to the above tabular data, focus group discussants also added that lack of family help was one constraint of women in the Woreda. Due to these problems, many households rent or share crop out their land which yields them less than it should be.

The participants also approved that, most farmers were either to take credits from the informal loan called ‘Weled’, literarily mean rent out their farm land to others by plus of price. This informal credit system demand farmers to pay 15% of the total amount per month. Discussants in the focus group supported this idea

that they told one female household’s amazing story.

In Fire Selam, there was one household who always rent her land due to lack of money and ploughing facilities. But, in 2013 she decided to take credit from the local informal ‘Shell or locally known as Weled’ with the pay back of 15% per month. She took 7000 ETB. Unfortunately, it was not good summer for her that she only got 6 quintals of grain. In payback time, she found it beyond her capacity and she waited till March to pay her debit which passed 9 months. The 7000 ETB became 16,450 ETB where the interest rate added up to 1050 ETB per month. Finally she sold her house and paid her credit. So, the discussants repeatedly explained such facilities were challenging factors for the FHHHs.

Table 7a, Women versus Access to Farm land facilities Cross tabulation

		Lack of access to none land facilities hinder women in their land use rights					Total	
		Very low	Low	Neutral	High	Very high		
House Hold Head	FHHH	Count	0	6	1	62	42	111
		% within HHH	0.0%	5.4%	0.9%	55.9%	37.8%	100.0%
	MHHH	Count	1	4	0	83	78	166
		% within HHH	0.6%	2.4%	0.0%	50.0%	47.0%	100.0%
Total		Count	1	10	1	145	120	277
		% within HHH	0.4%	3.6%	0.4%	52.3%	43.3%	100.0%

Source: Field survey 2015

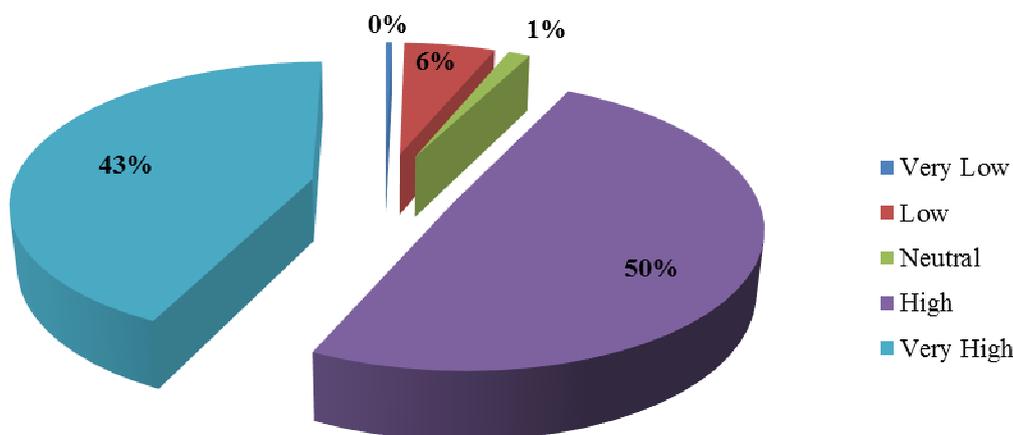
The Perception of survey respondents was also similar. 96% of the study households replied as presence or absence of these none land farm facilities were highly interrelated with the household’s farming activities. Those who plough their land themselves gain relatively good production than those who share crop their land. For this, 32(72.7%) of the 44 land owner FHHHs share crop their land; and 7 (15.9%) of them only responded as they got family help while ploughing. About 11.4% of the FHHHs were either unable to share crop or get help of harvesting their land.

The Pearson Chi-Square test result is also 5.5 value found Sig. 0.236 which is >0.05. This implies, there is no significant perception difference between the two groups (MHHHs*FHHHs) in which lack of access to farm land facilities was inhibiting women from their land use right. The linear by linear association is 1. That mean, the two variables have strong relationship that women’s land use control versus access to farm land facilities were strongly correlated.

The Institutional Set-Up of Land Administration System

A well equipped institution is first step for the implementation of its tasks. An institution seeks adequate human resource as well as material and technological support to properly function. That is why public sectors struggle to equip their institutions for better performance. To investigate whether or not institutional capacities of the land administration sector affect the implementation of women’s land use right, respondents were requested to shaper their opinion.

Fig 4, Weak Institutional capacity



Source: Field survey, 2015

In accordance to the institutional capacity, majority of the respondents confirmed their agreement on the

incapability of the modern land system was due to weak capacity of institutional set up. The institutional set up lacks strong material as well as desired skilled human resources. This was confirmed by the key informants. Informants also added that, land related institutions like the Woreda land administration desk, Agriculture and rural development office, women's affairs, and women's association offices, most of the time were not only insufficiently equipped but they were not also jointly working and the justice too.

This institutional gap is very common at kebele level. Those assigned land related legal bodies, and those women that seat on behalf of women's right were all farmers. Most of them find it difficult to interpret rules and directions. So, incompetent institutional capacity of the Woreda was one factor that weaken the implementation of women's land use right.

Leadership Commitment versus Women's Land Use Right

Leaders have indispensable role to execute government policies and strategies, rules and regulations at all levels. Different scholars argued that, leaders by implication are front liners that work in the front place. The practicality of government policies and strategies are directly related to their commitment and competency. They have a pivotal role to play because they are assigned with accountability to coordinate, monitor and ensure effective implementation of the national policies up to the grass root level. Hence, the implementation manual of land administration placed leaders' role at first place on the practicability of land use policy.

Experts suggest that, leadership commitment was low in realizing women land right practices. The Woreda officials had deferent argument on the issue that the problem was not to on leaders' side because the ground is already created and women are well exercising their land use right. However; 95% of the survey respondents strongly underlined that leaders were not committed to realize the modern land use system. For this reason, 131(47.3%) of the respondents argued that lack of leadership commitment was very high to implement land policy. 134(48.4%) of them similarly replied as that factor highly affects the rural women land right. Therefore, lack of committed leadership was one for the inefficient implementation of women's constitutional land use right in study area.

Conclusion

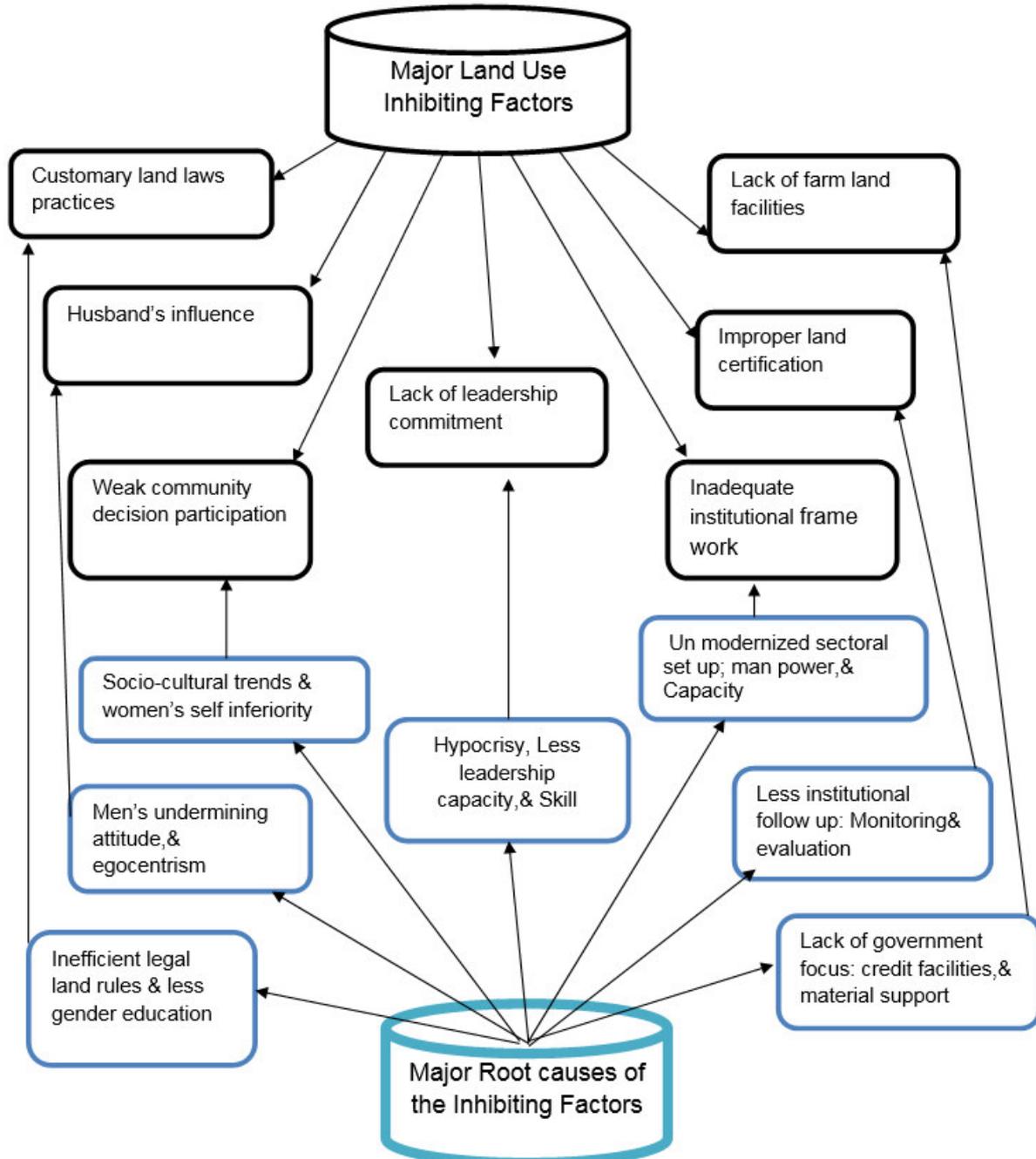
Though, good progress recorded in the current land administration system of rural women land use right, women were not still fully beneficiary of their constitutional land use right fully. The overall result shows that, customary land use practices, weak institutional arrangements and poor leadership commitment were among the challenges of rural women land use right in the study area. The root causes of the factors that hindered the effective implementation rural women land use right are hypocrisy, poor leadership capacity and Skill among others.

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Figure 6, the major affecting factors versus their root causes



Source: Field survey, 2015

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