

Women and Land Rights in Rural Ethiopia: The Case of Wolaita



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Thesis Submitted for the Degree:

Master of Philosophy in Indigenous Studies

Faculty of Humanities, Social Sciences and Education

University of Tromsø

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Acronyms and Abbreviations

AEPA: All Ethiopian Peasant Association

CSA: Central Statistical Agency

DAs: Rural Development Agents

EPRDF: Ethiopian Peoples Revolutionary Democratic Front

FDRE: Federal Democratic Republic of Ethiopia

FHHs: Female-headed Households

FRLAUP: Federal Rural Land Administration and Use Proclamation

FSS: Forum for Social Studies

GDP: Gross Domestic Product

Ha: Hectare

IDR: Institute of Development Research

IES: Institute of Ethiopian Studies

IGS: Institute of Gender Studies

LACs: Land Administration Committees

LAUEPA: Land Administration, Use and Environmental Protection Authority

LAUEPO: Land Administration, Use and Environmental Protection Office

MHHs: Male-headed Households

NRDEPD: Natural Resources Development and Environmental Protection Department

PAs: Peasant Associations

SNNPR: Southern Nations, Nationalities, and Peoples Region

SNNPR-ARDB: Southern Nations, Nationalities, and Peoples Region Agriculture and Rural Development Bureau

SNNPR's RLAUP: Southern Nations, Nationalities, and Peoples Region's Rural Land Administration and Use Proclamation

SSA: Sub-Saharan Africa

SZD: Soddo Zuria District

UN OCHA: United Nations Office for the Coordination of Humanitarian Affairs

WDA: Wolaita Development Association

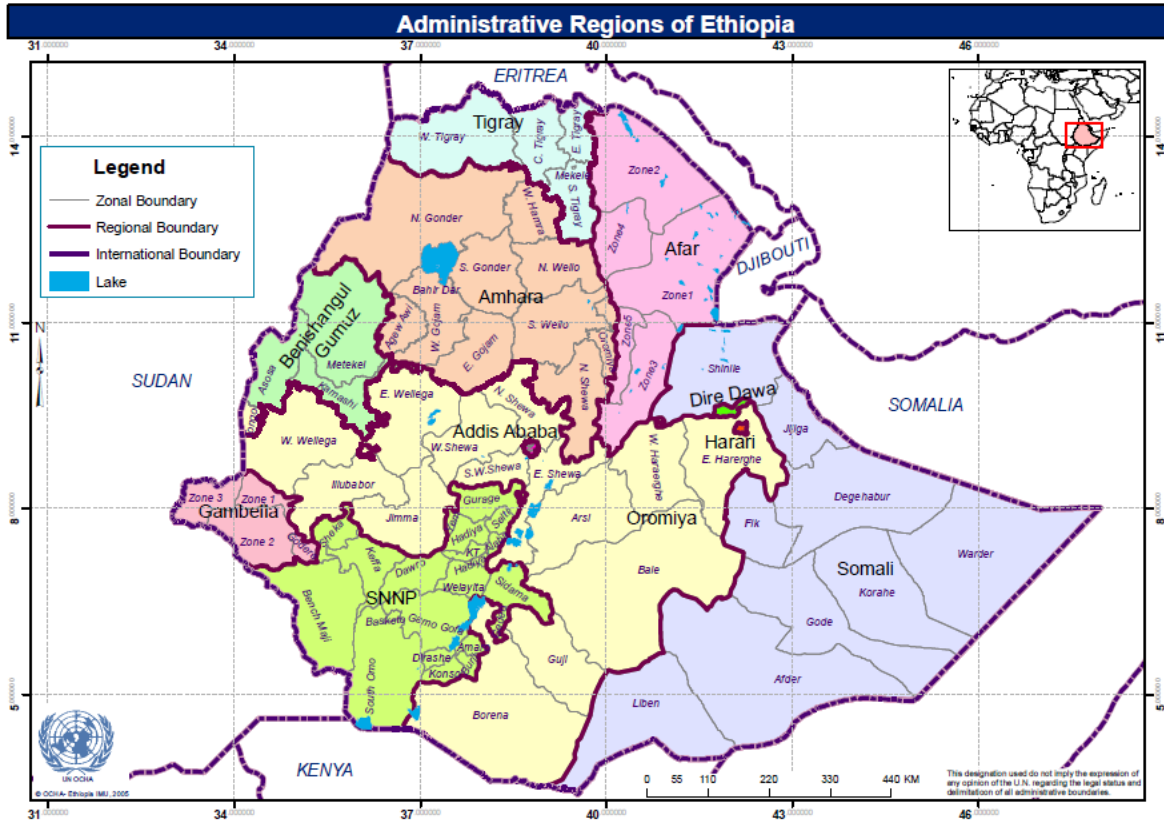
WLLA: Women's Land Link Africa

WLV: Wareza Lasho Village

WZ: Wolaita Zone

Map of Ethiopia

Map 1: Map of Administrative Regions in Ethiopia (UN OCHA 2005).



Abstract

This thesis dealt with the land rights of women in rural areas of Wolaita Zone, southwestern Ethiopia by taking the case of rural women in Soddo Zuria District. Three questions were thus posed: How do the current modern rural land law and the Wolaita traditional/customary law ascertain the land rights of rural women in SZD? What kind of land rights do rural women enjoy in practice in SZD? What challenges are faced while implementing the land rights of rural women in the district? In order to answer these questions, data was collected from oral and written sources. The qualitative data analysis informs that the Wolaita traditional/customary law has allowed land access to rural women only through marriage until 2005. After the adoption of the 2007 Rural Land Administration and Use Proclamation by the SNNPR (based on the 1995 FDRE's Constitution and FRLAUP 2005), the land use rights of women is legally acknowledged in SZD. In practice, married women in monogamous and polygamous marriages are awarded joint landholding certificates together with their husbands. Moreover, women household heads are given landholding certificates independently. However, the participation of women's organizations in the land registration and certification program and their representation in LACs is completely lacking in SZD. In order to improve the legally recognized women's rights and their property rights (including land), the thesis recommends that women and men as well as traditional leaders need to be thoroughly exposed to the legal documents through consciousness-raising campaigns. Women also need to get free legal services from state institutions. In addition, the regional government needs to commit itself to promote and institutionalize women's rights through awareness-raising and sensitization of the judiciary, district courts, district land administration experts, village administration heads, and LACs.

1 INTRODUCTION

Chapter one is concerned about the introduction of my research. I, therefore, included in this chapter the background and statement of purpose of the study, objectives and research questions, significance of the study, study site and research methodology, and the outline of the thesis.

1.1 Background and Statement of Purpose

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 years¹. 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. Hanna & Jentoft (1996:45), for instance, suggest that the human-environment tie in traditional and agrarian societies is so strong that land has emerged as one of the main means of survival for humans. As a consequence, humans have established social organizations and stratifications on the basis of age, gender, and social class to carry out land appropriation and distribution, and thereby ensure their subsistence (ibid.:46). It seems that the forgoing argument can, at least in theory, explain the nature of the land tenure system in rural parts of sub-Saharan Africa where the majority of the population is agrarian.

Africa is a continent where most of its rural communities still use land based on traditional/customary land tenure schemes² instead of modern land tenure systems (as dictated by statutory laws) established by state institutions (Cotula³ 2007:6; Logo and Bikie⁴ 2003:50; Lastarria-Cornhiel 1997:1320). 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.

¹ For more information, see the bibliography section of this thesis.

² I presented a detailed discussion about the concepts of traditional/customary and formal/modern land tenure systems in Chapter Two.

³ Cotula discusses the changes in the "customary" land tenure system of the sub-Saharan African region by drawing cases from some countries. For more information, refer to the bibliography section.

⁴ Logo & Bikie, and Lastarria-Cornhiel dealt with women and land rights based on experiences from sub-Saharan Africa. For more information, refer to the bibliography section.

Concerning land rights, as Cotula notes, powerful groups and people are in control of vast expanses of land in the sub-Saharan African region while small and powerless sections of the society are still marginalized and excluded from getting access to it (ibid.:7 & 11). Basically, the nature of the land tenure system in rural parts of the sub-continent seems to be male-dominated and the social organization of most groups of people is designed to meet that goal. Accordingly, Cotula (2007:4, 6 & 11), Logo and Bikie (2003:45), and Zenabaworke⁵ (2003:76-77) argue that African rural women are one of the disadvantaged sections of society when one looks at their entitlements to land.

The foregoing argument on the land rights of rural women in sub-Saharan Africa seems to also apply for women of rural Ethiopia. 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.

Until the recent past, 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 (ibid.).

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 Southern Nations, Nationalities, and Peoples Region (SNNPR) of Ethiopia, especially of Wolaita⁶ women deserves scholarly assessment and investigation.

⁵ Given names of Ethiopian scholars are used for in-text and other citations while surnames of other non-Ethiopian scholars are employed for the same purpose.

⁶ The word Wolaita stands for the name of the people and the area they predominantly occupy.

It seems that there are few researches done on rural women and land rights in Ethiopia. Mamitu (2002:112), for example, studied aspects of the status of Konso⁷ women and found that they are very hard working in domestic chores, on the fields, and in economic activities, but they still have secondary roles in the society. After assessing the continuity and changes in the status of Arsi⁸ Oromo women, Daniel (2002:xii) also concluded that the condition of women has shown little change in spite of the introduction of modern education because of hampering traditional norms and values.

In addition, Getachew (2003:77) pointed out that female-headed households in Gozamin District of the Amhara Region are able to get land rights because of the 1997 land redistribution regional law, but the size of the land is smaller than that of men's and its fertility low. In the same vein, Zenabaworke (2003:90) also researched the land rights of women in three different parts of Ethiopia and pointed out that women's access to land or the benefit they can draw from land, even where they have limited rights, is severely limited because of the gender-based division of labor, particularly the cultural taboos against women ploughing and sowing.

As far as my knowledge about women and land rights in Ethiopia is concerned, I knew this much through limited prior research. Writing a master's thesis, therefore, motivated me to research the least-studied land rights status of women in rural Ethiopia by taking the case of rural women in Wolaita Zone.

Thus, the purpose of this case study is to describe the current status of rural women's land rights at Soddo Zuria District of the Wolaita Zone in southwestern Ethiopia. At this stage in the research, women's land rights are studied from the view point of two kinds of land laws – customary/traditional and modern/state.

1.2 Objectives and Research Questions

By going beyond the common conception of the property rights of women in rural Ethiopia, this thesis aimed at analyzing how the Ethiopian Constitution of 1995, the 2005 Federal Rural Land Administration and Use Proclamation (FRLAUP 2005), and SNNPR's Rural Land

⁷ Konso is an area found in the southwestern part of the SNNPR (Ethiopia). The word designates the name of the people and the area they inhabit.

⁸ Arsi is an area located in the Oromia Region of Ethiopia. The word connotes both the people and the area they inhabit.

Administration and Use Proclamation (SNNPR's RLAUP 2007) establish the property rights of rural women in general and their entitlements to land in particular with a focus on women in Soddo Zuria District. The current Ethiopian government has promulgated a score of gender-responsive laws since 1991. In this regard, an analysis of the property rights of rural women in land can be described and understood based on the aforementioned legal documents.

The objective of this study is to understand and describe how the legally-recognized land rights of women are implemented in Soddo Zuria District. The study also sought to understand the interplay between customary and modern land laws in ascertaining practical land rights to rural women of Wolaita.

The main research questions that emerged from the objectives are - How do the current federal and regional as well as the traditional/customary Wolaita laws ascertain the land rights of women in rural Wolaita? What kind of land rights do Wolaita women enjoy in practice in Soddo Zuria District? What challenges are faced while implementing the legally-recognized land rights of women in the district?

1.3 Significance of the Study

This study is important in many ways. First, it brings to our attention the changes in the attitude of the current Ethiopian government towards the land rights of women in rural Wolaita by analyzing the legal documents at the federal and regional levels. Second, the research depicts the current situation of Wolaita women and their land status in Soddo Zuria District by assessing the process of modern land law enforcement. Third, it deliberates on the roles of women's organizations at the local level in helping rural women of Wolaita achieve their legally-recognized land rights by state/modern land laws. Fourth, the study widens our horizons about the plight of Wolaita women and their land rights after the introduction of the current statutory law by highlighting the interplay between the state-initiated rural land law and the traditional/customary law in Soddo Zuria District.

1.4 Study Site and Research Methodology

1.4.1 Identification of Study Site and Justification of Research Design

Silverman (2005:99) defines methodology as “the choices one makes about cases to study, methods of gathering data, forms of data analysis and interpretation in planning and executing a research study”. One implication of this is that one has to clearly justify the selection of the research design used in the study. This research is purely qualitative in nature because it aims to enable the understanding of a particular social situation, event, role, group, or interaction [in this case rural women and land rights in Soddo Zuria District of the Wolaita Zone]. The research design is also selected based on the assumption that it is an investigative process and allows the researcher make sense of a social phenomenon by contrasting, comparing, replicating, cataloguing and classifying the object of study (Creswell 2009:194).

Another implication of the foregoing aspects of methodology is that one has to justify one’s inquiry strategy of the case as a primary data source for the study. Thus, my specific approach to inquiry is a case study as it gives me the opportunity to explore in-depth a program, event, activity, process, or one or more individuals [in this case the land rights of rural women under the current rural land proclamations at the federal and regional levels and its implementation by focusing on the case of Soddo Zuria District] (Creswell 2009:13). Moreover, my study site constitutes a single case study. In this way, I have attempted to develop a possible full understanding or “gain greater insight” of modern/state and traditional/customary land laws and rural women’s land rights through a focus on specific features of the study problem (Silverman 2005:130).

The inspiration to study the land rights of rural women in one of Wolaita areas came to me after I took a course on Indigenous Culture, Resource Management, and Territorial Rights in the Indigenous Studies Program. Further, my motivation to conduct research in Soddo Zuria District (particularly in Wareza Lasho Village) came as a result of a long discussion with a friend of mine who is from the Wolaita community. His explanations about the tradition, land issue and women’s position in his area made me curious to know more. The other reason which encouraged me to do research in Soddo Zuria District is the seemingly limited research done in the area with regard to rural women’s land rights.

1.4.2 Sampling Strategy, Data Sources and Data Collection Methods

I did my fieldwork for two months (from 17th of June to 15th of August 2010) in Wareza Lasho Village of the Soddo Zuria District in Wolaita Zone. This rural village was sampled through a purposeful qualitative approach because of its potential to provide access to data on processes and institutions pertaining to modern rural land proclamations, traditional/customary law and Wolaita women's land rights. At the heart of this approach is the use of purposeful maximal variation strategy (Creswell 2008:214-215).⁹

With a view to getting greater insight about the study problem through multiple data sources, I employed a triangulation of data gathering tools; namely, secondary sources (books, theses, and articles), in-depth interviews, participant observation, focus group discussions, key informant method and legal document analysis.

The first data source I used was secondary sources mainly for two purposes: One was to gather data that were unavailable from the foregoing primary data sources and the other was to corroborate the data collected through primary sources. In this regard, secondary sources from libraries and the Internet were consulted. Library sources included theses, books, reports, and conference papers. To this end, I visited four libraries in Addis Ababa, Ethiopia.

The first library I visited was the Institute of Ethiopian Studies (IES) at Addis Ababa University. Here, I found some published and unpublished materials that were of interest to me. I was able to photocopy some of the published sources but none of the unpublished ones. That was due to the policy of the library. Thus, I wrote down the information I needed from unpublished sources. The note taking process took me so long and was very tiresome.

The second library I visited was the Institute of Development Research (IDR) at the same university. Here also, I found some published and unpublished theses and journal articles. I did photocopy the published materials and wrote down notes from the unpublished documents. The third library I visited was the one under the Institute of Gender Studies (IGS). This library is located in the same room like that of IDR's library. The documents and materials in this library

⁹ Creswell (2008:214) defines maximal variation sampling as a purposeful sampling strategy in which the researcher samples cases or individuals that differ in terms of some characteristics.

were, however, not accessible to me since it was closed during the period I was in Ethiopia. I tried several times to contact the librarian but she was not available.

The fourth library I visited was the one run by Forum for Social Studies (FSS). This is a separate organization by its own. I found valuable secondary sources from this library, some of which I bought and others I photocopied. Other documents were also available but due to time constraint, I did not read them. None of the archives at the town of Wolaita Sodo were visited because I was told that they are not accessible any more to anyone.

The secondary sources were very useful in rendering a brief historical analysis of land and the Ethiopian state until 1991 with particular focus on the Wolaita area. Further, the secondary materials I consulted have proved helpful in illuminating some of the findings from the primary data sources. One particularly important aspect here is that the secondary sources provided women's land rights issues that pertain to some village administrations which were not sampled during the fieldwork.

The second data collection method I employed was interviewing. In so doing, I further broke down the chief research questions into specific questions constituting open-ended questions for facilitating responsive interviewing in the qualitatively sampled village. In such a way, I would get to the depth of the issues through probing technique and follow up questions on new concepts and themes introduced by interviewees (Rubin and Rubin 2005:vii and 199-200).

In this regard, I carried out in-depth interviews through three forms; namely, face-to-face, telephone and email respectively. The face-to-face interviews were conducted in Wolaita Soddo town at zonal and village levels with one land administration expert (man), one gender mainstreaming officer (woman), one village administrator (man), and one village development agent (man). The telephone interview was also carried out in Wolaita Soddo town with the head of women's and children's affairs office (woman) at zonal level. An e-mail interview was also conducted with one land administration expert (man) in Addis Ababa.

The third data source I employed was participant observation. As a participant observer, I was very carefully observing the relationship between women and land as well as the gender relations of men and women in the village for twenty days by taking part in the daily activities of the community (as espoused by Spradley 1980:53-84). The fourth data source I used was focus

group discussions. In this way, three separate discussions were held with three groups at district and village levels. The first discussion was held with land experts (three men and one woman) at Soddo Zuria District Land Administration, Use and Environmental Protection Office. The second one was carried out at Wareza Lasho Village with land administration committee members (five men). The third discussion was held with local farmers/peasants (five women and men each) at Wareza Lasho Village.

In the fifth place, I employed key informant method to get data from well-informed and experienced local farmers (two women and one man). Therefore, I held two detailed interviews with one male household head together with his wife and one female household head accompanied by her children. The male household head was selected because he was previously member of the land administration committee in the village. In the same vein, the female household head was chosen since I heard that she was a model peasant.

Finally, I used legal document analysis as one data source. In so doing, I cautiously read and analyzed the current Constitution of Ethiopia, FRLAUP 2005 and the 2007 Rural Land Administration and Use Law of the SNNPR to highlight on the rights of women in general and the property rights they enjoy in land in particular.

1.4.3 Data Analysis and Interpretation Methods

It is generally agreed that qualitative data analysis as it leads to interpretation includes three elements: exploring the data, developing codes, and dividing the codes into themes which facilitate the actual analysis (Creswell 2008:243-270). Because of this, thematic analysis is the prime feature of qualitative researches. And so is the case with this study. In line with these trends in qualitative studies, my first step in post-fieldwork data analysis was to finish the transcription of the audiotaped interviews which could not be completed during the period of the fieldwork. Also, I labeled the eleven transcripts of my June to August 2010 fieldwork interviews as Wareza Lasho Interviews (WLIs).

In the second place, I did a first round reading of the transcripts for the purpose of immersing myself in the data, reviewing the codes, reworking some of the preliminary themes that were developed during the initial analysis in the course of the fieldwork, and taking note of themes and patterns that were emerging from the transcripts in relation to the objectives and research

questions of the study. The process of exploring the transcripts was supported by data in the form of field notes¹⁰ gathered through the Memo Writing Technique during the fieldwork.

In the third instance, I subjected the transcripts to a process of descriptive coding so as to proceed as well as start spotting the emerging themes and patterns with the research's main focus of rural women and land rights. This process was meant to continue throughout a considerable part of the writing up of the thesis and in some cases new perspectives emerged.

Fourthly, I engaged myself in thematic development. At this point, focused or selective coding technique which also drew on the research objectives and questions, as well as initial analysis helped the development of the following themes or categories – women's rights in the Ethiopian Constitution of 1995, land rights of rural women in Ethiopia, SNNPR's Rural Land Administration and Use Proclamation and the land rights of rural women in the region, land registration and certification in Soddo Zuria District (SZD) and Wareza Lasho Village (WLV), outcomes of the land registration and certification program in SZD and WLV, challenges in implementing the land rights of rural women in SZD and WLV. These themes are the result of the examination of the codes discussed most frequently by my informants and as such have the most adequate evidence in their support. Themes like rural women's land status in the traditional land system also emerged from some surprising codes¹¹. In such ways, the process of thematic development made possible the emergence of women's land right patterns, trends and processes of change in connection to the Wareza Lasho Village women. These features also show the potential for the study to discuss multiple perspectives concerning the complexity of issues about women and land rights. This would normally be the case with most studies using qualitative approaches like purposeful maximal variation sampling (Creswell 2008:58-59; 214 and 257).

The process of thematic development has facilitated this complexity by “representing the data using interconnected levels of themes” through thematic analysis approaches known as “layering

¹⁰ The important purpose that field notes serve in data analysis has been indicated by Silverman (2005:172-180). These include the identification and following up processes in some events that were witnessed; enabling understanding of how respondents represent themselves, and relate to some activities, events and groups. Field notes also convey the explanations of respondents on some key issues; and they also display the practical concerns, conditions, and everyday problems as well as solutions regarding respondents and their communities as observed during fieldwork. These aspects applied to a great extent in my fieldwork.

¹¹ As is stated previously and for the sake of convenience, the definitions of all these thematic concepts are given within the contexts in which they feature in this discussion.

and interrelating” of themes¹². Drawing on other scholars, Charmaz (2003:260-261) relates these approaches to “axial coding” which makes connections between a category and its subcategories by highlighting conditions that lead to the emergence of the category, its context, the social interactions that shape the category and the consequences of such processes.

The fifth instance, thus, involved interpretation of the findings. Creswell (2008:264-265), among other scholars, states that interpretation in qualitative research means that the researcher steps back and forms larger meaning about the phenomenon based on personal views, comparisons with past studies or both.” Based on this, my personal views on women and land rights have been expressed on the selection of the study site. This is also evident in arguments I present in the thesis specifically in the ways in which I attempt to triangulate¹³ the evidence for the main themes and arguments in search of “the ‘true’ state of affairs by examining where the different data intersect” (Silverman 2005:121).

In addition, some pieces of secondary literature helped the analysis and interpretation of the oral data apart from serving as sources of secondary data. Concerning women and land rights in sub-Saharan Africa, Wanyeki’s (2003) book gives a practical approach for analyzing and assessing the major trends and processes relating to women’s land status in the sub-region. This book presents cases from Cameroon, Ethiopia, Mozambique, northern Nigeria, Rwanda, Senegal, and Uganda that illuminate on the property rights of African women in land by reflecting on the dynamics of land rights in the sub-region based on politics, economics, culture and religion.

1.4.4 The Researcher’s Role

The role of the researcher as the primary data collection instrument necessitates the identification of personal values, assumptions and biases particularly in qualitative research. The investigator’s contribution to the research setting can be useful and positive rather than detrimental (Lock *et al.*, 1987 cited in Creswell 2009:196). In this regard, I played a very important role from the inception of the research topic to the completion of the study in its present form. To begin with, I

¹² Layering and interrelating themes are thematic analysis approaches whereby data is represented using interconnected levels in which minor themes are subsumed within major themes in order to show a chronology or sequence of events (Creswell 2008:259).

¹³ Triangulation is generally referred to as the process of corroborating evidence from different individuals, types of data or methods of data collection (Silverman 2005).

held discussions with a friend of mine about my research topic and study site before I went for fieldwork. The discussions helped me to know general information about the research theme and site I was going to study. Moreover, I received the phone number of a Wolaita man who lived in Addis Ababa, Ethiopia from the same friend of mine because this man would assist me to get to know other persons from Wolaita Soddo town. I, therefore, met two Wolaita men while I was in Addis Ababa and they told me general information about Wolaita Zone, the culture of the people, and where to go. They also helped me get a research assistant for my fieldwork in Wolaita Soddo town and Wareza Lasho Village.

As I had an outsider identity at the research site, the role of my research assistant was very important in guiding me to the right offices and officials I wanted to go. He was also helpful in interpreting from *Wolaitigna* (Wolaita language) to *Amharic* (national working language) especially when I held focus group discussions with local farmers/peasants and members of the land administration committee at the study site. I was also able to identify my three key informants based on the suggestions of some of the farmers who were part of the focus group discussions.

My perceptions of women and their land rights as is stated in the new rural land laws and implemented on the ground in rural areas of SZD (including WLW) have been shaped and reshaped by the consultation of relevant human and non-human sources. In particular, my good communication skill allowed me to create a very good rapport with my informants and understand SZD women's property rights in land in a very good manner. I was openly explaining my identity and intention to every informant I met before I started interviewing or focus group discussions. I was also patient whenever officials refused to give me information and unforeseen situations struck me.

1.4.5 Ethical Considerations

Due to little previous experience in researching gender and land rights on my part, I made every effort to avoid unnecessary biases and ensure the objective analysis and interpretation of the collected data. Hence, I gave due respect to the rights, needs, values and desires of my informants in the course of conducting this study (as is articulated by Creswell 2009:197-198).

Moreover, I assured my informants the fact that the information they gave me is only used for research purposes.

1.4.6 Challenges and Limitations of the Study

During and after the fieldwork, I faced a number of challenges. Firstly, I was on the field for a very short period of time to collect data as a result of which I had no more time and opportunity to discuss with and consult more relevant human sources for the study. I, thus, relied heavily on secondary sources. Secondly, the study site was totally new for me and very far away from where I used to live and thus I had difficulty in fostering quick communication with my informants. I, therefore, was forced to depend on my research assistant. Thirdly, some of my human sources were suspicious about my intentions because I was a stranger researching a very sensitive issue – women and land rights. Some others were also uncomfortable with the tape recorder. I, thus, did a lot of explanation about who I was, what my intentions were, and how I would use the information they gave me in the research. I also took notes during interview sessions and focus group discussions.

Fourthly, I was unable to get many human sources that could tell me about the history of land tenure in Wolaita areas and the status of women under it. Hence, I tried to fill the information gap by mainly referring to secondary sources from libraries and the Internet. Fifthly, some of the secondary sources were inaccessible because they were either not available for public use or the person in charge of providing them was on leave. So, I attempted to search them through the Internet. Finally, the study has taken much of my time because I was new to the field of gender and land rights. For that reason, I did read a lot of journals, articles and books to comprehend and expand my horizon about women's property rights in land.

Because of the foregoing challenges, the study has the following limitations. In the first place, it did not attempt to research the overall status of Ethiopian and/or Wolaita women in the country and/or Wolaita areas. In the second instance, it never aspired to study all of Wolaita women and their entitlements to property rights under modern land laws. The study analyzes and assesses the land rights of Wolaita women based on the new statutory rural land laws and its implementation together with the customary land law of the Wolaita by solely focusing on one rural village - Wareza Lasho.

1.5 Outline of the Thesis

The thesis is broken down into six independent but connected chapters. Each chapter deals with arguments that are logically presented from section to section. The link and logic among the six chapters is given due consideration while I dealt with them. Here is the outline of chapters of this thesis.

Chapter one has a primary focus on the background and purpose statement of the research, objectives and research questions, significance of the study, study site and research methodology, and the outline of the thesis.

Chapter two deliberates on literature review and theoretical frameworks that are employed in the research.

Chapter three provides the history of land tenure in Ethiopia and Wolaita areas. Here, a specific emphasis is given to comparatively demonstrate and explain the land tenure system in Wolaita areas and other regions of Ethiopia during the period before and after 1974.

Chapter four deals with the general features of the research area as well as the traditional/customary land system in Wolaita. In this regard, brief discussion is presented about the following: Wolaita area geographic location, climate and topography; population and demographic dynamics; household structure and marriage practices; labor organization; livelihood systems; and gender relations. The chapter, towards the end, also discusses about rural women's land status in SZD and WLW based on the traditional/customary land system of the Wolaita.

Chapter five discusses in detail about the property rights of Wolaita women in rural land from two aspects: one is based on the current statutory rural land legislations and the other is from the viewpoint of implementing the legally-recognized women's land rights on the ground in SZD and WLW. This chapter also demonstrates the challenges of implementing the current government-initiated rural land proclamations in rural areas of SZD (including WLW).

Chapter six concludes the thesis by outlining the main findings in chapters four and five as well as linking the theoretical frameworks with the main findings of the study.

2 LITERATURE REVIEW AND THEORETICAL FRAMEWORKS

In this chapter, I briefly deal with the review of related literature and the presentation of concepts and theoretical frameworks. Hence, I present general and specific discussions about the research problem from the available literature so as to aid the understanding of the context and ongoing dialogue about land and women's rights in sub-Saharan Africa. I, further, highlight concepts and theoretical frameworks that help to explain the study problem and analyze fieldwork data.

2.1 Literature Review

In this sub-part, I harness and draw on the available literature on resource management regimes, customary land tenure systems and gender, as well as women's rights and modern/state land laws based on experiences from sub-Saharan Africa.

2.1.1 Resource Management Regimes

Humans and nature have been interacting for years. They will also continue to do so in the future. The human use of the natural environment is until now dictated by certain rules and rights originating from systems devised by resource users. In their pursuit of the control of the natural environment, humans establish institutions or arrangements. According to Hanna and Jentoft (1996:35), these arrangements are called property-rights regimes, and include two components: property rights and property rules. The former deals with the outline of entitlements describing privileges and responsibilities in the use of natural resources while the latter is about the laws that govern the practice of those privileges and responsibilities (*ibid.*).

Central in the creation of property-rights regimes is human belief and behavior. Hanna and Jentoft argue that human behavior has many social and economic dimensions, reflecting views of nature, individual and social incentives, the transformation of nature into resources, and levels of human organization (*ibid.*:35-6). The way humans view nature may vary depending on many factors. Hanna and Jentoft state that views of nature vary with context, influenced by culture, ethics, religion, economic condition, and climate (*ibid.*).

The meaning of ownership and property can also be many because of the various ideas that are embodied in the human-nature relationship. In other words, western and non-western societies

have different notions of ownership and property. According to Hanna and Jentoft, ownership signals possession and control in western societies. In other cultures, ownership could mean shared identity, allegiance, social obligations, sharing, and reciprocity (ibid.).

The human use of nature shows a universal theme in spite of the fact that there are many human views of nature. In this regard, the individual and social sides of human behavior need special consideration. Hanna and Jentoft argue (1996:38) that:

Left to the devices of unregulated individuals, natural environments tend to become overused and degraded even in cases where they have been conferred sacred status. But society needs to maintain the productivity of the natural environment, and this collective goal may lead to coordinated long-term actions which place social necessity above individual desires.

In any situation of natural resource use, the individual and social sides of human behavior may be driven by particular institutional incentives. Hence, as Hanna and Jentoft note, norms, standards, behavioral rules, and sanctions are developed to manage and limit the effects of human use of the environment (ibid.:39).

In their effort to use goods and services of nature, humans transform the natural environment into a resource. This means that nature has direct and indirect services to supply to people. Hanna and Jentoft argue that for both the direct and indirect services of nature, human use is affected by information on location and use, the technology of production, the costs of extraction, and the number and type of available substitutes (ibid.:40).

Moreover, the influence on environmental outcomes by the different organizational dimensions of humans is important in transforming nature into resources. To this end, Hanna and Jentoft state that human behavior in the use of ecological systems is influenced by the different dimensions in which people are organized as individuals, communities, and states (ibid.:36).

The various levels of human organization in resource management regimes mean that resource users hold complex roles and values. According to Hanna and Jentoft, people [resource users] are influenced by the larger spheres within which they are embedded, such as ethnic groups, professions, communities, and states (ibid.:50). They further argue that the role of the state is

particularly important in the design of resource management institutions to prevent the tragedy of the commons¹⁴. Property-rights regimes are integral to the role that the state plays in resource use, because they are the way that government intercedes in the relationship between people and nature (ibid.).

In general, resource management regimes are the outcome of the complex interaction between humans and natural systems and they can be sustainable only if resource users endure ecological productivity.

2.1.2 Customary Land Tenure System

As is discussed in the preceding section, resource tenure systems can be of two types – formal/state and customary. Land, as one of the resources of nature, can be used, owned, and managed based on one or both of the resource tenurial systems. The meaning and usage of the concept of customary land tenure is explained hereunder to create the context of the notion in this thesis.

Customary land tenure systems are naturally governed by customary law. Cotula (2007:10) defines customary law as “a body of [usually unwritten] rules founding its legitimacy in “tradition”, i.e. in its claim to have been applied for time immemorial. He further notes that customary law regulates a wide variety of issues [e.g. family relations, property law] (ibid.).

The notion of customary land tenure basically deals with the bodies of rules and institutions governing the way land and natural resources are held, managed, used and transacted traditionally. Cotula argues that tenure systems regulate the “bundle of rights” existing over each piece of land, including “operational” rights [right to access land, to cultivate it, to withdraw produce, etc.] and management rights [e.g. the right to allocate and transfer land] (ibid.:11).

The notion of customary land tenure system can further be understood by looking into empirical evidences from actual settings. To this end, a reflection on the traditional landholding institutions (customary land tenure systems) of the sub-Saharan Africa region (SSA) can serve the purpose.

¹⁴ The notion of “tragedy of the commons” has to do with the frequent representation of human behavior toward nature that is of individual shortsightedness and greed. Specifically, it refers to a completely individualistic behavior that leads to resource overexploitation (Hardin cited in Hanna and Jentoft 1996:38).

The development of traditional tenurial systems in SSA is arguably dictated by the evolution and settlement of different tribes across the sub-region in historical times. Abdulai and Antwi (2005:305) argue that early settlers were able to occupy land via clearance of forests and settlement through conquest. They further noted that individual access to property rights in land for any purpose depended on membership of a particular community, which held the land corporately under a family/clan, tribe head or chief (ibid.).

As is implied in Abdulai's and Antwi's argument, customary authorities (families/clans, chiefs or tribes) have had the power to implement and arbitrate the principles of customary land tenure. According to them, the distribution of property rights in land is, therefore, based on the socio-political system [the political history of the area from which the alliances and hierarchical relationships between lineages are derived] and on family relationships, so that social networks govern access to land rights (ibid.).

It can be argued that customary title to land has been the result of the interplay among traditional authorities, social relationships, and customary land law though the law is generally unwritten. As Abdulai and Antwi explain:

From the way indigenous landholding systems have evolved, customary land law is by nature procedural and not recorded in writing. Thus, the title to land is generally unrecorded, but the property rights to land held by individuals or the community are usually well known and accepted within the community (ibid.).

Customary land tenure regimes do exist presently in SSA because they have survived through inheritance. Some scholars strongly contend that today we have land owned by tribes, chiefs or clans/families and these are the first level suppliers of land (Abdulai and Antwi 2005:308; Joireman 2008:1235; Lastarria-Cornhiel 1997:1320). Abdulai and Antwi (2005:308), in particular, argue that property rights to land are first of all vested in the lineage before being redistributed to individuals. Individuals acquire such rights as a result of belonging to [if they are indigenes] or being integrated into [if they are outsiders] the group. The power of the land owning group, thus, becomes fiduciary.

Traditional authorities not only hold fiduciary position in land they also carry out many responsibilities in their community. According to Abdulai and Antwi, they do the following: the

general administration of communal land; allocation of vacant land to both subjects and strangers; settlement of land disputes; pouring of libation, and the pacification of the land when a sacrilege has been committed; arrangements of annual sacrifices to ensure peace and the prosperity of the communities; taking appropriate actions against trespassers and for anti-social behavior; and enforcement of conventions in respect of communal land (ibid.).

The nature of the customary land tenure system in SSA is generally designated as communal ownership. Gyekye (cited in Abdulai and Antwi), however, opposes this view as follows:

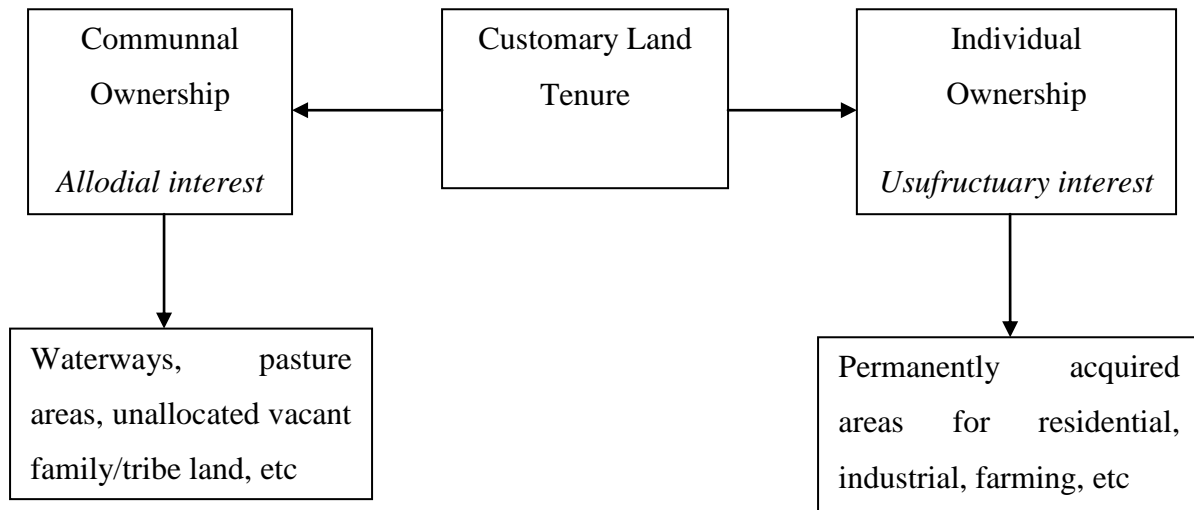
“The communal land ownership system is actually a private property right system in that though community owned, several people, namely the individual members of the clan (usufructs) have a share or interest in it. ... the proceeds from the land allocated to him do belong to him, not to the clan ...” (ibid.:313).

Moreover, a more careful analysis of the traditional land tenure system in SSA shows that it has composite nature. According to Abdulai and Antwi:

Customary land tenure systems are based on two principles: community values – the traditions of community control, a system displaying land resource allocation for kinship or family cohesion and survival, revealing paramount community, clan, or family rights and interests; and private property – accepting private enterprise and personal profit motive as the guiding dynamic, but with checks and balances (ibid.:314).

This composite nature of traditional landholding in the sub-region is shown diagrammatically as follows:

Figure 1: The composite nature of traditional land tenure in SSA (Abdulai and Antwi 2005:315)



Despite this fact, the African traditional land tenurial system has been presented through the concept of the ‘tragedy of the commons’ (that is free for all), the thesis of Hardin (1968) by Western scholars. This means that since the tenure system is based on shared property, the referred scholars argued that there is the tendency of over-use and degradation of the resource base. In addition, it is believed that customary land tenure system discourages private investment. As a result, these notions are currently guiding the formulation of modern land policies and laws in the sub-region.

Abdulai and Antwi (2005:315) aptly observed that many African governments have, therefore, felt the need to reform the customary land tenure systems. In Nigeria, for instance, the Land Use Decree of 1978 vested all land in the state by eliminating the power of traditional authorities.

In sum, traditional systems of landholding are governed by customary property laws through the mediation of traditional authorities for managing the communal and individual land use rights in SSA. The misconception about customary land tenure arrangements, however, has prompted African governments to devise a state land law which completely negates the traditional power of community chiefs.

2.1.2.1 Gender and Customary Tenure Structures

Gender has a significant role to play in kinship systems and is a basic factor in socio-cultural structures, values, and practices. As Lastarria-Cornhiel (1997:1318) notes, it is also a significant determinant of who has land rights in customary tenure systems. Other determining factors are ethnic and family background as well as class position (ibid.). Thus, most customary land tenure structures in SSA seem to favor men's access to and control over land with few exceptions.

According to Lastarria-Cornhiel, men control allocated land, but elite men control more and better land than lower status men. Women usually have only cultivation rights; however, these rights can also be differentiated by status (ibid.). Freudenberger (cited in Lastarria-Cornhiel) further states:

In The Gambia, for example, women from the most privileged social categories may obtain cultivation rights to the best lands through the influence and position of their male relations, while those who do not have a high social position may have access only to marginal lands (ibid.).

In most of contemporary Africa, men control household land because the community authorities have allocated the land to male household heads. Afterwards, these lands are passed down to male heirs. Access to land for most women is based on their relation to male relatives and the specific laws and practices of the area. An illustrative example from Guinea Bissau describes women's access to land without ownership rights hereunder:

Men receive *bolanha* and *lugar* (both terms refer to upland fields) after they are married, usually when they are in their mid-20s and have set up a separate household. The father gives at least one *bolanha* to each son. Married men don't have to wait the death of their father to inherit land, but are provided with the basis for attaining economic independence upon marriage. If possible, husbands give each wife a separate *bolanha* in which to plant rice. Women receive the drier *bolanha* on the upper border areas of swamps which they hoe themselves....

If wives want to plant peanuts or beans, they ask the husband for a *lugar*. Women can also borrow fields from other men. In almost all cases, women only have indirect

access to land, through the relationship with a man. But even though men control land, women do have access to personal fields and can use them to produce crops which they alone control (Funk 1988 cited in Lastarria-Cornhiel 1997:1318).

It appears that a woman is able to get land for farming as long as she is married. Problems usually arise whenever divorce occurs. In this case, women automatically lose cultivation rights to their husband's land. Consequently, as Lastarria-Cornhiel notes, these women usually return to their birth families and try to obtain cultivation rights on their father's land (ibid.:1321).

In spite of their subordination to men for land, women's labor is very much needed because the access and control of labor has been the most significant characterization of African tenure systems. Accordingly, as Lastarria-Cornhiel states, higher caste households are able to obtain labor from lower caste households, older men can control the labor of junior men, and men can oblige women to work on their land. More specifically, women dedicate extensive amounts of time to agricultural work. They also have their household work, such as fetching water and firewood, cooking, washing, and taking care of their children (ibid.).

2.1.2.2 Gender and Land Transfers

Marriage is not the only mechanism for women to get access to arable land within contemporary customary land tenure systems in Africa. Other mechanisms also exist; namely, inheritance, borrowing, gift, and leasing and purchase¹⁵. Of these, inheritance is popular form of land transfer and is highly dictated by the social organization of communities (patrilineal and matrilineal).

According to Lastarria-Cornhiel, a patrilineal tenure system is the less complex of the two because both lineage and property are traced through the male line and in most cases from father to son, and control of land is also passed from father to son (ibid.:1322). This is in one way or another influenced by the marriage practice of the community.

Lastarria-Cornhiel states that marriage practices are usually exogamous and virilocal, that is, the woman marries a man from outside her birth community and goes to live in her husband's father's community. She further states that since a daughter is expected to leave her community

¹⁵ Leasing and purchase of land entail an exchange of money for land which is usually token or symbolic payments. As land becomes an asset, for example in peri-urban areas, these payments begin to approximate a market value (Lastarria-Cornhiel 1997:1322).

upon marriage, customary law doesn't give her the right to inherit or to be allocated any of her birth family's or community's land (ibid.). The reason for denying land to women is that her husband's family may get control over it upon marriage.

Regarding land inheritance, the fate of a widow is almost the same like that of a married woman. As Lastarria-Cornhiel notes, a widow with young children usually retains access and cultivation rights to her dead husband's land, but it is understood that her sons will ultimately receive that land (ibid.).

Matrilineal societies, on the other hand, have a more complex tenure system: while lineage and property are traced through the mother's line, property itself is controlled and owned by the men in the family (ibid.:1323). This means that there are differences between the two tenurial systems that pertain to marriage practices and inheritance customs.

In traditional matrilineal communities, marriage practices show certain dissimilarity from their counterparts. An example given by Welsh *et al.* (1987) (cited in Lastarria-Cornhiel) from northern Mozambique can serve to depict the differences. According to them, marriage is matrilocal, that means, the woman remains in her village and household and the man leaves his parents' home and village to live with his wife's household (ibid.).

Women's inheritance right to land in African matrilineal systems is seemingly multifaceted. Here are two instances that shed light on the foregoing argument from Lastarria-Cornheil. A daughter seems to have cultivation rights to a parcel of her family's land, even after she marries. But she doesn't have inheritance rights and loses all rights when her father dies. A woman may also receive a small plot of land as a gift from her husband. Her rights to this land, however, are valid only during his life time, unless he advises the village authorities that the gift is permanent and completes the necessary procedures (ibid.).

Lastarria-Cornhiel strongly argues that women are not generally allocated community land nor do they inherit family land. While the family line is traced through women, land is usually passed on from men to men. She further contend that children belong to their mother's line or clan, but the men in the family, brothers, uncles, male cousins exert power and authority and control most land (ibid.).

Finally, it is worth noting that Africa is home for heterogeneous customary laws that are used to govern traditional/customary landholding systems. Moreover, local traditional authorities or chiefs are mainly responsible for allocating most of the land by taking into account the criteria of gender, ethnic and family background and class position of each of the families in their community.

2.1.3 Modern Land Tenure System (as dictated by statutory law)

As is stated earlier, African governments have long moved to the creation and imposition of Western-styled property rights regimes that are directed to the administration and management of land and other natural resources because of the following reasons. One of the reasons notes that the African tenure system is communal and therefore unquestionably leads to resource over-use and depletion (Abdulai and Antwi 2005:314). Another reason states that the African land tenurial scheme discourages long-term investment in land [including agricultural intensification and development] (Abdulai and Antwi 2005:315; Lastarria-Cornhiel 1997:1317). The third reason singles out the influence of political changes, specifically, the effect of donor agencies and development programs on African governments to reform the land sector (Lastarria-Cornhiel 1997:1317). Because of these reasons, many governments have formally reformed the customary land tenure systems and instituted private property tenure systems through modern land laws.

Land reforms were common during and after the colonial era in Africa. During colonial times, according to Lastarria-Cornhiel, European settlers and governments took over vast land areas in eastern and southern Africa and this expropriated land was turned over to white settlers to farm or made into parks (ibid.:1320). After independence, land reform programs have solely focused on the conversion of communally owned land to private property and that is usually done by the state granting private property titles to heads of households for the land families already occupy (ibid.). This was done after nationalizing land and hailing the state as the owner of all land (Lastarria-Cornhiel 1997; Abdulai and Antwi 2005).

The championing of land reforms has given birth to the promulgation of land policies that are declared in African constitutions and civil laws. In most African countries, as Lastarria-Cornhiel notes, contemporary constitutional and civil laws declare that men and women have the right to

own property, and that women [as daughter's and sometimes as wives] have inheritance rights [if not always equal inheritance rights] (ibid.:1321).

There are chances that modern land laws recognize and make exceptions for traditional family law and land tenure. This is the case in Zimbabwe. According to Lastarria-Cornhiel, the Customary Law and Primary Courts Act of 1981 recognize the code of African intestate succession (customary inheritance law), in effect denying black African women their statutory inheritance rights. In other cases, statutory laws do not recognize the validity of customary law [as in Mozambique] (ibid.:1321).

Women's legal rights seem to be ignored when cultural norms and practices are in conflict with modern land laws. Furthermore, the transformation of customary tenure and the increase in market value of land appear to affect women's land rights. As Lastarria-Cornhiel notes, cash crops, population growth, and urban development have made land valuable, have increased demand on good arable land, and consequently certain sectors of the population, generally men with control rights to land, have been able to reinforce those rights and even claim rights that others have customarily held. In the process, women have appeared to lose their customary (and sometimes even statutory) rights (ibid.:1325).

Nukunya's (cited in Lastarria-Cornhiel) example from Ghana illustrates the foregoing argument in the following manner:

In Ghana, for example, marshy land which was not valued as arable land was turned over to women who gathered reeds there to weave their baskets. Even though the Anloga land tenure system is patrilineal, these marginal pieces of land were handed down the female line. When the cash crops sugar cane and shallots were introduced on these lands at the end of the 19th century, men claimed this land for their own and handed it down to their male offspring (ibid.).

The implementation of modern land legislations into reality has maintained with certain types of modernization programs such as land titling and registration and agricultural development programs with gender bias. In line with this, Lastarria-Cornhiel argues that these programs are explicitly focused toward men; even those that appear to be gender-neutral, may be biased

against women because project design has not taken into account women's land rights, their participation in agriculture, and gender ideology in the project area (ibid.:1326).

As is noted previously, the implementation of land titling and registration programs across the continent started during colonial times and continued after independence. Ever since statutory system was initiated, therefore, titling has gathered and deposited under the control of one person (normally the "owner" in the customary sense), the various rights, specifically the usufructuary rights, previously held by individuals other than the "owner".

In a similar vein, Lastarria-Cornhiel contends that as customary tenure systems adjust to changing economic, agricultural and political conditions, women farmers seem to lose the few rights they had under customary tenure and do not gain the rights that, theoretically at least, every person has in a private property and market system (ibid.). In most cases, therefore, it appears that traditional community authorities and household heads are beneficiaries of the market economy and government programs (such as land titling).

Summary

In the aggregate, it can be argued that property rights and property rules are manifestations of the complex interaction between humans and nature in any resource management regime. This means that the human use of the natural environment is carried out with checks and balances to ensure ecological productivity. In theory, traditional and modern societies are believed to be guided by some sort of law or policy in their use of the resources of nature.

As one resource of nature, the use, administration and management of land has been subjected to either customary or statutory laws or both. In rural Africa where custom, tradition and religion determine and dominate the daily lives of most people, customary law is in control of the relation between land and people. Basically, the tenure system in rural parts of the continent is generally traditional or customary landholding in spite of the fact that it has been subject to transformations. Under this system, gender, class dynamics, and social organization play very important roles to determine who owns which land under what circumstances for how long. In rural sub-Saharan Africa, women appear to get access to arable land through marriage and inheritance. Women inherit land provided that they have sons.

Due to many factors, however, customary land tenure system is currently under constant pressure to transform itself to individual and private ownership of holding guided by the formulation of formal land laws by state institutions in the sub-region. Even under such circumstances, women face challenges in securing their land rights as recognized by modern laws whenever conflicts arise between the two land systems.

2.2 Conceptual and Theoretical Frameworks

In this sub-part, I concentrate on the treatment of conceptual and theoretical frameworks that are believed to serve as pillars of the analysis of this research. I particularly included two sub-sections – one is conceptualization and definition, and the other is theoretical frameworks. The former deals with the concepts of women and land, and provides definitions of the concepts as used in this study. The latter harnesses the theoretical approaches employed and analytical methods used in the research.

2.2.1 Conceptualization and Definition

Any research is based on the assumption that explanation is not dependent on immediate data. It is thus important to define the key concepts of the study and to landmark its spatial field. What do the concepts of women and land involve in this thesis?

According to Logo and Bikie (2003:32), the definitions of women are dominated by two tendencies at present. The naturalist tendency insists on a biological definition whereas the socio-anthropological tendency favors the role and status of women as determining their definition (ibid.).

The biological definition, or definition by sexual difference, maintains the ‘real’ being of women. Logo and Bikie state that the operative characterizing and differential element of women lies in their sex, in biological difference based on this perspective (ibid.). In contrast, the socio-anthropological approach’s definition of women puts focus on their social role and status, their social existence. Logo and Bikie maintain that women are thought of in a multidimensional way, going beyond the classic opposition between the domestic and the political and integrating the feminine dimension in understandings of societies (ibid.).

It is, however, worth noting that neither sex, nor roles and status alone, are adequate to account for the extent of the differentiation between the sexes and the functions that are specific to women. As Logo and Bikie put it:

Roles and status refer back in each socio-cultural milieu to a world of representations that are inherent in conceptions and visions of the world. Games of symbolism, ideology and power that ensure a society's internal equilibrium and reproduction should therefore also be considered. The social status of women and the relationships between them and men cannot be thought of outside the power that determines social dynamics (ibid.).

Hence, this study makes use of the socio-anthropological approach. Women's land status is fundamentally determined by the socio-anthropological nature of women's condition through the regulation of power between women and men in society. It is, therefore, believed that the socio-anthropological approach facilitates an operational categorization of women in rural areas of Wolaita Zone/Ethiopia to be sketched out.

In the attempt to define, categorize or draw a typology of women in rural areas of Wolaita Zone/Ethiopia, certainties and uncertainties emerge. Certainly, women in Wolaita Zone/Ethiopia are complex and diversified. This means that there are many categories and types, based on their social origins, training, professions, marital status and so forth. But, there are uncertainties, due to change and the dynamic character of women's identities in Wolaita Zone/Ethiopia. In connection to this, Logo and Bikie argue that women's identities are not primordial, intangible and immovable. Rather women's identities are changing, dynamic and moving because they are social creations (ibid.:33).

In rural areas of Wolaita Zone/Ethiopia, it appears that women mostly use land and it is they who mostly need it for various productive activities. Therefore, an operational choice that considers women's living place and matrimonial status is given due focus in this study. The category of women considered involves women who reside in rural areas whether single, married, or widowed.

Land is a heritage as well as a resource in rural areas of Ethiopia/Wolaita Zone. The Ethiopian Civil Code defines heritage as “the sum of goods and obligations of a person” (Ethiopian Civil Code 1960). It is an entity whose assets and liabilities cannot be separated.

It is evident here that a wider sense consideration is made by going beyond the individual to include the community. In almost all Ethiopian societies/Wolaita communities, land is viewed as a common heritage, that is, as a cultural and physical collective space inherited from the ancestors. In the name of the local community, according to Berhanu (1995), land is managed by the community’s legitimate representatives particularly by elders. This management ensures the social reproduction of the group, in terms both of its identity and its survival. As communal heritage, land has a cosmological purpose. It is a visible link with the invisible. As a communal resource, land is not property. It is not to be commercially appropriated, and in both judicial and farming terms is identified with a lineage or a community, a resource to be used or managed, without a right to be owned (Berhanu 1995). In this regard, this heritage is peculiar.

But, land is also viewed as property (It, however, cannot be sold). The current practice in Ethiopia/Wolaita areas informs that land (farming, forestry, judicial) is a property resource highly solicited by both the state and its population (FRLAUP 2005 & SNNPR’s RLAUP 2007). It is the object of diverse interests: cultural, economic, political and social.

Land is an economic and political stake for the state. The state is the owner of land. The land is the spatial expression of the state’s power and sovereignty and is also a source of financial revenues (FRLAUP 2005 & SNNPR’s RLAUP 2007).

Land has an economic and political as well as cultural and social stakes for the population. Land is a factor of power and strength. The withholder, owner or user of land has power and controls the dynamics of production and reproduction. But culturally and symbolically, land is a sacred object that allows the mediation of men and women to the sacred. Economically and socially also, land provides subsistence, ensuring life, and is very crucial for human existence (Berhanu 1995; Dessalegn 2007).

Even though land is considered both a heritage and resource, it is also increasingly viewed merely as an exploitable resource. Thus, land in rural Ethiopia/Wolaita areas has come to

connote mainly farming and forestry lands. These lands, as exploitable resources, are the focus of increasing covetousness, on local, regional and national levels.

2.2.2 Theoretical Frameworks

This research uses two theoretical paradigms to allow an objective and scientific assessment of its findings. They are syncretic and interdisciplinary logic (Logo and Bikié 2003:35). As this study has endeavored to assess and analyze both the present condition and the evolutionary prospectives of women's land status, land cannot be studied by itself, outside its environment and setting.

As Logo and Bikié note, land is a reflection of social relationships, and the problems raised by its exploitation are political. These political problems are correlated to the structure and functioning dynamics of societies, the interactions between them and their environment and their individual evolution (ibid.). Hence, pre-eminence is given to dialectical and systemic analysis. Women's land status is analyzed as an element of social systems and determined by their internal laws but subject to the influence of external factors that have a dialectical evolutionary effect. This evolution is caused not only by contradictions resulting from the internal functioning of social systems, but also by environmental constraints that impose adaptation, adjustment and cooperation. The research is, therefore, contextual, systemic and dialectical, as a consequence of the dynamic between tradition and modernity (Logo and Bikié 2003:36).

The analysis of gender is, thus, incorporated into this study. As opposed to its precursor, Women in Development (WID), developed during the 1975-85 Decade for Women and intended to account for women's contribution to development, the Gender and Development (GAD) approach refuses to appraise the women as an entity isolated from the social unit, and takes into account relationships between women and men. It analyses unequal relationships symbolized by gender-based divisions of labor, and poses the problems created by the roles and status of both women and men and the impact of gender relationships (ibid.).

With the aid of GAD approach, concepts of gender-based differences that are basically socially constructed are specified. Gender analysis is thus an activist research approach to the socially structured relations between men and women in all domains of economic, political and social life. According to Logo and Bikié, it is based on empowerment (the acquisition of power), a concept

developed by Latin American feminists. It postulates that women's situations can only be improved, and equality between genders promoted, if the historically and socially valorized power relations between men and women are questioned (ibid.). Because of this, women's access to and control over land in rural Ethiopia/Wolaita areas is at the centre of this qualitative case study, since land is a major stake in gender relations.

This research has also taken into account the heuristic contributions of institutional and comparative analysis. These have allowed clarification and presentation of the extreme hold of traditional and modern institutional dynamics on women's land status. These tools of analysis have also helped assessment of the similarities, differences and contributions among different customary/traditional land systems and the modern land systems and their respective ways to management of women's land status.

In addition to the foregoing approach, the study is supplemented by the contribution of many fields (law, sociology, anthropology, economy, political science and history). Law has been seen as the authorized field of study for researching land until very recently. But legal analysis has been based on the study of status and practice, without reference to the social relationships of production, and a strictly legal approach seems to have outdated. Logo and Bikie argue that land questions can no longer be confined to purely judicial analysis or even to economic analysis (Logo and Bikie 2003:36). Therefore, by means of a syncretic, interdisciplinary approach, the normative dispositions and the concrete realities faced by actors within the area studied may be better pointed out.

3 LAND TENURE IN ETHIOPIAN HISTORY

In this chapter, I discuss about the relationship among the Ethiopian state, land and peasants by making use of a historical perspective during the two former government systems; namely, the Imperial Regime and the Military Government. In addition, I treat the issue of gender and land rights during the same historical times in brief. I begin this chapter by discussing the main features of the land tenure system of Ethiopia prior to 1974.

3.1 The Imperial Regime and Land Tenure

3.1.1 Introduction

Ethiopia was under a monarchical government system until 1974. The year 1974 marked the end of the very old imperial regime and its last monarch Haile Sellasie I (1930-1974) in the country. The popular revolution that swept all parts of the nation the same year is one of the causes for the end of the regime.

The imperial state was characterized by absolute monarchy and landlordism. Fundamentally, the system depended on rural agrarian economy. Thus, it has often been argued that the old agrarian system can best be described as feudal. According to Dessalegn (1985:16), the relation between those who controlled the sources of rural wealth and those who produced it, and the social status of the latter in the overall political economy of the country, were essentially feudal in nature.

Not all the intricacies of the land tenure system during the imperial regime, however, can be explained by the concept of feudalism, as the country had heterogeneous yet complex land tenure arrangements in different regions. This means that northern and southern Ethiopia used to have different varieties of landholding arrangements. In connection with this, Dessalegn argues that feudal relations of production existed in the southern and southwestern regions of the country. He further argues that the 'tributary' systems of the northern areas cannot be adequately explained within the framework of Ethiopian feudalism (ibid.:16-17).

Be it in northern or southern Ethiopia, land was the principal means of livelihood and all of it, at least in theory, was owned by the state. As Dessalegn notes, all the land of the country belonged to the state, and under the ancient but obscure principle of 'eminent domain', the latter had the

right to claim land held under private ownership (freehold in southern Ethiopia), and to dispossess any person or landholding institution (ibid.:21). Let me now explain the common forms of the landholding system during the imperial time.

3.1.2 The Landholding System

The land tenure system was generally marked by regional variations and explained by north-south dichotomy. Dessalegn states that there were three land tenure arrangements in the northern part of the country; namely, 'communal' or *rist*, church and state tenures. He also states that the south was basically featured by church, state, and private (freehold) land tenure arrangements (ibid.:17). Let me discuss each one of the landholding arrangements in the following paragraphs.

In the communal or *rist* system, an individual was said to have rights to land in a given farming community if he was able to establish descent from one who was recognized to be the original holder of the land in question or the founder of the community (Kifle 1999:137; Pausewang 1990:40). Elders of an extended family or a community had the power to allocate a share of the agricultural land to every claimant irrespective of gender differences. As Dessalegn (1985:17) notes, the individual, thus, obtains usufruct rights over his holdings, which could not however be transferred to others by sale, mortgage or gift, although the possessor could lease them to others.

The *rist* system allowed each land user to enjoy lifelong rights. The land was equally divided among male and female children upon the death of a land holder. This system was not free from flaws, however. It encouraged land conflicts and litigations among peasants as disputants battle over a piece of land thereby aggravating the insecurity of a holder. Moreover, the system gave rise to excessive fragmentation and diminution of holdings.

Despite this fact, the state had the right to collect tribute from a family/kinship/community. As Dessalegn points out, the community as a whole paid tribute to the state over all the lands under its control, each holder contributing his/her share in accordance with his/her holdings (ibid.).

Apart from the communal or *rist* system, there was another tenurial arrangement known as *gult*. Dessalegn argues that *gult* was property, usually in the form of large estates, granted to members of the ruling aristocracy (ibid.). According to Pausewang, rights to *gult* were granted by the state to those who were recognized to have performed loyal service to the crown, and recipients were

empowered to collect taxes or tribute from the people on *gult* property and to exercise administrative and judicial authority in the area (ibid.:41). *Gult* estates were normally worked by tributary peasants.

Church land was another important variant of the landholding system during the imperial regime. As Dessalegn notes, *semon* land was the most common type of church land which in theory was controlled by the state but the rights of which had been granted to the Ethiopian Coptic Church in perpetuity. He further notes that *semon* land was meant to be used to enable the church to support its activities, its clergy and others who provided service to it (ibid.:19).

As an institution, the church did not carry on agricultural activity itself; it instead leased the land to its clergy, servitors and parishioners in return for tribute. According to Dessalegn, those who operated *semon* holdings could in turn rent them out to others, either on a crop-sharing basis or in payment of a fixed tribute, but they could not sell, mortgage, or exchange them in other ways (ibid.). *Seimon* land was, however, inheritable on one condition - if the heir agreed to carry on the obligations of their legators, i.e. the payment of tax and the provision of service to the church.

Equally important were the vast tracts of agricultural land controlled by the imperial state throughout the country particularly in the southern regions. These were specifically called *maderia* and *mengist* land. As Dessalegn states, *maderia* land was state land that was granted to former or incumbent officials, war veterans, patriots or persons who were considered to have provided meritorious service to the crown in lieu of pension or salary. Such land was often given for life. *Mengist* land was simply defined as a land registered as government property (Dessalegn 1985:20).

Holders of *maderia* land could operate the land themselves, or, as was most often the practice, lease it to tenants, or do whatever with it except pass it on to others by sale, gift, or mortgage (ibid.). *Maderia* land was hereditary as long as the heir was loyal to the government and was ready to serve the crown.

My discussion about the landholding system of the imperial regime could not be comprehensive without treating private land (freehold) – a form of land arrangement that was common in southern Ethiopia (including Wolaita areas). The southern regions of Ethiopia had come under the authority of the imperial regime during the last decade of the nineteenth century when

Emperor Menelik II (1889-1913) led a series of campaigns that were meant for territorial expansion and creation of the modern empire-state. According to Pausewang, Menelik II, then, remunerated his soldiers and administrators by giving them land rights in the conquered areas. He further maintains that the emperor's administrators and officers were not interested in land for cultivation, but in collecting contributions from productive peasants (Pausewang 1990:42).

The state continued to grant land to landlords and others in the southern regions during the subsequent years. The process of land granting by the state took a new direction when Emperor Haile Sellasie I introduced the right of freehold to land. Dessalegn succinctly explains the nature of land tenure in the south and the changes it underwent as follows:

Private tenures were originally lands which were expropriated from peasants and local chieftains in the south and given to officials and loyal servants of the crown. All unoccupied land in these areas was also considered to be state property which, through the years, was distributed to men of influence and power in the state apparatus. Much of the land thus acquired was subsequently converted into private tenure, and Haile Sellasie I's government accelerated this process by its policy of imperial land grants and by encouraging holders of state tenures to convert them into freehold (ibid.:21).

As is stated previously, the imperial regime was mainly dependent on the rural agrarian economy which was sustained by the labor of the peasantry. According to Dessalegn, the peasantry was composed of small scale owner-cultivators and tenants and the difference between the two is that while the former was more secure in his holdings, the latter was subject to eviction at any time (ibid.:24). Moreover, they covered the majority of the rural population during the time under discussion. As the main actor in rural production, the Ethiopian peasant was operating a small plot of land. Dessalegn, quoting a study conducted between 1968 and 1971 by the Central Statistical Office¹⁶, argues that a large proportion of peasants operated mini-plots of less than half a hectare in size (ibid.:29).

In general terms, land was the most important resource in the agrarian economy of the imperial regime before 1974 that it almost controlled all lands except the communal or *rist* ones in northern Ethiopia. The land tenure system of Imperial Ethiopia was very complex and can be

¹⁶ Currently, this government-run organization is renamed as Central Statistical Agency.

studied based on the north-south category. In this regard, communal and private (freehold) tenures were typical to northern and southern parts of Ethiopia respectively. Nevertheless, landholding patterns like state and church lands were common in both northern and southern regions. Every land holder was also required to pay tributes to the imperial state.

3.2 The Marxist Regime and Land Reform

The year 1974 marked the end of the imperial regime due to a violent political upheaval known in the country's history as the Ethiopian Revolution. Before the revolution, the power of the feudal state was greatly undermined by a series of uprisings and rebellions in rural and urban areas of the country. Among the reasons were the agricultural policy and the archaic landholding system of the imperial state. Both were seen by many as obstacles to the development of the national economy and reasons for the suffering of the peasant population. The peasantry, in particular, was unable to bear exploitation and meet the endless taxes imposed by agents of the state. This, thus, drove university students to demand "land to the tiller" since the mid-1960s. The subsequent political upheaval finally ushered in a new political system based on the ideology of Marxism-Leninism.

Military officers ran the new regime and they were able to dismantle the monarchy by force for the last time. One of the priorities given by the military government (1974-1991) was the introduction of agrarian reform and the "socialization" of production in the agricultural sector. Let me present the reform legislation and explain its most important articles first.

3.2.1 The Land Reform Legislation

The Marxist government promulgated the first modern land legislation in Ethiopia's history in 1975. It was called 'Public Ownership of Rural Lands Proclamation'¹⁷, or Proclamation No. 31 of 1975.

¹⁷ There were also other proclamations pertaining to the land reform, all published in the official *Negarit Gazeta*. They were the following: Proclamation No. 71, December 1975 (on Peasant Associations); No. 77 of 1976, as amended by No. 152 of 1978 (on agricultural income tax); No. 130, September 1977 (on formation of nation-wide Peasant Associations); and No. 223, May 1982 (on restructuring Peasant Associations) [Dessalegn 1985:37].

The legislation, according to Kifle (1999:138), expressed the hope that the reform would serve the goals of economic development in general and rural development in particular. He further notes that the basis for the this development, as put forward by the legislation, was founded upon a new agrarian order in which the independent small-holder would become the major force in rural production, and in which inequalities of wealth and possession would be eliminated as far as possible (ibid.).

The legislation attempted to explain what was meant by ‘public ownership of rural lands’ in Article three. It states that ‘all rural lands shall be the collective property of the Ethiopian people’. This means that the state will have final jurisdiction over the disposition of rural land (Kifle 1999:138; Fassil 1993:107).

Article four of the proclamation made important provisions. One was that private ownership of land by individuals or organizations was prohibited; so, too, the transfer of land by sale, lease, mortgage or similar means (Kifle 1999:138-139). The law, thus, acknowledged only the use right or usufructuary possession of the cultivator over his/her holding. Moreover, it set the maximum size of land for each self-laboring rural household to be 10 hectares.

The legislation made a provision under Article six that the onerous practice of tenancy was abolished and that peasants were free from all obligations from the landlord. With regard to *rist* areas, a non-resident was henceforth entitled to put in claims to land [Article 20] (Kifle 1999; Fassil 1993).

Further, Article 28 annulled all cases involving land disputes before the ordinary courts. It also specified that cases involving rural lands shall henceforth not be brought before the regular courts (Dessaiegn 1985:39).

The proclamation also provided for the establishment of Peasant Associations (PAs). As Fassil notes, the PA was a mass organization composed of all peasants above 18 years of age in a community. Its general assembly was the highest decision-making authority, and elected the leadership of all subsidiary bodies as well as its own executive council (Fassil 1993:107).

Normally, each PA was to be organized on an 800-hectare area. PAs were also given a wide range of functions and responsibilities, chief among which were the following: to administer

public property; to establish service co-operatives; to build schools and clinics; and to undertake villagization programs (Dessalegn 1985:38).

PAs were also empowered to establish judicial tribunals. These were initially concerned with cases involving land disputes among PA members, but later their powers were widened considerably (ibid.).

Proclamation No. 31 of 1975 also made provisions for Peasant Associations to be organized at the district and provincial levels. Judicial tribunals were also similarly organized. In 1977, the government decided that PAs must be established at the provincial and national levels, the provincial PAs to coordinate the activities of all lower level PAs in the provinces, and the national organization – the All Ethiopian Peasant Association (AEPA) – to be responsible for the work of all the country's PAs (ibid.:38 & 39).

Subsequent legislation had considerably broadened the scope of the PA powers to establish producers' cooperatives, defense squads, and women's associations. It was pointed out here that the aim of government policy was 'to enable the peasantry to administer itself'. The defence squad was to be the law-enforcing agent of the peasant community. It was its responsibility to execute the decisions of judicial tribunals and to carry on 'necessary security and defence activities' (Ottaway 1978:217-220).

It can generally be said that the land reform of 1975 was a landmark in Ethiopia's recent history in the sense that it unarguably ended the extreme exploitation of the peasantry and tenants by landlords and the imperial state thereby quelling the public outcry of 'land to the tiller' through the eradication of landlordism and tenancy. Moreover, it made clear at least in principle that each peasant would be given his/her land to cultivate by the newly formed rural organization called Peasant Association.

3.2.2 The Process of Land Distribution

Land redistribution was an important aspect of Ethiopia's land reform. Initially, according to Fassil and Balsvik, the participants of the Development-Through-Cooperation Campaign (university and high school students) carried out the implementation of the reform by organizing Peasant Associations and distributing land within the area of each PA during 1975 and 1976

(Fassil 1993:107; Balsvik 2007:53 & 58). Afterwards, peasants and PAs themselves overtook the responsibility of distributing land.

The method of land distribution and the criteria used varied not only from one locality to another but within each locality as well. In other words, each PA adopted its own formula and decided how and to whom to apportion land within its jurisdiction. Here, it may be relevant to present cases from northern (Adet) and southern (Bolloso) Ethiopia to show the implementation process of the land reform. In this regard, Dessalegn's case study¹⁸ on the agrarian reform in four regions (Bolloso/Southern Ethiopia, Manna/South-Western Ethiopia, Adet/Northern Ethiopia, and Sire/Central-Western Ethiopia) of the country is helpful for my purpose. Let me start with Adet.

Adet: This was and is an area dominantly inhabited by the Amhara people. Previously, Adet was under the *rist* land tenure arrangement. As Dessalegn notes, Adet was slow to implement the land reform, and it was only in 1980 and 1981 that some form of land distribution was carried out. Despite this fact, land reapportionment was carried out followed by PA restructuring and the redrawing of PA boundaries (ibid.:46 & 47).

It appears that the land distribution process in Adet was largely a form of readjustment of holdings and accommodation of land-hungry peasants due to the fact that the *rist* landholding system tended to minimize landlessness and to some extent tenancy. As Dessalegn points out, the measures adopted for land allocation in this area were two. They were:

- 1) Allotment was made based on family size and the quality of land. Each household receiving land had a share from both the good as well as the poor land available for distribution; and
- 2) A minimum ceiling of a unit of land (the minimum varied among PAs) was set for a household, and any addition over this was based on the number of household members (Dessalegn 1985:47).

Bolloso: This area is found in southern Ethiopia (in the now Wolaita Zone of the SNNPR) and, it was and is predominantly inhabited by the Wolaita people. Bolloso was one of the regions which

¹⁸ Dessalegn devoted one book for the discussion of the history of the land tenure system during the two former government systems in Ethiopia by making use of cases from different regions of the country. In the book, he discussed about the Agrarian Reform of 1975 in greater detail. The book is entitled "Agrarian Reform in Ethiopia" [1985].

came under the control of the Ethiopian state after a series of expansion campaigns led by Emperor Menelik II in the southern parts of the country during late nineteenth century.

Before the land reform, this area was generally under the private (freehold) tenure system. According to Dessalegn, the majority of peasants in this area were, therefore, small-owner cultivators, and tenancy was not very widespread (ibid.:11).

In Bolloso, land was an extremely scarce commodity that the average farm plot was 0.25 hectare. Thus, as Dessalegn argues, land allocation after the reform in the area was more a form of adjustment of holdings and accommodation of the landless and the land-hungry rather than a total and complete redistribution (ibid.:44).

This area employed criteria of its own to effect the distribution of land like that of Adet. The common measures adopted by the PAs were four. They were:

- 1) Land was distributed on the basis of family size and those with larger households were given larger plots. This measure excluded considerations like quality of land, previous status, etc.
- 2) Priority was given to the landless and land-hungry. Here, family size was not taken into consideration, since the concern was to allot plots to those who were destitute.
- 3) Where land was extremely scarce, and claimants rather numerous, apportionment took place on the following basis:
 - a. Landless peasants were given plots without taking family size into account;
 - b. The plots of land-hungry peasants were increased on the basis of the size of their households;
 - c. Former tenants were allowed to cultivate the plots they already possessed; and finally
- 4) Some land was taken from those who were considered to have large holdings, and distributed to those who were thought to be land-hungry (ibid.:44-45).

Despite employing different measures to implement the land reform, all the PAs and their agents had one purpose in mind – that was to accommodate every peasant as much as possible in the land distribution and therefore eliminate landlessness in the country.

The process of land distribution, however, never aimed at the creation of complete equalization of holdings among peasants throughout the country. That was, as Fassil notes, impossible to realize because of factors such as family size, previous status and size of holdings, the quality of land, the farming ability of the individual (i.e. whether he was a capable farmer and had the means requisite for cultivation), and so on (Fassil 1993:110 & 132).

Finally, it is important to note that the land distribution process tended to solely focus on allocating farm lands to peasants while ignoring the redistribution of other natural resources (like woodland, pasture fields, and water resources) and farm implements. To this end, the other natural resources continued to be used communally by members of Peasant Associations.

3.2.3 The Results of Land Distribution

There is no doubt that the land reform brought about changes to the peasant population. The changes can be investigated from the viewpoint of pattern of holdings and rural social class. To Dessalegn, the initial impact of Ethiopia's land reform, especially but not exclusively in areas of high population density and shortage of land, had been in the direction of peasantisation, that is, the creation of small cultivators, undifferentiated, therefore uncompetitive, insecure in terms of meeting their own basic needs, and unable to be involved in initiatives towards improvement and modernization of their farms (Dessalegn 1985:61).

When one evaluates the outcome of land distribution in terms of pattern of holdings, it is not difficult to learn that it had not brought about significant changes in the status of a majority of peasants in terms of size of holdings than before. To Fassil and Yigremew, this is not surprising at all because what was redistributed was what was already under cultivation by the peasants themselves. Both, however, have not denied the fact that landless peasants were beneficiaries in the land allocation process by way of further dividing the available land among a greater number of peasants than before (Fassil 1993:132; Yigremew 1999:164-65). By 1987/88, therefore, over 17,000 Peasant Associations had been established with a total of nearly five million peasants across the country (Fassil 1993:110). In general, it is important to point out that a significant majority of landholders in the country worked on less than one hectare of land each even after the land reform.

The foregoing argument can further be illuminated by showing specific data from cases researched by Dessalegn, preferably from Adet and Bolloso again.

Adet: In this area, the land distribution caused some degree of leveling down and up to the size of land held by peasants. Dessalegn explains the pattern of landholding in Adet before and after the reform hereunder:

Previously, about 9% of peasants held less than one hectare each, but the figure after the land distribution was about 16%. In a similar fashion, those holding between one and 2.5 hectare made up 58% of holders before the reform, but 72% after the reform. Before reform, 28% of holders held land over 2.5 hectares but under 6 hectares; after the reform, only 12% were in this position (ibid.:55).

The case from Adet area vividly shows that the pattern of landholding was not significantly altered because of the land reform.

Bolloso: In this area too, the change to the size of landholding was not significant after the land distribution. But, there was a certain degree of lowering up and down like that of Adet.

Accordingly, as Dessalegn maintains, the overwhelming majority of holders, before and after, that is, 89% and 93% respectively, cultivated up to 0.5 hectare of land. He further states that previously the smallest holders, that is, those with 0.25 ha and less made up 57% of the total, while after the reform they made up 51% (Dessalegn 1985:53).

As is suggested previously, fragmentation of plots was the major cause for inefficiency and waste in peasant production before the agrarian reform. The same problem lingered since it was not addressed by the land reform and it was, according to Yigremew and Fassil, even aggravated by the implementation process of land distribution (Yigremew 1999:164-65); Fassil 1993:132). Fassil also argues that PAs allocated pieces of plots, rather than a consolidated piece to each household in an attempt to be fair and just to all (ibid.).

The land reform, however, did bring one drastic change to rural Ethiopia – that is, it substantially modified the profile of the rural society. Not only had tenancy as well as landlordism been abolished, but landlessness had also been greatly diminished. In connection to the relationship of the peasant to his/her means of production, Dessalegn points out that all differences had been

eliminated, and each peasant enjoyed usufruct rights over the land he/she was given. By so doing, the reform was also able to create uniformity of tenure and of social conditions in rural society (ibid.:62).

In general, the process of land distribution was successful at least in two respects. The first outcome had to do with some changes in the pattern of holdings while the second one was concerned with the complete reconfiguration of the social classes in rural Ethiopia.

3.2.4 Peasants and Peasant Associations

One important aspect of the land reform of 1975 relates to the organization of peasants into rural mass associations or peasant associations. Such organizations were absent during the imperial regime. As is stated previously, PAs were entrusted with a number of responsibilities that can be classified into three broad categories. These were land distribution and land administration; responsibilities associated with rural development; and tasks involving law and order, arbitration, and local administration. The first responsibility of PAs is more or less discussed in previous sections. Therefore, a discussion about the rest of PA tasks is presented hereunder.

With regard to the responsibilities of PAs in rural development, the reform legislation had not fully elucidated the tasks except providing for general provisions. According to Dessalegn (1985:75), there were general provisions that enjoin PAs to strive towards raising production, make improvements in farm methods and technology, and encourage their members to move towards socialist forms of agriculture.

In practice, however, PAs appeared not to take part in any rural development initiative. There were many reasons for this failure. As Dessalegn states, the main reasons were that PAs did not have the resources needed, that they severely lacked technical, administrative, and organizational expertise, and that too often they were mostly concerned with preserving what existed rather than changing or developing it (ibid.:76).

The other major tasks of PAs involved responsibilities in certain areas of local government, and in adjudication and conflict resolution. In this regard, the land reform seemed to have reportedly changed not only the agrarian structure of the country but also the administrative apparatus in rural Ethiopia.

Concerning tax collection, Dessalegn (1985:79) notes that PAs were entrusted with the task of tax collection when a new tax law was passed in 1976. Under this law, it was the duty of each PA to provide a list of all peasants, their holdings and their declared incomes to the tax authorities, and to collect for the latter the land use fee and agricultural income tax from each peasant (*ibid.*).

The tasks of adjudication and law enforcement were carried out by judicial tribunals and rural defence squads, both subordinate bodies of PAs. According to Dessalegn, judicial tribunals were competent to hear and pass judgment on the following kinds of disputes: all cases involving land disputes among PA members; civil and criminal cases in which claims or damages amounting up to 500 Birr¹⁹ (approximately US \$ 241.55); and cases involving inheritance and division of property between spouses (*ibid.*).

As far as the participation of the rural population in organizational activity is concerned, peasants were initially actively involved in forming their associations and carrying out land distribution campaigns. Peasant interest, however, tended to gradually decline in the face of many failures on the part of PA leadership.

Generally, almost all peasants were organized into rural mass associations known as Peasant Associations following the introduction of the Land Reform of 1975 to effect the redistribution and readjustment of lands to every member of the rural population across the country. The communication among the national state, regional administration, and peasants was mainly facilitated by the Peasant Associations. The relationship between peasants and their organizations, in particular, seemed to have weakened as time went by.

3.3 Women's Land Rights before and after 1974

Much is not known about women's land rights that pertain to the time before and after 1974 due to little scholarly articles in Ethiopia. The problem is more critical for the period prior to 1974. The available literature, by no means, can provide comprehensive and detailed picture of Ethiopian women's status, their property rights in land, and other related matters. With this in

¹⁹ Birr is the name for the Ethiopian currency and during the 1980's, one USA Dollar was equal to 2.07 Birr (Dessalegn 1985:8).

mind, therefore, I discuss about the general condition of women in Ethiopia (in urban and rural areas), their property rights in land, and the role they had in household decision-making in the following sub-sections.

3.3.1 General Condition of Ethiopian Women

Ethiopian women used to play a traditional role of mother and housewife in both rural and urban areas within households. Their role, however, had not been limited only to the household and family. Women's participation was important in the processing and marketing of food and in related cottage industries. Hanna (1990:58)²⁰ assessed women's role in production activities based on the urban-rural perspective as follows:

In urban areas, women were employed in domestic work, child rearing, food processing and in service industries. In rural areas, they were also engaged in a wide variety of economic activities, including the construction of [traditional] houses, land cultivation and harvesting of crops, food storage and marketing.

Despite women's participation outside the household and family, they used to enjoy little reward and had generally been given secondary status within the family and society because of tradition. Women's secondary status also appeared to limit their access to economic resources that could enable them to promote their independence. This was the case in urban and rural Ethiopia (including Wolaita areas).

The overall situation of Ethiopian women seemed to show some changes particularly in urban areas since the 1974 socio-economic and political transformation in the country. As Hanna argues, women generally expanded their horizon in the years after 1974, both with increased participation in education and economic activity (ibid.:59).

In spite of the fact that reform measures were put in place that were meant to benefit women in some ways by the government, women were faced with challenges. One of the obstacles originated from the institution of family. The family continued to be central in role assignment and status definition among both women and men. As Hanna notes, redefining women's roles

²⁰Hanna wrote a general article on Gender Relations in Mobilizing Human Resources based on her primary data collected from Arsi area (south-central Ethiopia) from 1975 through 1978.

and increasing their participation within and beyond the household were challenges to the patriarchal system, as were women's struggles for self-determination (ibid.).

The family, thus, continued to be a major training and employment institution for women. It was within this framework that girls were prepared for their future, and women found their vocation as housewives and mothers. In connection to this, Hanna points out that girls were married at a younger age than boys, thus limiting their opportunities for education or gainful employment outside the household. Traditionally, non-martial alternatives used to have adverse social consequences for women (ibid.).

This is not, however, to suggest that women were completely unemployed outside the household. According to Hanna, domestic work and services within the food and beverage industries were always open to women for minimal wages and sometimes for as little as room and board only (ibid.).

In the field of girls' education, there were seemingly some changes in urban areas. As Hanna states, girls' enrolment at all levels showed some changes particularly in urban areas despite the fact that the enrolment of boys was more than girls' (ibid.:60).

Women and girls who lived in rural areas were, however, not beneficiaries of schooling. In this regard, Hanna maintains that women's nurturing duties were still emphasized in rural Ethiopia regardless of the socio-economic and political changes in 1974. She further notes that women continued to participate in farming activities and be regarded as mere consumers and reproducers by the society (ibid.:61). The implication is that the society, in general, considered men as producers. This also seemed to be the case with women in rural Wolaita areas.

It should be kept in mind that women's participation and role in rural agriculture varied from region to region within Ethiopia. According to Pankhurst (1990:145-146), for instance, women in Menz, northern Shoa (central Ethiopia) were not involved in ploughing but they participated in activities like weeding, harvesting, and transporting crops together with men. She also notes that grain processing was exclusively the task of women (ibid.).

Regarding the performance of the economy after 1974, Ethiopia seemingly faced an overall decline in productivity and productive employment in two sectors – agriculture and

manufacturing industries. In spite of this trend, according to Hanna, actual working hours for women increased especially for women in rural areas since they were increasingly involved in activities organized by peasant associations and producer cooperatives (ibid.:62).

In connection with women's workload in rural areas, it can generally be argued that an average day for a woman involved carrying out the following: food processing, water and fuel collection, assisting on the family farm, marketing, cottage production, and labor exchange for community services. Surprisingly, they seemingly used to get no remuneration for their labor.

In general, it can be said that the situation of Ethiopian women (in urban and rural areas) before and after 1974 was mainly characterized by roles limited to taking care of the household/family. Government-initiated changes of 1975 [education, employment opportunities] appeared to benefit women in urban areas to some extent, without reaching women in rural areas.

3.3.2 Property Rights and Income Generation

Before 1974, women in rural areas of northern Ethiopia were in theory allowed to inherit agricultural land from their parents under the *rist* landholding system (Pausewang 1990; Kifle 1999). Hanna, however, disagrees with Pausewang's and Kifle's positions by arguing "this principle had not been put into practice in most cases because the social structures in Muslim and Christian families were such that properties were almost always transferred to the male heir in the family" (ibid.:63). In southern Ethiopia (including Wolaita areas), the land status of women was precarious since the majority of the rural society lived under tenancy.

A major breakthrough, at least in principle, happened in favor of women as a consequence of the land reform of 1975. The proclamation heralded for the first time the "equal rights" of both men and women to acquire rural land. To this end, sub-article 1 of Article 4 of Proclamation No. 31/1975 stated: "Without differentiation of the sexes, any person who is willing to personally cultivate land shall be allotted rural land sufficient for his maintenance and that of his family" (Original 1999:204).

As is stated previously, peasant associations (PAs) distributed rural land based on household heads, not to each member of the household in all rural Ethiopia (including Wolaita areas). Moreover, women's organizations, as one arm of PAs, never participated in land redistribution

campaigns. As Original argues, it was the male member of the household who was accepted as household-head under the socio-cultural practices that existed during the reform, thereby allotting the land in his name (ibid.). This meant that married women were totally excluded from PA membership and, consequently, were not acquiring land in their own right. Thus, the phrase “to personally cultivate land” had negatively affected married women since it had been interpreted by PAs to mean using oxen for plowing, which still is a man’s domain.

The land reform, however, made exceptions to households run by women. Even though women heads of households (usually widows) were a minority in most places, they did get land in their own name. In line with this, Original argues that women household heads found themselves at the tail end of PAs membership list and used to get unfertile or swampy lands. She also explains how women peasants/farmers get their land cultivated as follows:

A woman lucky enough to acquire land had to find a sharecropper who would plow the land for 50% of the yield. Sometimes, [male] relatives plowed the land for her. In such cases, they did so after plowing their own lands, thus delaying hers and leaving her with a bad harvest. Besides, these women lacked the farm tools necessary for farming (ibid.:207).

The foregoing argument suggests that female heads of households were better off than married women in terms of the degree of control they had over land and land-related production. They were at least members of PAs and used land that they called their own. Married women had no such right. The land status of women in polygamous marriages, divorcees and daughters seem to be dictated by tradition because the land reform legislation was silent about them.

Apart from PA membership, women were also legally allowed to organize themselves into producers’ cooperatives. As Hanna (1990:63) notes, women’s cooperatives were limited to horticulture, poultry and similar activities of moderate scale and limited income.

With regard to rural household economy, most women appeared to have no independent budget, but were part of their husband’s household. In other words, it was the male head of household who used to be approving the sale of grains or cash crops for discretionary use. There were exceptions though. For example, Pankhurst (1990:145) found that women in Menz, northern

Shoa were active contributors of household income through wool processing and livestock production [poultry].

In urban areas, as Hanna states, blue-collar employment of women was expanding, probably as a direct result of rise in non-formal education and change of attitudes among women themselves. She further points out that jobs such as masonry, carpentry and other manual labor were increasingly handled by women even though the money they earned was far from enough (ibid.:64).

In sum, as far as the property right of married women in rural land was concerned, they were not controllers of rural land despite the fact that the land reform declared equal access of land to both sexes. This had, in one way or another, hampered them not to generate their own income with some exceptional cases. Unlike married women, female household heads were allotted lands that they controlled. On the other hand, women in urban areas began to earn small money from new employment opportunities.

3.3.3 Women's Decision Making Power

The land reform legislation had in no way attempted to redefine the relationship of women and men within the household. In most cases, women in both monogamous and polygamous households seem to have lived under the patronage of their husbands. This does not, however, mean that there were no other forces operating to change the awareness of women about their rights.

Men appeared to hold almost all the power to decide on production matters and resource allocation in male-headed households. Hanna argues that women normally were not determining what crop to plant, or whether a cow should be sold or not. She also contends that they were not participating in decisions to take out a loan for the farm or to meet the household's economic needs (ibid.:65). Here, Pankhurst disagrees with some of Hanna's arguments. She argues that married women in Menz, northern Shoa had power at the domestic level because of their contribution to the household economy (ibid.:145).

As far as women's participation in mass organizations is concerned, the approval of the husband was significant. Hanna generally notes that women's participation in organized efforts

(particularly in women's organizations) which was meant for raising their political and social consciousness was not welcomed by male members of the community, especially in rural areas. To this effect, men used traditional structures and customs to coerce women's organizations (ibid.:66).

Traditional structures and cultural beliefs were not the only hindrances to women's participation in rural mass organizations. The state structure that reinforced gender inequality was also another obstacle to them. One of the important state structures in rural Ethiopia was the Peasant Association. As Pankhurst and Original argue, men exclusively controlled the leadership of PAs. They also contend that men were numerous and visible members, had the most secure rights to resources and in particular direct rights to land use. The same also held true to service cooperatives and producer cooperatives (Pankhurst 1990:147; Original 1999:207).

There were in fact female-headed households in rural areas of the country but these were small in number and seemed to have little influence on the fabric of rural society during the time under discussion.

Generally, the traditional power of men appeared to have further been strengthened in and outside the household in both urban and rural areas, thereby providing almost no room for the redefinition of power relations between women and men especially after the post-1974 time.

Summary

As Ethiopia was a rural agrarian economy, land was an extremely important source of livelihood and because of this, the two previous government systems owned almost all arable lands and other natural resources in the country. The imperial state, in this regard, held in principle the ultimate power over every cultivable land in the whole of the country except for the *rist* lands in northern Ethiopia. Thus, any individual or institution that was allocated land by the feudal state only enjoyed user rights and had the obligation to pay tribute to the crown and its agents in varying degrees. In particular, the tributes demanded from the rural community take many forms in southern Ethiopia (including Wolaita areas) where landlord-tenant relations were common. The landholding system of the imperial state seemed to be characterized by complex land tenure arrangements and it would be futile to attempt to deal with all.

By the time the Military Government seized power with “socialist-oriented” ideology in 1974, it nationalized all lands and other natural resources after adopting the first modern land legislation which aimed at the redistribution of rural lands to the farming population through the Peasant Associations. The land redistribution campaign was very important in southern Ethiopia (including Wolaita areas) because former tenants were assured of land use rights over the land they previously worked on. Land was, however, distributed in most cases to male household heads thereby ignoring the land rights of married women and daughters. As is discussed in chapter two, the nationalization of land and the titling of land use rights to male household heads were also undertaken in other sub-Saharan African countries like Nigeria during the same time.

The Ethiopian land reform policy was not implemented based on similar procedures all over the country. Hence, almost every peasant association was forced to develop its own methods and approaches to distribute the available land and meet the very diverse needs of the peasantry under its jurisdiction thereby unarguably limiting the legally acknowledged women’s land use rights especially in areas where land was very scarce (for instance in Wolaita areas). The land reform legislation also seemed to be ignorant of the existence of many different customary laws and traditional institutions that pertain to land use and management in the country (including the Wolaita traditional land tenure system) [I treated these issues in chapter four.].

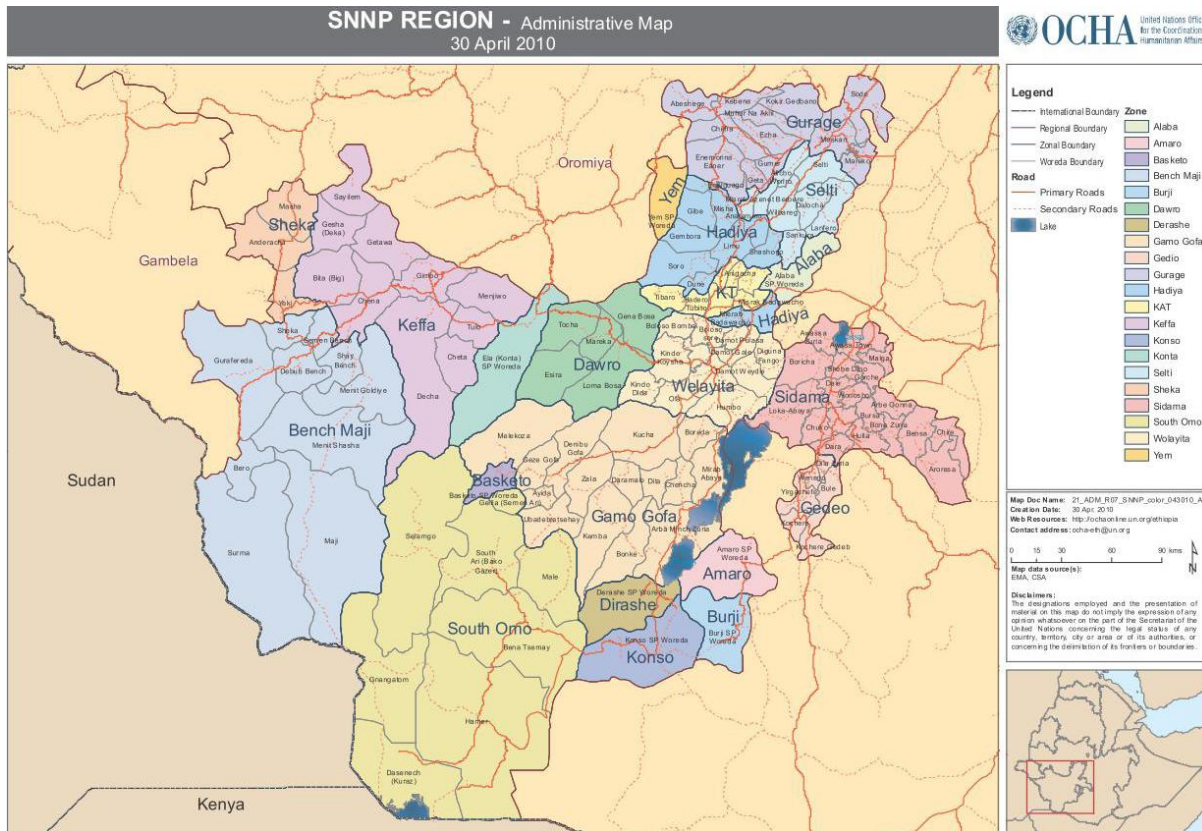
As far as the land rights of women during the rule of the feudal state is concerned, the very few literature suggest that women appeared to have almost no land rights in most parts of the country except in northern Ethiopia. A turning point, in this regard, came at least in principle when the Military Government introduced a gender sensitive land reform in 1975. Even this one seemed very far from realizing the property rights of rural women’s land rights because it was implemented without the participation of either women or their organizations in the whole of Ethiopia (including Wolaita areas).

4 TRADITIONAL LAND SYSTEM AND WOMEN’S LAND STATUS IN RURAL WOLAITA

Chapter four is concerned with the discussion of two main issues. The first one has to do with the specific features of Wolaita Zone. To this end, I deal with the following issues in the first part of the chapter – geographic location, climate and topography; population and demographic dynamics; household structure and marriage practices; labor organization; livelihood systems; and gender relations. In the second part of this chapter, I treat the traditional land system and women’s land status in rural Wolaita. It should be kept in mind that the discussions presented hereunder apply also to each district and village within the boundary of the Zone including Soddo Zuria District and Wareza Lasho Village.

4.1 Geographic Location, Climate and Topography

Map 2: Administrative Map of SNNPR and Wolaita Zone (Yacob 2010:40)



Wolaita Zone (WZ) is the home of the people of Wolaita and is located in the Southern Nations, Nationalities, and Peoples Region (SNNPR), one of the regional states in the Federal Democratic Republic of Ethiopia. The establishment of Wolaita²¹ as a zone dates back to 2000 with the merger of 12 districts. The study site – Wareza Lasho Village – is found in Soddo Zuria District of the Zone.

The Zone is bordered by Hadiya and Kembata Tembaro Zones in the north, Gamo Gofa Zone in the south, Dawro Zone in the west, and Sidama Zone and Oromia Regional State in the east (Wolaita Development Association [WDA] 2006:8). The land area of Wolaita measures 438,370 hectares, or 4500 km², of which 54 percent is currently cultivated, 11 percent employed for grazing, and 21 percent under bush, shrubs and forest cover (Dessalegn 2007:5).

In terms of agro-ecology, the Wolaita area is mainly characterized by three climatic variations. These are midland [*woyna-degga*], arable highland [*degga*] and lowland [*qolla*]. According to WDA, nearly 60 percent of the land lies in the midland, nine percent in the arable highland and 35 percent in the lowland climate zones (ibid.). Moreover, Dessalegn notes that more than 75 percent of the human and livestock population are to be found in the midland and arable highland climatic zones that also account for some 80 percent of the food crops produced in Wolaita (ibid.).

The areas in the arable highland and midland climatic zones are also favorable for the production of most of the root crops commonly consumed by people, as well as for *teff*²², wheat, barley, maize, and coffee. On the other hand, maize, sorghum and, at least in the past, cash crops such as tobacco and cotton are the main crops in the lowland areas (WDA 2006:9). Settlement in the lowland areas has been prevented by the fear of malaria and animal diseases, but with progress in the control of livestock diseases, the areas are being increasingly inhabited by hard-pressed farmers from the highlands.

The topography of the Zone is featured by some rugged terrain with steep hills and mountains, flat plains and bush and shrub lands. As Dessalegn states, altitude ranges from 1100 to 3000 meters above sea level. In the midland areas, where the majority of the people live and where

²¹ The word Wolaita describes both the people and the geographic area they inhabit.

²² Ethiopian staple food crop.

economic activity is concentrated, rainfall is bimodal with the heavy rains from July to September (the *meher* season), and the short rains (*belg* season) from February to April (ibid.:5). In normal circumstances, rainfall ranging from 1100 to 1300 mm is expected in the higher altitudes while in the lowlands, it may average from 600 to 900 mm (WDA 2006:8).

4.2 Population and Demographic Dynamics

The Wolaita area has always been characterized by high population pressure. This fact is based on the accounts of scholars who speak of dense settlements and crowded markets in the past. At present, the population is overwhelmingly rural. Based on the 2007 census, Dessalegn points out that Wolaita has a total population of about 1.7 million with the urban population making up 8.7 percent. In comparison, the urban population at the national level is 16 percent (ibid.:6). Compared to other Zones within SNNPR, Wolaita stands as the least urbanized. According to WDA, 50.5 percent of the population is female while the rest is male (ibid.:8). Here is data on the distribution of rural and urban population from some selected districts within Wolaita Zone.

Table 1: Wolaita population from some districts (Dessalegn 2007:7)

District	Rural population	Urban population	Total
Bolosso	333,145	30,846	363,991
Damot Gale	293,145	33,948	327,093
Damot Woyde	210,513	6570	217,083
Humbo	135,386	4851	140,237
Kindo Koysha	197,699	6396	204,095
Offa	156,521	5065	161,586
Soddo Zuria	233,427	62,049	295,476
Total	1,559,836	149,725 (8.7%)	1,709,561

This is the only available detailed data which shows the rural-urban distribution of the population in certain selected districts of the Zone. Its purpose is to emphasize the fact that the majority of the Wolaita people live in rural areas.

Because of the absence of accurate and up-to-date population figures, it is difficult to generalize about the growth of the population over the decades. However, the statistics from WDA suggests that the annual growth rate has been very high, which is 2.9 percent (ibid.:9).

High fertility rate is also the common feature in the Zone. According to Dessalegn, the average rural women in Wolaita has 6.9 children during her reproductive years (ibid.:8). The population is growing in spite of the fact that productive resources and environmental assets (like land, soil, natural vegetation, and water resources) have considerably decreased over the last four decades.

In terms of population density, Wolaita Zone is one of the areas that have high population concentration in the country. In this regard, as Dessalegn states, Bolosso has a population density of 637 persons per km², Damot Gale 750 persons per km², Soddo Zuria 438 persons per km², and for the Zone as a whole the density is 360 persons per km² (ibid.). It should be noted here that such demographic concentrations are causing rural vulnerability and poverty in the area.

The environmental resources in the Zone are also under immense pressure due to high population pressure. Dessalegn and WDA state that:

Much of the forest cover of the area has long disappeared; there is continuous cropping of farmland. Soil fertility is declining and there is a high rate of soil erosion. Grazing areas are also declining since all available land, including grazing and marginal land, is being turned into farmland (Dessalegn 2007; WDA 2006).

Another demographic characteristic of the Zone is the great immobility of the population, that is, the limited movement of people within the rural areas and between the rural and urban areas. Dessalegn argues that low urbanization and limited history of long-term or permanent out-migration are the causes for such phenomenon in Wolaita. He further contends that population immobility is also aggravated by the absence of alternative sources of employment, and by inheritance systems of the area (ibid.).

Generally, it can be said that Wolaita Zone is mainly rural and it accommodates a very large number of its population over a small land size.

4.3 Household Structures and Marriage Practices

The household/family in Wolaita is an important unit that determines the day-to-day socio-economic activities and wellbeing of individuals as well as the people as a whole. As Berhanu (1995:22) notes, household is both a production and consumption unit, as well as a cultural and biological one where biological and social reproduction takes place, where the values and norms of the society are passed from generation to generation.

Thus, individuals give due consideration to establish a family of their own and define their position in the household developmental cycle because of two main rationales. According to Berhanu, the first reason is to have access to resources and the second one is to be fully integrated into the society and actively participate in the daily socio-economic activities (ibid.). The high value of household establishment among the Wolaita means that clans have a relatively limited role to play in the daily lives of people.

As Berhanu notes, the role of clans in Wolaita is limited only to the regulation of marriage. However, lineages have more value than clans, for members of a lineage usually carry out social and economic cooperation (ibid.:23). In other words, traditional norms and values of the Wolaita seem to prescribe that mutual help and cooperation be performed among minimal lineage.

In Wolaita, a family is basically composed of husband and wife or wives, children and near kin, husband's or wife's father or mother or any other kin which may join the household by adoption or any other reason (ibid.:24). The expansion of a household by including dependants depends upon social and economic factors as well as the developmental cycle of households.

Traditionally, as Berhanu argues, the objective of welcoming dependants is based on two reasons. The first is for recruiting labor and the second is for gaining social prestige. The latter is important in that wealth sharing in Wolaita was undertaken by helping and feeding the poor kin and non-kin and allowing them be members of the household (ibid.). The trend of creating very large households has been going on in Wolaita despite economic retardation, recurrent drought, and land shortage in recent years.

Based on tradition, the institution of marriage is the means through which the establishment of a family is carried out. In Wolaita, marriage is virilocal since the society is patriarchal. Moreover, a household has to normally undergo three phases of development. Berhanu mentions the three phases (stages) of household development in Wolaita. These are formation stage [*wodalla-ketta*], expansion stage [*dalga-ketta*] and phase out stage [*wogasso*] (ibid.:29). It should be noted here that the demographic features, status of factors of production (land, livestock, and labor) and social standing of a family may vary from phase to phase. Let me present the features of the three stages of a household as follows.

Formation stage: At this level, newly married couples are responsible for the formation of a household of their own. Residence at marriage is patrilocal. Following marriage, therefore, wife's labor is transferred to the husband or, temporarily, to his parents. The new couples will mostly stay for two years in the house of the husband's parents, both contributing labor. After that, they become independent whenever the husband's father gives land and some cattle to them. The wife also gets gifts from her husband's mother and her own parents (Berhanu 1995:30-31).

Expansion stage: The boundary between the first and second stages is difficult to discern. The expansion stage, however, is mainly characterized by the presence of grown-up but unmarried children, and continues until the elder child is married. In terms of status, a household at this level enjoys better material and social standing than the one at the formation stage. Demographically, it includes the couple, their children, other kin and non-kin members (ibid.:34). Generally, this stage seems to be economically self-sufficient for there are cattle, land and labor.

Phase out stage: The marriage of the elder child marks the decline of the expansion phase and the start of the last stage of a household. This phase continues until all the children are married. Also, the phase out stage ushers in the replacement of the older parents by the family of their children, and is the point where the older household is phasing out. Older parents may, therefore, face labor shortages. Hence, elder sons have the social obligation to support their old parents because they are the ones who inherit valuable property. Alternatively, older parents may adopt kin, preferably grandsons to get the help they need (Berhanu 1995:37-38).

In sum, it can be argued that the establishment of households is so significant among the Wolaita that every young member of the society acts to create one by marrying someone and thereby fulfilling the expectations of parents and relatives.

4.4 Labor Organization

As any other agrarian society, the Wolaita follow certain traditional principles and rules to divide and organize labor as a means of sustaining their livelihood. Labor can be accessed from family members in a household and neighbors and kin in the form of an exchange arrangement. The recruitment of labor is always driven by the need to undertake agricultural activities and strengthen the socio-cultural cohesion of the society.

During times of heavy workload, Wolaita families get extra labor from a number of traditionally organized work parties (neighborhood cooperation arrangements) that are defined based on gender. According to Berhanu (1995:143), labor is pooled from three types of work parties; namely, *tikie*, *zaye*, and *dagua*. Let me briefly explain each of the work parties.

Tikie: A small number of children [5-10] from the immediate neighborhood come together to work on small tasks for fixed hours in a day. The objective is to do weeding of maize, millet, Irish and sweet potatoes on the basis of reciprocity. Usually, *tikie* members are supervised by elderly people for this is to train children about farming and cooperation (ibid.:144-145).

Zaye: 7-20 adult men are selected to form *zaye* based on neighborhood as criterion. It is seasonal, reciprocal and is meant for ploughing, sowing, weeding and harvesting. Even though every member participates in decision making activities, the advices and suggestions of elderly people get due consideration in *zaye* (ibid.:145-146).

Normally, *zaye* members not only work on the farms of strong families, but also assist the needy ones in the neighborhood. In this regard, as Berhanu notes, they dedicate one or two days for supporting families without adult men and women-headed households in agricultural activities. Because of the nature of work in *zaye*, women do not take part in it. Women, however, are able to create the equivalent of *zaye* called *zizaria* with the purpose of cotton spinning for making traditional clothing (ibid.:146-147).

Dagua: This work party is mostly organized for two purposes: house construction and large-scale agricultural activities such as ploughing, sowing, weeding, and harvesting. *Dagua* for agricultural activities draws the labor of not less than 30 adult men usually from a larger neighborhood. Immediate reciprocity is non-existent but future service will be provided to other families upon demand (ibid.:147-148).

In addition, *dagua* for house construction is crucial and involves quite a long period of preparation. Members of this *dagua* type engage in the construction of a house during the months of December to January, when major agricultural activities are over. Further, a household head announces schedule of the construction of his/her house publicly by blowing a horn while *dagua* members work on another person's house. Thus, young and elderly men come on the set date. Adult men do the actual house construction while the young ones bring building materials. Elderly men also supervise the activity. The role of women is the preparation of food and drink for the *dagua* members (ibid.:148-149).

Generally, *dagua* is a male work party, but women can organize their own when they have large-scale activities like *enset* (false banana) harvesting, wedding and any other labor-demanding activities.

Traditional work parties are not the only manifestations of the organization of labor in Wolaita. In addition, other organized mutual self-help institutions serve to demonstrate the nature of labor organization in the area. These are *idrya*, *shuffo*, and *mabarra*. They are organized based on neighborhood, religion and gender. Let me discuss each one of them as follows.

Idrya: Originally, this was a form of neighborhood institution created to help members during the death of an individual by covering funeral expenses and contributing labor for the event. Besides a regular payment, members are expected to contribute some money when their fellow member dies (Berhanu 1995:152).

Idrya members have the social obligation to take care of the family of the deceased. In so doing, they clean the house of the deceased after the burial ceremony for certain days. If a woman dies, her house will be cleaned for two days while the same will be done for three days if a man dies. One should be a resident in the community where *idrya* is found to be eligible for membership.

Members can be drawn from any religion; they can also be male or female and rich and poor (ibid.:152-153).

In recent times, *idrya* is expanding its functions in the society. It mobilizes members to assist one another in times of house construction, wedding and agricultural activities (ibid.).

Shuffo (Shuffuwa): This is a traditional thrift institution. A group of people [mainly women] agree to make a weekly or monthly financial contribution [magnitude higher than in other systems], the collection of which goes to a member according to a pre-arranged turn system. The turn is established on need basis. Social, not commercial considerations determine its rules. People often join *shuffos* to acquire an asset [for example an ox, a cow, or to start small businesses] (ibid.:155).

Formerly, *shuffo* was meant for pooling butter [especially among women] on a weekly basis from members and giving it back to one member at a time based on the pattern of rotation until everyone gets their turn. Nowadays, it has become a formalized institution like that of *idrya* (ibid.).

Mabarra: This is another kind of traditional self-help institution that is established by people of the same sex and identical religion. The intention basically is to observe and honor a religious holiday once in a month by members (ibid.). In general, Pankhurst (cited in Berhanu 1995:160) explains the differences among the three self-help institutions as follows:

Individuals often pool their resources as a way of stretching them over a wider terrain, as a form of insurance, or as a way of making investments possible. *Idrya* can be seen as a form of insurance, *shuffo* as a form of investment, and combination of livestock, land and labor sharing procedures as ways of stretching resources. . . .A contrast can be made between *idrya* and *mabarra*. The rationale of the former is that regular contributions provide insurance against one-off expenses in times of sorrow. *Mabarra*, on the other hand, involved regular consumption and the payment of a one-off event, in a joyful setting. The two look like mirror opposites, both in a religious setting.

In general, it can be argued that labor is one significant means of production among Wolaita families that they access it from their family and members of the immediate neighborhood and

beyond through an exchange system to carry out agricultural activities and house construction. Families also join the locally based community self-help institutions with the aim of accessing financial and other resources and getting the support they need during weddings, holidays and times of sorrow. Women also take part in the local self-help institutions so as to fulfill their needs and contribute their share to the society.

4.5 Livelihood Systems

The livelihood of the majority of the rural populace in Wolaita is predominantly based on land resources and the farming system. Animal husbandry and petty trade are also other modes of survival in the area. Generally, most people are believed to be deriving their livelihood from a subsistence rural economy. Let me first explain some points about agriculture.

4.5.1 Land Resources and Agriculture

Agriculture is the chief but fragile means of survival and backbone of the rural economy in Wolaita Zone. It is fragile because the farming system has been operating under the insufficient supply of farm assets (oxen, land, labor, and livestock). In particular, the continuous fragmentation and acute shortage of land resources is one of the factors that have prompted the shift from small-holder agriculture to micro-agriculture²³ in the Zone. This, according to Dessalegn (2007:10), is a significant shift accompanying the growth of poverty and the stagnation of the rural economy. Other factors that contributed to the shift include: population growth and demographic stress; environmental deterioration and the loss of soil fertility; lack of employment opportunities and of livelihood diversification; and the land system in place since the second half of the 1970s but whose origins must be sought in the Imperial period (ibid.).

Land in Wolaita continues to be an extremely scarce asset. Supporting this, Dessalegn argues that two-thirds of the households are micro-holders, their holdings measuring less than 0.5 ha (ibid.:11).

²³ Micro-agriculture or micro-farm systems are those in which a household's basic farm assets (oxen, land, labor, and livestock) have become insufficient, and farmers become trapped in production for sheer survival. Small-holder agriculture or farming systems, however, are relatively more resilient than micro-farm systems (Dessalegn 2007:10).

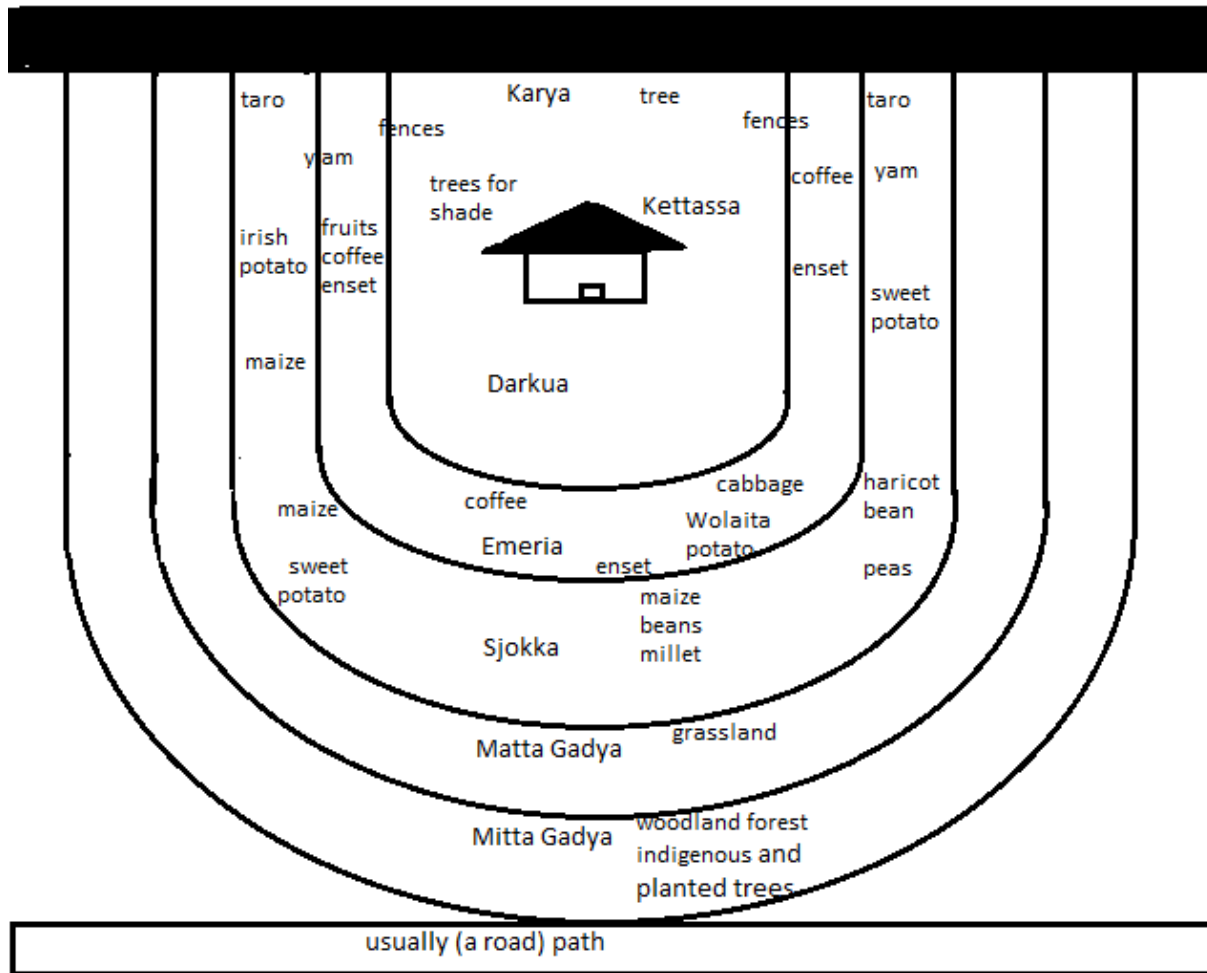
Despite these circumstances, Wolaita farmers/peasants are struggling to make a living from the subsistence farming system. Basically, Wolaita is located in what is termed as the *enset* farming system (also known as *enset* complex or *enset* culture). According to Dessalegn (2007:13), this system involves the dynamic integration of *enset* and other root crops (taro, sweet potato, and other tubers) with cereal crops in a regime of intensive cultivation.

Enset is a strategic crop in Wolaita that determines what cereals to cultivate and how much of the family's land to devote to other crops. Thus, as Dessalegn notes, cropping plans, land and labor use, and consumption and marketing decisions depend on the cultivation of *enset*. Moreover, *enset* and tuber cultivation uses less land than cereal agriculture to cover a family's needs (ibid.).

Farmers appear to prioritize the cultivation of sufficient *enset* on their land because it is after *enset* plantation that they cultivate other crops that have high market value such as *teff*, barley, maize and pulses. This means, a household's decision on crop diversification and crop mix is highly based on the number of *enset* plants cultivated and their stage of maturation.

Because of such practices, the *enset* farming system has been able to provide "sustainable" agricultural yields to the farming population until recently. In this regard, the unique nature of *enset* plant has contributed a lot to the resilience of the system. In Dessalegn's words, "*Enset* can tolerate a considerable degree of moisture loss. In addition, it can, if hunger looms, be harvested before it is fully mature" (ibid.).

Figure 2: Traditional land use pattern in Wolaita areas (Berhanu 1995:66)



As can be seen from the figure, a typical farming family in Wolaita uses the available land for settlement and agricultural activities. Land meant for settlement consists of the front yard (*karya*) and homestead (*kettassa*). Land for agriculture can further be divided into garden and farm plots. The garden plot (*darkua*) is the domain of women's horticultural activities. The farm plots are usually next to *darkua* and are called *emeria* and *sjokka* (*shoqa*). *Emeria* is a farm plot where crops of high social and economic value like *enset*, coffee and other root crops are cultivated. The *sjokka* (*shoqa*) is reserved for the cultivation of cereal crops like maize, *teff*, barley, sorghum and horse bean. *Matta gadya* and *mitta gadya* are also other plots of lands within a farming family's control. The former is usually covered by grass while the latter is under indigenous and other tree cover (Berhanu 1995:65-66).

A good agricultural yield is also the result of a wise land use pattern at local level. A typical household in Wolaita, therefore, may divide its plots into three or four fields based on the location and ecological setting to carry out agricultural activities. Dessalegn (2007:13) aptly explains the traditional land use pattern hereunder:

Around the house is the *enset* garden; beyond that is the *darkua* plot which may grow coffee, *enset* and tubers such as taro, sweet potato and frequently maize. The outer plot is called the *shoqa* field where maize and other cereals are grown. Some households have a small patch surrounding the *shoqa* which is called *outa* (refers to *matta gadya* and *mitta gadya*) and which is covered with grass and trees. All homesteads have a front yard which is used for threshing and also for cultural purposes.

In recent years, however, farmers in Wolaita are shortening or abandoning fallowing thereby putting the farming system under immense pressure. Thus, according to Dessalegn, farmers are currently cultivating the land continuously and therefore impoverishing it in the process. The rotational system of cropping widely practiced now is geared more to securing a family's food needs instead of improving soil fertility. Common rotational approaches are: tuber – maize – tuber – maize; maize – tuber – *teff*; and sometimes *teff* – maize – pulse – *teff* (ibid.:14).

Finally, it is important to note that population growth and land fragmentation are forcing Wolaita farmers to gradually change the age old traditional land management schemes, cropping strategies and land use patterns and further making the farming system vulnerable.

4.5.2 Animal Husbandry and Petty Trade

Animal husbandry is another source of livelihood in Wolaita, yet with a meager contribution to the rural economy. Traditionally, farmers' need for organic fertilizer has been met with the manure from the animals raised. This entails that livestock, particularly cattle, are important assets. Moreover, a family with sufficient cattle gets enough manure for its farm fields.

Dessalegn, however, argues that large numbers of families do not have sufficient livestock and hence not enough manure for farms. He also contends that a third of households do not own any cattle at all, and another 40 percent own only one or two heads of cattle (ibid.:15-16). The short supply of cattle in the area seems to complicate the livelihood of poor households. According to

Dessalegn, they depend on traditional schemes of co-rearing or share-rearing of livestock, but even this is becoming difficult because the ranks of the richer households who are the source of the cattle “leased” to the poor are diminishing (ibid.).

In Wolaita, not only land but also farm oxen are the scarce means of production. The distribution of oxen appears to be uneven in the past. The same problem is also lingering in the present. Supporting the foregoing argument, Dessalegn points out that 56 percent of farmers do not have draught power, 25 percent are one-ox households, and only 19 percent own a pair of oxen. He also stresses that many of the poor households depend on schemes involving joint use of animals (ibid.:15).

The widespread poverty in the area seems to discourage farmers from buying oxen as well as other cattle. This, on the other hand, is believed to be forcing the rural population to look for alternative options for employment and income. Hence, petty trading (usually itinerant trading) has emerged as the most common form of earning additional income for farmers.

As Dessalegn (2007:18) notes, the plethora of weekly markets as well as small, daily neighborhood markets that are common in rural Wolaita areas encourage petty trading for both men and women. Women, particularly, are active traders and most are also involved in selling homemade food and traditional beverages. However, they are more restricted in their movement than their men-folk (ibid.).

The mode of conducting petty trading between wealthy and poor farmers appears to differ in some ways. Dessalegn argues that wealthier farmers are larger traders since they own pack animals and can transport more goods from one market to another, and can reach more markets that are distant. On the contrary, poorer farmers engage in selling and buying small items and do not travel far (ibid.).

Generally, Wolaita farmers engage in animal husbandry at a small scale to supplement their subsistence household economy. They also take part in off-farm activities like petty trade and generate money for the household since agriculture no more brings all the income they need for their livelihood. Women are active participants in the small trading businesses.

4.6 Gender Relations

As is stated previously, the creation of households by men and women through marriage is given due respect among the Wolaita since it is the lifeline of the society. A typical Wolaita household is normally headed by the husband who is traditionally defined as the manager of the household. The wife is in the second place followed by children whose status varies based on seniority and sex. Kin and non-kin can also be part of a certain household.

Traditionally, as Berhanu (1995:54) argues, a married woman is encouraged to bear as many children as possible due to the social significance children have in the society. If she is childless, she takes the blame and the husband is allowed to marry a second wife without divorcing the first. Hence, the practice of multiple marriages strengthens the power of husbands in the household (*ibid.*).

The rationale behind having many children [especially male] is based on the belief that they are instrumental in ameliorating the strength of a particular lineage. According to Berhanu, female children are not favored mostly as they don't strengthen the father's lineage, and as their labor is also transferred to another household through marriage (*ibid.*:55). This implies that the marriage of a man is an important means for appropriating labor from him and his wife by the man's parents before they establish their own household.

Cognizant to the patrilineal nature of Wolaita society's organization, it can be argued that women are generally dependent on their husbands in household power relations. As Berhanu notes, the basic factors of production such as land, traction power, and implements have been owned until recently by men. Women own some cattle usually cows and small animals (*ibid.*:58). The control of the factors of production by men means that they also control the agricultural produce.

Pankhurst (cited in Berhanu 1995:59) succinctly explains the traditional ownership structure and decision-making pattern of rural households in Wolaita as follows:

A mere functional factor in gender entitlements is that, with the exceptions of vegetables, spices and herbs, before any crop can be touched, the man of the household must have given his permission . . . Once the permission is granted, women can generally harvest what they need, and it is up to them to try and make crop last.

In addition, gender is a significant factor for defining the gendered division of labor within and outside the household in rural Wolaita as it is the case in other traditional societies. Until recently, the general tendency has been to allocate women's labor for domestic chores while allocating men's labor for farming activities. This is not, however, to deny women's participation in agriculture. As Berhanu argues, women's involvement in farming has been limited to the cultivation and harvesting of vegetables and root crops in the garden plot and manuring the farm field. They also help in harvesting cereal crops (ibid.:56).

Despite this, the increased participation of women in petty trade over the years seems to have changed the gender relations between wives and husbands in male-headed households. According to Berhanu, women's earnings from small trades have significantly contributed to the maintenance of a family's economic needs thereby improving their bargaining power in the sale or purchase of livestock and land renting (ibid.). The changing identities and roles of Wolaita women within the household are in line with the arguments of Logo and Bikie (2003) about their conceptions of women presented in chapter two of this thesis.

In the public domain, men's role has been visible in social and political endeavors of the society. Therefore, as Berhanu notes, messages from peasant associations, assignments from the local government and any other organizational and community affairs concerning the household have all been communicated through the male household head (ibid.). In women-headed households, mothers have unquestionably done the communication of such matters for they are household heads. This, however, has been conditional because the mother's role may be taken over by her grown-up elder son, if she has one and if he is in a position to assume the responsibility.

In sum, it can be stated that men appear to be active players within the household and beyond in rural Wolaita areas. In particular, in male-headed households, they control the means of production and agricultural output, and seem to have a major say on household income. This does not, however, mean that women's role is only limited to domestic chores. They do

participate in agricultural activities and engage in petty trade to generate income for their family. In female-headed households, women assume the responsibility of running their household and contribute their share in public life. They also seem to seek the advice and assistance of their male relatives for farming activities. I reflect more on these issues in chapter five.

4.7 Rural Women's Land Status in the Traditional Land System

As is stated in chapter three, the Wolaita area, like other areas in southern Ethiopia, was under the freehold landholding arrangement during the imperial times. All of the lands and natural resources were controlled by absentee landlords. The then Wolaita peasants were tenants who cultivated arable lands owned by landlords and delivered much of the agricultural produce to their masters after retaining some for their survival. In such a manner, Wolaita peasants used to have access to land that was used and managed according to the Wolaita traditional land tenure system. The peasant focus group discussions suggest that the Wolaita traditional land system survived through inheritance. The peasant focus group discussants also told me that they heard the oppression and exploitation of their ancestors by landlords and the then tenant peasants never knew of women's land rights.

By the time the Marxist regime came to power, it abolished landlordism and tenancy in Wolaita and other southern areas of Ethiopia by issuing the first modern state land law in 1975 (the land reform). As is discussed in the preceding chapter, the Marxist government created the rules and institutions based on the land reform legislation to translate it into practice. The land reform legislation served as a means through which the then government assumed the administration and management of all rural lands and other natural resources in all parts of Ethiopia (including Wolaita areas). This means that peasants had user rights over the land they were allocated by the Peasant Associations (PAs). PA leaders allocated land to male-household heads despite the fact that the modern state land law of 1975 recognized the land rights of both sexes. The state institutions established for the distribution of rural lands were also male dominated.

The land reform legislation also ignored the traditional land systems of all areas (including the Wolaita traditional land tenure system). The Wolaita traditional land tenure system, however, survived despite the fact that the then modern state land law did not acknowledge it. Peasants

in Wolaita areas were organized into PAs so as to secure their usufruct rights over a plot of land. The focus group discussion with land experts at Soddo Zuria District Land Administration, Use and Environmental Protection Office (SZD-LAUEPO) revealed that once Wolaita peasants secured a piece of land, they used to transfer their user rights to their sons according to their customary/traditional law. In other words, the transfer of land rights through gift, inheritance and renting was carried out based on customary law. Therefore, the Wolaita customary law co-existed with the modern state land law.

Peasants in the focus group discussion told me that Wolaita women were not given land by their parents when they marry because parents believed that daughters join other lineages in a village other than theirs (virilocal marriage). Daughters would get clothes and utensils up on marriage from their parents. Fathers usually gave land to their sons when the latter were ready for marriage. If the father died before allocating the family land to sons, elders did it according to seniority.

For daughters, as the focus group discussion with land experts at SZD-LAUEPO suggest, the only means of getting access to land was through the institution of marriage. However, the land and the agricultural produce from the land were generally under the control of the male household head. As is discussed above, married women cultivated vegetables and root crops on the land immediately behind the homestead (garden plot). They also did manuring of the garden plot and farm fields beyond the garden plot. Further, they participated in harvesting cereal crops.

According to my informants, daughters were unable to inherit land upon the death of their parents. Nevertheless, sons were entitled to inherit land. In addition, married women would keep all of the land when their husbands pass away provided that they have sons. The belief here is that sons would control the land whenever they grow up.

In the event of divorce, as my informants told me, women were not given land but they received cattle or cash money from their husbands after the case was presented before elders. The children usually stayed with their father.

A similar condition, which corresponds to the land status of women in rural Wolaita, is also available in Cameroon. Logo and Bikie (2003:55) found that women's land rights in

customary and/or traditional communities are limited to user rights over their fathers' or spouses' land. These rights, however, are precarious in that they can be lost in cases of divorce or widowhood. Lastarria-Cornhiel (1997:1322) also argues that under customary/traditional land systems, women in other sub-Saharan African countries generally get access to land upon marriage and they may continue to enjoy the same right upon the death of the husband only if they have a male child (See chapter two for more discussions on these issues).

My informants also told me that customary/traditional land law has defined the land status of women in rural Wolaita until the introduction and implementation of SNNPR's Rural Land Administration and Use Proclamation (through the land certification and registration program) in 2005.

Summary

Land is an important natural resource and the main provider of livelihood to rural households in Wolaita Zone despite the fact that the land size of each farming families is dwindling over time because of population pressure. Gender is also a significant factor in defining the relations between men and women, and in assigning their roles in the household and on the family farm. Hence, men undertake major agricultural activities and control the income from the agricultural yield. Women also take care of domestic chores, garden farming, manuring of farm plots and harvesting of cereal crops. Women's increased participation in small trades is helping the improvement of family income and redefining the household power relations in favor of women.

The land status of women in rural Wolaita has been dictated by the Wolaita traditional land system despite the adoption and implementation of the 1975 land reform in the area. In most cases, the Peasant Associations redistributed arable lands to male-headed households based on the influence of traditional and cultural practices. This means that the Wolaita traditional rules and institutions that govern land tenure have been in force together with the 1975 modern land legislation and its institutions. Thus, the transfer of land through gift, inheritance and renting has been undertaken based on Wolaita customary/traditional law. Under this system, women get access to land only when they marry and through inheritance if they have a male sibling.

5 THE LAND RIGHTS OF WOMEN IN RURAL WOLAITA

In an effort to formalize the land rights of women in SZD (including WLW), women in monogamous and polygamous marriages are issued joint landholding certificates with their husbands. Women family heads are also awarded separate landholding certificates for the same purpose.

5.1 Introduction

Ethiopia is ushered into a new political system in 1991 after the end of a fierce civil war between the Marxist regime and EPRDF forces. After the EPRDF forces took political power the same year, they immediately started to work on the Constitution of the nation based on the principles of democracy and human rights. By 1995, they are able to announce the new Constitution which fundamentally dwells on the concepts of ethnic federalism, democracy and human rights. Hence, the Federal Democratic Republic of Ethiopia (FDRE) is established by creating a federal government and regional states.

The Constitution unambiguously defines the powers and functions of the federal and regional governments by guaranteeing that each can establish its own separate legislative, judiciary and executive bodies. Accordingly, Ethiopia is presently divided into nine regional states and two city administrations. The nine regional states of FDRE are Tigray, Afar, Amhara, Oromia, Somali, Benshangul/Gumuz, Southern Nations, Nationalities, and Peoples (SNNP), Gambela and Harari. The two city administrations are Addis Ababa and Dire Dawa.

With this in mind, the chapter focuses on the land rights of women in rural Wolaita areas (SZD and WLW) under the modern land system of the SNNPR.

5.2 Women's Rights in the Ethiopian Constitution of 1995

The FDRE Constitution is credited for fully recognizing the democratic and human rights of all Ethiopians. One of the chief achievements of the Constitution is the recognition of the equality of all persons before the law and the equal protection of their legal rights by law. Article 25 of the Constitution stipulates that:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall guarantee to all persons equal and effective protection without discrimination on grounds of race, nation, nationality, or other social origin, color, sex, language, religion, political or other opinion, property, birth, or other status (FDRE Constitution Article 25).

Another important achievement of the Constitution has to do with the rights of women and children. The referred rights are provided in the Constitution for the first time in the country's legal history (under articles 35 and 36 respectively).

The rights of women are now guaranteed in the Constitution owing to the fact that women suffered from inequality and discrimination under the past two government systems and their institutions as well as under traditional and cultural practices. Cognizant to this, the Constitution states that women have equal rights with men in the enjoyment of rights and protections provided by the Constitution (Article 35/1). It further prohibits laws, customs and practices that oppress or cause bodily or mental harm to women (Article 35/4).

Women are also entitled to affirmative measures so as to enable them to compete and participate on the basis of equality with men in political, social and economic life as well as in public and private institutions (Article 35/3).

Women have the right to have a say on national development policies and projects. According to the Constitution, they have the right to full consultation in the formulation of national development policies, the designing and execution of projects, and particularly in the case of projects affecting the interests of women (Article 35/6).

Regarding property and inheritance rights of women, the Constitution clearly proclaims that they enjoy equal rights like men do. Article 35/7 recognizes that:

Women have the right to acquire, administer, control, use and transfer property. In particular, they have equal rights with men with respect to use, transfer, administration and control of land. They shall also enjoy equal treatment in the inheritance of property.

It can thus be argued that the FDRE Constitution does not differentiate or discriminate between women and men in the process of acquisition and management of land and other property. In a similar fashion, the 1996 revised Constitution of Cameroon recognizes women's rights and specifies that all Cameroonians have rights to use and enjoy property (including land) and that these rights are guaranteed by law (Logo and Bikie 2003:53).

5.3 Land Rights of Rural Women 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, which is over sixty one million (Central Statistical Agency of Ethiopia [CSA] 2008:19)²⁴. In particular, agriculture accounts for half of the gross domestic product (GDP), 43% of exports, and 85% of total employment (Zenabaworke 2003:289). Based on these facts, the government has repeatedly

²⁴ According to the Population and Housing Census of CSA, Ethiopia's current population is 73, 918, 505. Of these, 37, 296, 657 (50.5%) are males and 36, 621, 848 (49.5%) are females (CSA 2008:8).

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).

In this regard, the government has taken a very firm stance about the state of public ownership of all land and natural resources in the country. It strongly stands against private ownership of all land and other natural resources by individuals, groups and institutions. It always justifies its stance based on the following three reasons. These are:

- a) Large number of peasants will sell, heavily mortgage or otherwise transfer their rights to others and end up [being] landless;
- b) That privatization will allow the upper peasantry to dispossess the poor, and land will be concentrated in fewer peasants and thus, rural society will become divided into the rich and poor, the latter ending up as dependants on the former; and
- c) There is considerable investment capital lying idle in the urban areas which will be used to buy up rural land thus create a class of landless peasants. Land will thus be concentrated in the hands of business, urban or non-indigenous elite (Kifle 1999:135).

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 councils 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). Ethiopian women, however, cannot own or sell the land they are entitled to because the land bill forbids ownership rights.

5.4 SNNPR's Rural Land Administration and Use Proclamation and the Land Rights of Rural Women in the Region

The Southern Nations, Nationalities and Peoples Region (SNNPR) is one of the nine regional governments in the FDRE. It is made up of 13 zones and eight special districts. The research site is Wareza Lasho Village [WLV] (under the Soddo Zuria District) and is located in Wolaita Zone, one of the zones in the SNNPR.

The region is the third most populous part of the country with a total population of 15, 042, 531. Of these, 7, 482, 051 (49.7%) are males and 7, 560, 480 (50.3%) are females. Most of its population (90%) lives in rural areas (CSA 2008:13 &19). The majority of the people also derive their subsistence from agricultural activities. Therefore, land is a critical natural resource in the region which needs to be appropriately used and administered by the state and its population.

The SNNPR took two important measures before it started to deal with the actual formalization of the land rights of women in the rural areas of the region. The first was to enact the regional rural land administration and use proclamation and the second was to establish responsible

institutions that work on land titling and certification matters. Let me discuss about the first issue in this sub-section.

5.4.1 The Legal Setting

The government of SNNPR proclaimed a rural land administration and use law in 2003 (Proclamation No. 53/2003) for the first time based on FDRE's Constitution and FRLAUP 1997 to undertake the administration of all rural lands and natural resources under its auspice. The 2003 rural land law is repealed after a revised one is issued in 2007. It is revised because it is supposed to be in accordance with FRLAUP 2005. The following discussion is on the land rights of rural women in the region based on the Rural Land Administration and Use Proclamation of the SNNPR (Proclamation No. 110/2007). The discussion also applies to rural women of Soddo Zuria District (particularly to Wareza Lasho Village women).

The rural land law of the SNNPR unambiguously states in its preamble that all rural land and natural resources belong to the regional government. Rural lands in the region are classified into three types of holdings: private, communal, and state. These can be used for agriculture, settlement, grazing animals, traditional and religious festivities and development activities by individuals, the government and its institutions, and non-governmental organizations (SNNPR's RLAUP 2007).

A striking feature of Proclamation No. 110/2007 is that it expressly proclaims the land rights of women in the region. In this regard, the preamble expresses its conviction that ensuring women's landholding right is necessary for agricultural production and productivity and to speed up environmental conservation and development in the region (SNNPR's RLAUP 2007).

Peasants, semi-pastoralists and pastoralists who are engaged in agriculture are entitled to get usufruct rights over a plot of land free of charge and for life (Article 5/1). Moreover, any resident of the region who wants to live by farming and is 18 years or above has the right to get and use rural land. This provision also applies to women (Article 5/2 & 3).

The user right of women over land in male-headed and female-headed households is fully acknowledged by the rural land proclamation. Regarding the first case, the proclamation provides that a husband and wife have equal user right on their common land holdings (Article

5/5). The same article also states that both of them will not lose their user right over land that each possess before marriage. In the case of female-headed households, the law stipulates that women have full user right on their holdings (Article 5/6).

Women whose husbands are found being engaged in government services or in any other activities shall have the right to use rural lands (Article 5/7). What is more, the landholding rights of a rural family cannot be lost if the land holders leave their area of residence or the husband or wife or both of them die (Article 5/9).

In accordance with FRLAUP 2005, rural land can be obtained in the SNNPR through three mechanisms: gift, inheritance and allocation by government institutions (Article 5/11).

Any rural landholdings should be measured using traditional and modern measuring equipments and its land use and level of fertility is registered. The next step is to give landholding certificates to each land holder. The landholding certificates contain information about the size of the land, land use type and cover, level of fertility and boundaries, as well as the rights and obligations of the holders (Article 6/1 & 3).

Women are entitled to one of the following three landholding certificates depending on their condition. If they are in a male-headed household, they are awarded a joint landholding certificate. In cases where women are household heads, they are given a landholding certificate in their names. The same is applicable to women whose husbands are engaged in activities other than farming (Article 6/4, 5 & 6).

The transfer of rural land user right is allowed under Article 8, sub-article 1. Hence, any land holder with landholding certificate²⁵ can rent out land for farmers or investors only if it doesn't displace his/her family. The proclamation also specifies the duration of contracts for land renting. If the contract agreement is reached between peasants, the duration shall be up to five years. In the case of a contract agreement between peasants and investors, the duration shall be up to ten years. Whenever a contract agreement is settled between peasants and investors who cultivate perennial crops, the duration shall be up to 25 years. Any rented land has to be returned to the land holder up on the expiration of the contract agreement (Article 8/1a, b, & c).

²⁵ "Holding certificate" means certificate of title issued by a competent authority to ensure rural land use right (SNNPR's RLAUP 2007).

Land renting cannot be undertaken without the consent of the family of the land holder and it should then be approved and registered by the responsible government institution. The approval and registration of a contract agreement for up to two years will be done at the headquarters of the Village Administration. A contract agreement with a duration of more than two years shall be registered by the concerned authority (Article 8/2a & b).

Legal land holders can also transfer the property they produced on their land. In this regard, Article 8, sub-article 6 proclaims that any legal person who is given the right to use land has the right to sale, lease, bequeath and pledge the property produced by his or her labor or capital on his or her land.

Proclamation No. 110/2007 has also provisions about the obligations of rural land users. A holder of rural land is obliged to properly use and conserve his or her land. If the land holder fails to do so, he/she shall lose his or her user right. A rural land holder should also cooperate when requested by the concerned authority to measure and survey his/her land. When a land holder abandons his/her land use right, he/she should notify the concerned authority and return his/her landholding certificate (Article 10/1, 3, & 4).

Land dispute settling mechanisms are stipulated on the proclamation. When dispute arises over rural landholding right, the case shall be brought to the village land administration committee. The committee then lets the dispute be resolved by negotiation and arbitration through local elders appointed by the two parties. If the disputants are dissatisfied by the decisions of the local elders, they have the right to appeal to a regular district court. The next avenue for appeals is the higher court at zonal level. The final decision on appeal cases is passed at the Supreme Court of the SNNPR (Article 12/1, 2, 3, & 4).

It is safe to contend that SNNPR's rural land law does not formally attempt to subordinate rural women's land rights in the region. Other regional states (Tigray, Amhara, and Oromia) also promulgated gender sensitive and gender neutral rural land laws with a view to tackle tenure insecurity, empower women, and encourage increased land investments on the land (Dessalegn 2009:181). The remaining regional states have not yet created any legal instrument to deal with rural lands under their jurisdiction.

5.4.2 Institutional Framework

The SNNPR also established the institutions responsible for implementing the land registration and certification program throughout the region at all levels – regional, zonal, district, and village. As any other state institutions, they have responsibilities and duties to perform. Hence, the Agriculture and Rural Development Bureau (SNNPR-ARDB) of the region has been at the forefront of the land titling and certification program. According to Mr. Dansa Demissie, Head of the Land Administration, Use and Environmental Protection Office (LAUEPO) at Soddo Zuria District (SZD), “The actual implementation of the program has been shouldered by the Natural Resources Development and Environmental Protection Department (NRDEPD), a special unit under SNNPR-ARDB and accountable to it.” Mr. Dansa Demissie also told me that each of the zones and districts in the SNNPR established offices for agriculture and rural development along with the NRDEPD as one unit. The NRDEPD has had many responsibilities, one of which was the implementation of the rural land proclamation.

According to Mr. Ashenafi Awoke, Land Administration Expert at SZD-LAUEPO, “The NRDEPD was non-existent at the level of village administrations. There were, however, land administration and use committees (LACs). These committees were elected by village peasants through popular vote for 2-3 years term based on the 2003 rural land proclamation.” The proclamation demands the inclusion of at least one female member. Since 2003, therefore, LACs together with the village rural development agent have had the responsibility of implementing the land titling and certification program and only the former dealt with land disputes in their respective villages (Deininger *et al.* 2007:7).

LACs are still existent at each village administrations found in the region entrusted with similar responsibilities. But, the SNNPR-ARDB and NRDEPD are no more responsible for rural land administration and use issues. As Mr. Dansa Demissie said, “The regional council has established a new institution in 2010 because the 2003 rural land administration and use law is amended in 2007 and the regional authorities believed that the creation of a distinct organization enables to effectively implement the revised proclamation.”

The new institution is called SNNPR’s Land Administration, Use and Environmental Protection Authority (LAUEPA). It is established at each zones and districts of the region at office level. In

the same vein, the other regional states established an institution responsible for the translation of their respective rural land proclamations into reality and execute the land registration and certification program. Institutional instability, however, has been the main problem in the four regions (Tigray, Amhara, Oromia and SNNPR). The Amhara region, for example, established and restructured the Environmental Protection, Land Administration and Use Authority two times [in 2000 and 2009] (Berhanu 2009:21).

5.5 Land Registration and Certification in SZD and WLW

5.5.1 The Local Context: Wareza Lasho Village (WLW)

Wareza Lasho is one of the villages found in Soddo Zuria District of the Wolaita Zone. The zone is situated in the Southern Nations, Nationalities and Peoples Region of Ethiopia. It consists of a total of twelve districts including Soddo Zuria.

Wareza Lasho Village covers an estimated area of 841 hectare of land. Of this land size, 708 hectare is cultivable, 7 hectare is forest-covered, and 26 hectare is for grazing and degraded land. The village's climatic conditions run through two zones – midland [*woynadegga*] (75%) and arable highland [*degga*] (25%) (WLW Administration 2010).

The village comprises 1174 male-headed households and 167 female-headed households. The livelihood of the people is dependent on farming, animal husbandry and petty trade. Thus, crops like avocado, coffee, *enset* (false banana) and mango are cultivated in the village. People also cultivate crops such as maize, wheat, *teff*²⁶, chickpeas, beans, sweet potato, and potato. Three rural development agents (DAs) are assigned to aid the agricultural activity in the village. The DAs are concerned mainly about crop production, environmental protection, and animal husbandry. WLW also has one farmer-training center (WLW Administration 2010).

5.5.2 The Implementation of Land Registration and Certification in SZD and WLW

Before I discuss about the implementation process of land registration and certification in SZD and WLW, let me raise two points that help to clarify my arguments in this chapter.

²⁶ Ethiopian staple food crop.

The first one has to do with the motive behind formalizing the land use rights of rural women through land registration and certification in Wolaita Zone. According to Mr. Fikire Wunde, Land Administration Expert at the Wolaita Zone LAUEPO, the legalization of the land use rights of rural women in the zone is meant to address two objectives. The first one is to redress the social and cultural problems that disempowered women from having access to land. The second one is to put into practice the property rights (movable & immovable) rural women enjoy in the FDRE Constitution.

The second point deals with the status of the state institution responsible for overseeing land registration and certification in Soddo Zuria District (SZD). As is discussed above, the Agriculture and Rural Development Office of the district assigned the task of facilitating the implementation of land registration and certification as an extra responsibility to a department under its control - Natural Resources and Environmental Protection Unit. As Mr. Dansa Demissie said, the unit was coordinating and managing the implementation of the land registration and certification program since 2003 to March 2010 with small budget and inexperienced staff. It used to have four men and one woman staff. In April 2010, the same departmental staffs are told by higher officials that they are staffs of the newly organized Land Administration, Use and Environmental Protection Office (LAUEPO) under the auspices of SNNPR's LAUEPA. During my fieldwork, head of the office told me that budget is not yet allocated for the activities of the office.

Let me now deal with the process of land registration and certification in SZD and WLW based on my fieldwork data. It should be noted here that the land registration and certification program is not meant to distribute new lands but rather to demarcate, measure and give certificates to the already distributed lands by the Peasant Associations under the previous regime.

For peasants, as the peasant focus group discussions revealed, the process begins with an announcement in the village administration calling all land holders to attend a meeting on a specific date to discuss about the land registration and certification program. The formal announcement was preceded by rumors that individual plots were to be measured and land redistribution would take place.

At the meeting, as my informants told me, district and village authorities together with rural development agents (DAs) give an oral briefing about the purpose of the meeting, the land registration and certification program, and the region's rural land administration and use proclamation. I found that information meetings aim to reach to men and women household heads but not to women in male-headed households. Wives usually get the information from their husbands. All the peasants in the focus group discussions agreed that information campaigns are not enough and that they need more information about the proclamation and other subsequently issued regulations pertaining to land.

Peasants are then requested to elect five individuals from themselves to the land administration committee (LAC). My informants told me that women household heads usually participate on LAC elections. In addition, the community usually prefers individuals with good personal conduct and quality. I, thus, found that the village community without any representation of women mostly elects men. According to Mr. Demissie Oupa, Head of Wareza Lasho Village Administration, "The community in the village has the tendency not to elect women due to tradition." After LACs are elected, DAs and district authorities give them brief information and training orally about the proclamation and other regulations.

All LAC members in the focus group discussion noted that they need more awareness enhancing trainings about the regional land proclamation so as to successfully undertake the implementation of the land registration and certification program and deal with land disputes. They also told me that they usually go to the district LAUEPO to seek information and advice whenever they come across complex land dispute matters. Mr. Ashenafi Awoke also believes that LAC members should be exposed to frequent capacity building trainings to help them tackle land related problems based on the new regional rural land proclamation and regulation.

After LACs undergo information meetings and trainings, they then assume responsibility for the main preparatory tasks of land registration and certification supported by district and village officials and DAs. As Mr. Ashenafi Awoke said, the chief preparatory tasks include identification of individual plots, demarcation and boundary marking, measurement of plots and recording of personal details to be included in the certificate and land registry book, such as land holder's name and that of his/her spouse, names of siblings and heirs and other pertinent facts.

He added that disputes may arise at each stage of this process and the LAC either attempts to resolve them on the spot or refers the case to the village administration office.

The first step of the land registration and certification process is to identify the village boundary. According to Mr. Seta Chumiso, Rural Development Agent at Wareza Lasho Village Administration, “The identification of village boundaries is not a simple undertaking because maps and permanent boundary markings are unavailable and village boundaries were redrawn on numerous occasions in the past. Therefore, trees and shrubs planted on village boundaries are accepted as adequate to demarcate one village from another.”

Peasants in the focus group discussions confirmed that each land holder should be present on his/her plots during individual demarcation and boundary marking. The boundary of a peasant’s land is determined in relation to the adjacent plots owned by other peasants. Thus, the opinion of neighboring land users is consulted to check the boundary of a particular peasant. In most cases, women household heads and wives accompanied by their husbands and children are present while their land plots are demarcated and its boundary marked. As Mr. Seta Chumiso said, a common method of land demarcation used by the LAC is to place stones and lumps of soil on the boundaries. Moreover, trees are used as boundary markers in places where they are available.

The next step of the land registration and certification process is to measure individual plots. Mr. Seta Chumiso told me that regular tape measures are used in the majority of cases to measure plots. Traditional measurement methods (ropes and strings) are also employed in the absence of regular tape measures. Men and women household heads as well as wives and children are available when individual plots are measured.

The final task in the land registration and certification process is to record the personal details of land holders and their families. This is done, according to Mr. Ashenafi Awoke, because each certificate should contain the names and addresses of the household head, his/her spouse, and siblings, in addition to the physical and positional details of the land. These same details are recorded in the Land Registry Book²⁷, copies of which are kept in the village administration and district LAUEP offices. The certificate also contains brief summaries of the rights and

²⁷ A big book given out to each village administration for recording specific information about each individual plot of land.

obligations of land holders and the conditions under which certificates may be withdrawn. Hence, I learned that land holders are handed out their certificates one or two months after the end of the process.

5.6 Outcomes of the Land Registration and Certification Program in SZD and WLW

The land registration and certification program has primarily focused on the demarcation, measurement, and certification of individual agricultural land. As Mr. Dansa Demissie said, the program aims to award three kinds of landholding certificates in three phases. During the first phase, temporary certificates are given out to each peasant by the district land administration expert based on data from field sheet. In the second phase, primary certificates are issued to every peasant by the district land administration expert after the information on the field sheets is transferred to the Land Registry Book. The primary certificate contains the name and picture of the land holders, list of family members and addresses, as well as basic rights and obligations according to the law. During the third phase, secondary certificates are prepared for each peasant following the survey of the geographical coordinates of individual plots using modern surveying techniques and equipment. Based on this information, maps of the area are created and distributed to the land holders.

Temporary and primary landholding certificates are given to peasants of Soddo Zuria District (including Wareza Lasho Village) since 2005 to 2010. Secondary landholding certificates are not yet given to peasants because there is work to be done at district level. According to Mr. Ashenafi Awoke, a total of 24,122 primary landholding certificates are therefore handed out to male-headed and female-headed households. He also told me that the current average landholding size in SZD is 0.25 hectares. Let me now evaluate the results of the land registration and certification program by employing specific cases from my fieldwork.

5.6.1 Women in Male-headed Households (MHHs)

Families headed by men are the majority at the district and village levels. Most of these households are issued joint landholding certificates by the district LAUEPO through LACs thereby formalizing the land use rights of men and women. By so doing, the joint land titling approach ensures not only the equality of women's land use rights but also their equal rights to use the agricultural yield from the land. In this regard, a total of 21,509 joint landholding

certificates are given to husbands and wives in SZD (Wolaita Zone LAUEPO 2010). I was told that the same statistics is unavailable for WLW. A survey conducted in four regions (Tigray, Amhara, Oromia and SNNPR) found that the preliminary landholding certificates issued to male-headed households in Tigray region only bear the name of the husband (Deininger *et al.* 2007:8).

LACs in the focus group discussion noted that they usually demand the presence of the husband and wife while the joint landholding certificates are handed out. On the same occasion, both are briefly told about their entitlements regarding inheritance, divorce, children's rights and land renting based on the land proclamation.

Wives are now the rightful heirs of the land they have equal user rights just like their husbands whenever the man dies. They keep all of the land and can use it for agriculture or rent it to others according to the law. Daughters also have the privilege to inherit their parents land like their brothers.

In the event of divorce, women get half of the land and half of the agricultural produce from the land (including other property). Women together with children should be consulted about land renting matters by the male household head. If the husband rents out land without the wife's knowledge, she has the right to stop it.

The condition of wives in MHHs seems to be changing because of the issuance of joint landholding certificates. Presently, wives are developing a sense of security on the land which they have joint land use right with their husbands. Moreover, the traditional gender roles wives have in a family seem to be improving.

All women in the peasant focus group discussion said that married women together with their husbands now discuss about the type of crops they need to plant and where to plant it during a particular farming season. They have knowledge about the ecology and farming practices. The husband always undertakes ploughing. The women usually participate in agricultural production in addition to their daily reproductive work of fuel and water collection as well as housework. One of the women informants, Mrs. Dargite Munea, 50, said the following:

I sow while my husband ploughs and I put animal dung on the farm plot right behind our homestead. I also put modern fertilizer on the farm plots far away from the homestead. I plant sweet potatoes and participate in weeding and harvesting activities.

Women in the peasant focus group discussion acknowledged that married women actively participate in planting and cultivating root crops and vegetables. They plant and take care of vegetables at the back of the family homestead. They also take care of *enset* plants (false bananas) after they are planted by their husbands. They take care of the *enset* plants by regularly manuring and weeding it. Women consult their husbands whenever they want to cut and use the *enset* plants in order to make the traditional food (*kocho*) for household consumption and marketing. The number of *enset* plants a family has determines its social standing in the community. Husbands are, therefore, consulted to decide which *enset* plants can be harvested and which ones can't be harvested (Sandford and Sandford 1994:194). The women then engage in processing and making of the traditional food. It is stated in the previous chapter that women depend on *dagua* work party (usually women *dagua*) to pool other women's labor from the immediate neighborhood while carrying out the harvesting of *enset* and other post-harvesting activities (like processing and food making from *enset* plant). They then sell the traditional food in the neighborhood market and generate money for the household economy.

As my informants said, married women also sell butter either by collecting it from home or buying it from other peasants who live in remote villages. They also sell some of the vegetables they cultivate. Thus, they earn money from selling *kocho*, butter and vegetables and use the money to pay for the local saving institution (*shuffo/shuffuwa*) they are part of as well as buy kerosene, edible oil and salt from the market.

Regarding the decision on other agricultural yields, women and men peasant focus group discussants told me that the husband together with his wife discusses about which crops to sell in the market and which ones to consume at home. Most of the household economy is generated from the sale of crops like coffee and *teff*. Hence, this money is meant for paying land tax, children's school bills and other expenses. Mrs. Dargite Munea, one of the women informants, explains how discussions are held about financial matters in male-headed households:

I know that my husband cannot sell the agricultural produce without consulting me. Both of us discuss about the kinds of crops that should be sold in the market whenever we need money either to buy items of the market or pay for our expenses. My husband tells me the money he generates from the sale of crops. I also do the same about my incomes. I usually ask my husband for money when I want to buy more salt and other spices for household consumption since the income I generate is not enough for covering all family expenses.

Even though Mrs. Dargite Munea says so, men and women peasant focus group discussants told me that married women's involvement in decisions concerning household income expenditure varies from one family to another. As is discussed in chapter four, discussions between husbands and wives over the marketing of cereal crops and the expenditure of the income from it were almost impossible a decade ago (Pankhurst cited in Berhanu 1995:59). Currently, however, there seems to be a change in this direction.

5.6.2 Women in Female-headed Households (FHHs)

Families headed by women are small in number at district and village levels. In most cases, the women are widows. Women family heads are given landholding certificates in their own names by LACs upon receiving it from the district LAUEPO thereby ensuring their formal user rights over the land as well as its agricultural produce. Daughters and sons are also registered on the landholding certificates their mothers get (Wolaita Zone LAUEPO 2010). According to Mr. Ashenafi Awoke, a total of 3331 female-headed households are given landholding certificates until 2010 at district level. I was told that the same statistics is not available for WLW.

LACs in the focus group discussion confirmed that women household heads are given information about land renting and children's rights by them based on the region's rural land proclamation. The women, therefore, have now developed a sense of security over the land they live on. Daughters also believe that they can inherit their mothers' land like their brothers upon the death of the family head.

As Mrs. Tsehay Dumesa, Land Registration and Certification Expert at SZD-LAUEPO said, women household heads participate in public meetings at village level. They also elect LACs though their election to LACs is not realized until now. These women also get trainings about

modern farming methods and agricultural inputs free of charge like their male counterparts from the farmers' training center and producers' cooperative respectively at village level.

Women family heads carry out reproductive works and participate in farming activities (just like women in MHHs). They, however, do not plough the land. One of the women informants, Mrs. Marta Erketo, 40, explains her role in agricultural production as follows:

I sow after the land is prepared and ploughed by my sons. I then mix the seeds with the soil by using the hoe. I also plant sweet potatoes and loosen the soil with the hoe together with my sons. I do participate in weeding and harvesting.

As is mentioned in the preceding chapter, adult men of the *zaye* work party plant *enset* and plough cereal crops for female household heads because mutual help and cooperation is the norm in Wolaita. For harvesting and post-harvesting activities of *enset*, the women derive other women's labor from the immediate neighborhood through the traditional labor exchange mechanism. Women also plant root crops and vegetables in their backyard. They also undertake land management activities by using animal dung and modern fertilizers. They usually put animal dung on farm plots behind the homestead and modern fertilizers on plots far from the homestead (Berhanu 1995:146-147). According to Mr. Seta Chumiso, "Women household heads buy modern fertilizers and improved seeds from the peasant producers' cooperative at the village administration. Also, payment for modern fertilizers can be done before or after agricultural yield is harvested and marketed."

In most cases, FHHs face labor shortages for agricultural activities if they do not have grown up sons. Mrs. Berhanenesh Tanga, Gender Mainstreaming Officer at Wolaita Zone Agriculture and Rural Development Office, explains that women in FHHs access male labor through one of the following means:

The first strategy is to seek the assistance of male relatives. Secondly, friends help them through labor exchange mechanism. The third strategy is to get hired labor from men. The fourth option they have is to enter into sharecropping arrangements. Fifthly, they rent some of their land to others provided that they have enough for themselves and their family.

Women household heads usually enter into a sharecropping arrangement with a relative or friend based on contractual agreement. In this regard, the women provide land while the other party provides labor. Moreover, both parties share the cost of seeds and fertilizers and receive half of the agricultural produce equally (Sandford and Sandford 1994:192-193).

Women family heads also engage in animal husbandry. My informants told me that they rear animals independently or enter into a co-rearing arrangement. Mostly, they rear cows and chicken independently and enter into co-rearing arrangements for keeping oxen and sheep. The oxen are used for farming by both parties for some years and are sold after they are fattened. The money then is equally shared. Women also earn money from the sale of a co-reared sheep. As is stated in the preceding chapter, the reason for co-rearing of animals is due to shortage of financial resources as there is widespread poverty in the area (Dessalegn 2007:15-16). One of the women informants, Mrs. Marta Erketo, also said the following:

I rear two cows independently and after I collect the butter from other peasants and my household, I sell it in the local market to earn money. I also earn income from the sale of eggs. Moreover, I co-rear three oxen and four sheep with a friend. Both of us exchange the oxen during farming seasons and upon the sale of the oxen, we share the money equally.

According to Mrs. Berhanenesh Tanga, women in FHHs and MHHs get loans from the district microfinance institution to help them engage in small businesses. This is a credit granting and saving institution created by the regional state at regional, zonal and district levels. Each woman then approximately gets \$94 which should be paid back within one year. Meanwhile, each of them is encouraged to save \$ 0.625 monthly after they start their businesses. The money each saved is redistributed to every woman at the end of the year.

In most cases, as my informants told me, women in FHHs make independent decisions on household livelihood sources and economic resources than their counterparts in MHHs. To this end, they determine the kinds of crops to cultivate in a particular farming season. After crops are harvested, they decide on which crops to keep for household consumption and which ones to sell. Further, they determine whether to rear animals jointly or individually and if they want to get loan from the microfinance institution and engage in small businesses. They also control and

decide on the money they earn from the sale of agricultural produce, butter, eggs, oxen and sheep, and land renting.

It should be noted here that the participation of married women and female household heads in sowing and weeding of cereal crops seems to be a recent phenomenon. As is discussed in chapter four, women participated in manuring the farm fields and harvesting cereal crops a decade ago (Berhanu 1995:56). After conducting case studies in Wollo, North Shoa, and Wolaita, Zenabaworke also concluded that women in Wolaita never participated in ploughing, sowing, and weeding but only in harvesting of cereal crops a decade ago (Zenabaworke 2003:90).

5.6.3 Women in Polygamous Marriages

Polygamy is practiced at the district and village levels. As my informants told me, the extent of the practice is not exactly known. The rural land administration and use proclamations at the federal and regional levels do not specifically address how landholding certificates should be issued to women in polygamous marriages. Land administration experts, therefore, deal with such matters based on joint land titling approach.

The general trend is that men with larger agricultural land prefer to marry more than one wife. Men in the peasant focus group discussion said that the husband usually divides the available land among his wives and plough for each of them during the period prior to the land registration and certification program. Other farming activities are undertaken by the women and their sons. The husband also controls the agricultural produce and decides on the household economy of all of his wives.

According to Mrs. Tsehay Dumesa, “After the land registration and certification program is introduced, each woman in polygamous marriages is issued separate joint landholding certificates with their husband.” Legally speaking, the women are, thus, ensured to enjoy secured land use rights and access to the agricultural produce from the land like their counterparts in monogamous marriages. Under such circumstances, men have more land access rights and enjoy the share of more of the agricultural produce from the lands they jointly hold with their wives. In the same vein, a survey conducted in rural areas of Oromia (Shashemene and Arsi Negele) and SNNPR (Wondo Genet and Wolaita) found that women in polygamous marriages have lower

expectation about the share of land they keep after divorce than other wives even after they get the joint landholding certificates (Holden and Tewodros 2008:14).

5.7 Challenges in Implementing the Land Rights of Rural Women in SZD and WLW

The implementation of rural women's land rights has faced the following challenges:

- *Peasants are suspicious about the land registration and certification program:* As Mrs. Tsehay Dumesa said, both men and women peasants at the start of the program thought that the government is to take extra land from them and redistribute it to the landless. They, therefore, were providing false information about their farm size. Whenever they get information about the program and the land proclamation, many peasants re-registered all of their lands and received new landholding certificates. These matters were creating workloads on DAs, LACs and district land administration experts. All of the peasants in the focus group discussions stressed that there are still confusions on their part about the provisions on the region's rural land proclamation. They said that they need more information about the proclamation and related regulations. I also observed that women and men farmers are very unaware of the government's motive behind the land titling program and they are even unable to explain to me the legal rights they enjoy over the land they hold. In line with this, a study conducted in Dessie Zuria District of the Amhara region revealed that the awareness of peasants about federal and regional rural land laws is very low. The same study also concluded that knowledge of the majority of women about the issue is even lower than that of men (Dessalegn 2009:212).

- *Husbands are reluctant to recognize women's land rights:* The peasant focus group discussions revealed that men in MHHs and polygamous marriages have not wholeheartedly welcomed and accepted women's equal land use rights and access to the agricultural produce from the jointly-held land. They see it as a challenge to their traditional power in the family. Hence, my informants told me that arguments and counter arguments are flaring up between husbands and wives especially over land renting, inheritance, and the sale of agricultural produce. In addition, disputes and disagreements are usually common in polygamous marriages wherein grown up daughters claim land access rights. As I observed during my fieldwork, these problems are caused in WLW because of lack of orchestrated awareness raising campaigns about women's

legal rights in general and the land entitlements they enjoy under the regional rural land law and other modern legislations.

- *Women are not represented in LACs:* LAC members in the focus group discussion said that married women and women household heads are not involved in implementing the land registration and certification program because the community they are part of does not elect them. I also learned that women's organizations have not participated in either the implementation or advocacy activities of the land registration and certification program as well as in awareness creating campaigns about the rural land law. This means that the local tradition is still a big impediment against women's involvement and participation in government-initiated programs that are meant to benefit them. I also observed that women are not empowered to fend off discrimination they face from the community, village authorities, LACs and district officials. It can, thus, be argued that the program is less gender-sensitive. A research done by Deininger *et al.* (2007:12) also concluded that the land registration and certification program implemented in Tigray, Amhara, SNNPR and Oromia regions does not seem to have overcome pre-existing gender biases.

- *LACs are inefficient:* I observed that the knowledge LACs have about the land titling program, the regional proclamation on land and other regulations and directives is shallow since they are not given frequent information and trainings either by DAs or district land administration experts. When disputes over land flare up, therefore, they quickly resort to resolve it through traditional dispute arbitration mechanism which is usually time-consuming, pressures women to compromise and even ignores women's complaints.

One of the informants, Mr. Muse Bonga, 55 and a former LAC member, told me his experience about complaints filed by women concerning land disputes:

In most cases, women family heads complain about boundary trespassing by their male neighbor. This happens because the settlement pattern in the village is based on kinship. So, the person who encroaches on a woman's land is the brother of her deceased husband. Such people do so because they still believe that a woman should not get land in her own name and it should rather be handed to them according to the

local tradition. Usually, such persons have no knowledge about the new rights of women on the land and think like the old days.

I myself came across two cases where women household heads filed complaints about land disputes and LACs were unable to resolve the conflicts on their own. The first instance is concerning a conflict between a widow household head and a male neighbor of her. The woman lost her husband some years ago and she now lives with her small children on the land she and her man used to cultivate. The woman now has a landholding certificate in her own name. Recently, she gave birth to a baby from a man who sharecrops on her land. The brother of her former husband heard the news and immediately started to bother her by telling her that she cannot marry a man from another lineage and if she wants to stick with the man, she must transfer the land to him. Hence, she filed a complaint to LACs because she knew that she can marry a person of her choice according to the new land and other laws. The LACs, however, were unable to resolve the conflict based on the existing proclamation and rather they told her to come another time. If they had known the existing land proclamation and other modern legislations very well, they would have ruled in her favor.

The second case concerns boundary trespassing on a woman's land by a male neighbor. In this case, the man deliberately encroached on the land used by a widow. I learned that the woman repeatedly told her neighbor to refrain from encroaching on her land through local elders. Because he continued to ignore her, she filed her complaints to LACs. I saw her crying and completely helpless because LACs were unable to intervene and resolve the dispute immediately.

LACs in the focus group discussion admitted that they cannot act whenever land disputes arise between women family heads and male household heads. They said that they requested the district land administration experts to give them trainings on a number of occasions about land dispute resolution techniques but no response from them until now.

- *Institutional instability*: According to Mr. Menberu Allebachew, Land Expert at the World Bank (Ethiopia Country Office), “The process of implementing the land registration and certification program has been undertaken in a hasty manner without establishing the appropriate institutions and assigning the necessary staff at regional, zonal, and district levels in the SNNPR.” As is discussed above, the Natural Resources and Environmental Protection Unit under the

Agriculture and Rural Development Office of the SNNPR and its branches were responsible for the implementation and coordination of the program and issuance of landholding certificates. In 2010 also, a new office responsible for land administration, use and environmental protection is established from regional to district levels. In the mean time, there has been constant reshuffling of staff. This process, unquestionably, has a negative impact on the effectiveness and quality of the implementation of rural women's land rights at village level.

Summary

The period after 1991 is a landmark in Ethiopia's recent history because it heralded the introduction of the first Constitution that recognizes the democratic and human rights of all Ethiopians and the equality of all citizens before the law at least in theory. It acknowledged the equality of women and assured that every necessary measure will be taken to end discrimination and injustices against women in rural and urban areas.

A striking feature of the 1995 Constitution is that it clearly recognized the property rights of Ethiopian women (including their property rights in land). It also proclaimed that all land and other natural resources are owned by the state thereby acknowledging only the usufruct land rights of women in urban and rural Ethiopia. The Constitution also allowed the promulgation of a federal rural land administration and use law that caters for the equal land rights of women and men.

The federal government, thus, came up with a rural land bill which dwells on the principle of equality of adult women and men in the acquisition of user rights over a plot of land. In other words, the federal government has issued a modern state rural land law so that state rules and institutions guide the administration and management of all rural lands and natural resources.

The law provides that women can get land independently or with their spouses. Women can also transfer their usufruct rights over the land through gift, inheritance and rent but they cannot sell or mortgage it. The federal rural land law permits the issuance of regional rural land proclamations based on it and the Constitution and thereby allowing regional states to control and administer all rural lands and other natural resources under their jurisdiction. This means that the federal government demands all regional states within Ethiopia to establish a modern land tenure system based on their own rules and institutions.

As one regional state in the FDRE, the SNNPR passed a gender-neutral rural land administration and use legislation. The legislation quite impressively defines the land rights of all rural women who wish to live by farming. It also provides that women will be given land holding certificates either jointly with their husbands or independently after the land they use is measured and registered. The proclamation, therefore, signals that land registration and certification program is the means through which the regional rural land law is implemented in all rural areas of the region. The region, thus, is able to establish the modern rules and institutions through which it can administer and manage all the natural resources at zonal, district, and village levels. The responsible institution is lately established at all levels. However, the representation of women staff in the institution seems to be very low.

Guided by the regional rural land law, DAs and LACs, Soddo Zuria District and Wareza Lasho Village set out to translate the land rights women enjoy in the law into practice. Hence, the district has successfully awarded primary landholding certificates to women household heads independently as well as to husbands and wives jointly. Women in polygamous marriages are also given primary joint landholding certificates despite the fact that the regional land legislation is silent about polygamous marriages.

Women and women's organizations have not taken part in implementing the land registration and certification program at district and village levels. Moreover, women have not been elected to LACs and village councils due to discriminatory local tradition against them. Women household heads, however, have participated in electing LAC members and village council leaders. The knowledge of women peasants, including men peasants, about the region's rural land law is generally very low due to lack of frequent information campaigns. This problem is unquestionably affecting the land use rights of women household heads as they usually face land encroachments by their male neighbors.

This is not to say that married women and women household heads do not practically enjoy their rights enshrined in the FDRE Constitution and other legislations pertaining to land use rights. They now participate in women's organizations and peasant women's producer cooperatives. It should be noted here that the institutionalization of women's rights in rural areas has to go a long way so as to fully protect women from male domination.

After the establishment of women's rights by modern state legislations, the gendered division of labor seems to be gradually changing in recent years. Because of this, women now sow and weed cereal crops. They also access trainings on modern agricultural techniques via the peasants' training center at their village. In addition, women get small loans from the state microfinance institution at district level. Overall, it can be argued that there is both change and continuity concerning the status of women in rural areas of SZD.

6 CONCLUSION

Women's subordination, existing in societies of every degree of complexity, is not something that can be changed by rearranging certain tasks and roles in the social system. The potential for change lies in changing social institutions at the same time as changing cultural assumptions through consciousness-raising and involvement by both men and women (Berhane-Selassie 1991 cited in Logo and Bikie 2003:31).

Women's land rights in rural Ethiopia and Wolaita areas had been tenuous until 1991 due to discriminatory state and community institutions as well as traditional and cultural practices at local levels. In other words, the social status of Wolaita women, as defined by the community's tradition and culture, has been dictating the rights they enjoy over agricultural lands in rural areas of Wolaita Zone until recent years.

Before 1974, men and women in Wolaita areas had no control over the land they cultivated. Wolaita men, however, used to farm a land that was owned by an exploitative landlord. As is stated in chapter three, they had very insecure cultivation rights because they were tenants. Women's rights in land and other properties were not recognized at all since the concept of women's rights was non-existent at national and local levels.

The land status of the Wolaita community changed for good after the Military regime adopted a number of modern laws that pertained to agrarian reform following the violent Ethiopian Revolution in 1974. In particular, the land reform legislation of 1975 recognized the user rights of all rural communities (men and women) over land after proclaiming that the state was the owner of all lands and other natural resources. The state also established by law the institutions necessary for redistributing land to the tillers thereby abolishing all the rules and institutions of the imperial regime and those used by rural communities, including the Wolaita traditional land tenure system.

Supported by the Peasant Associations (PAs), the Military government therefore redistributed rural lands to all male heads of households and a few female household heads. The rural institutions created by state laws, however, were far from improving women's status in general and their land rights in particular because they were totally run by men. As is discussed in chapter three, rural women were organized into women's organizations and producers'

cooperatives but their organizations had no role at all in land redistribution. The organizational efforts of rural women were also unable to raise the political and social consciousness of women because the state had not taken any meaningful measure in practice to redress women's rights in every respect. Hence, men in the PA leadership and from the community were hampering the active participation of women in organizational efforts by using traditional structures and customs (Hanna 1990).

Even though the statutory law of 1975 abrogated traditional/customary land laws and institutions, the Wolaita traditional land system was fully functioning because the government was unable to undo it in practice (Berhanu 1995). My research in SZD shows that Wolaita peasants transferred land through gifts, inheritance, and renting based on the traditional land system after they were allocated a piece of land by PAs. This means that the land resource was subject to a "co-management system" (Hanna and Jentoft 1996) as the state and the local community employed their respective laws for the use and administration of rural land. In other words, the government interceded in rural Wolaita by providing modern rules and institutions for allocating land and transferring modern farming techniques and the local community integrated the knowledge they got from the government with their traditional ecological expertise and customary land management schemes to undertake agricultural activities.

I also found that male household heads always gave family land(s) only to their sons whenever the latter were ready for marriage because the Wolaita follow patrilineal community organization. Eldest sons were also usually entrusted to inherit and administer all family property including land upon the death of the father. Thus, women were accessing land, without controlling it, through marriage. Women would inherit their husband's land and other property only if they had small son(s). Studies conducted in Cameroon, Senegal and Ghana also suggest the same findings (Lastarria-Cornhiel 1997; Logo and Bikie 2003).

Due to tradition and custom, women's roles in the household and on the farm were guided by the socially-ascribed gender-based divisions of labor. As is discussed in chapter four, men were generally responsible for cultivating cereal crops, deciding on agricultural yield, and renting land. On the other hand, women carried out reproductive works, the cultivation of the garden plot, taking care of *enset* plants (except planting it), manuring of the farm plot and harvesting of cereal crops. They also participated in the traditional labor exchange arrangements like *zizaria* and

women *dagua* as well as in the local-based self-help institutions (for example *idrya*, *shuffo*, and *mabarra*). Currently, women also take part in the referred labor exchange arrangements and self-help institutions.

The legal status of all Ethiopian women has taken a new direction after the country adopted its first democratic Constitution in 1995. The FDRE Constitution quite impressively enshrines aspects of gender equality and women's property rights (including land) for the first time in the country's legal history. Subsequent federal and regional rural land proclamations also entrench the land use rights of all adult women who wish to live by farming. The current positive laws suggest that rural development is possible with the equal participation of women and men (Original 1999). As is stated in chapter five, FDRE's and SNNPR's governments seek to redress social imbalances and discrimination against rural women through land registration and certification program.

Based on SNNPR's Rural Land Administration and Use Proclamation of 2007, therefore, SZD implemented the land registration and certification program through the support of LACs and DAs within its jurisdiction (including WLVA). My research in SZD shows that women in monogamous and polygamous marriages are given joint landholding certificates together with their husbands. Landholding certificates are also issued to women household heads. Comparatively, the Ugandan experience suggests that the 1998 Land Act never recognized the co-ownership of land by wives and husbands even though the equality of both sexes in acquiring and holding land is enshrined in the 1995 Ugandan Constitution. An amendment to the same Land Act in 2004, however, gives Ugandan women the right to be consulted in the event of any transaction regarding family land (WLLA 2010)²⁸.

I also found that the joint landholding certificates ensure the equal land use rights as well as the equal share of agricultural produce for husbands and wives in male-headed households. Upon marriage break down, married women are entitled to get half of the family property, including land. Wives together with children also have the right to be consulted before land is rented out to others. This entails that the translation of the legally acknowledged women's land rights are

²⁸ Women's Land Link Africa (WLLA) is a joint initiative of organizations dedicated to the improvement of women's land and housing rights in Africa.

practically put in place. Hence, women are now developing tenure security over the land they cultivate.

Attempts are also underway to institutionalize women's rights at all levels of government institutions in SZD. According to Mrs. Alemtsehay Elias, Head of Wolaita Zone Women's and Children's Affairs Office, "Women in SZD and WLW are organized into women's associations and producers' cooperatives and they also access loans from the district microfinance institution to help them engage in non-farm activities".

I found that women and their grass roots organizations, however, have not participated in the process of land policy formulation and land registration and certification. The latter is due to the entrenched patriarchal Wolaita tradition and culture. Sufficient information is not also given to women and men peasants about the regional land law and the land registration and certification program. Women are not elected to LACs and Village Councils but only women household heads are made to elect male members to both. LACs also face lack of information and training about the rural land law and land dispute-settling mechanisms. When land disputes arise, women are left to the mercy of the male-run LACs, local elders and district courts.

SNNPR's rural land law acknowledges traditional elders' council as first level dispute addressing mechanism. The modern law recognizes no other customary institutions and traditional practices. But the evidence I found in rural areas of SZD suggest that state rules and institutions together with the Wolaita traditional land system are used jointly to deal with the use and management of all natural resources (including arable land) except transferring land through traditional means. This is what Hanna and Jentoft (1996) call "resource co-management regimes".

Based on my findings, the immediate result of the land registration and certification program is that the consent of married women is now sought to conclude land renting or else any land renting contract will not be recognized by rural state institutions. The promotion of women's rights in general and their property rights in particular is seemingly bearing some fruits by positively affecting the traditional gender-based divisions of labor in SZD and WLW. Hence, I found that women in MHHs and FHHs now engage in the sowing and weeding of cereal crops. Married women, in particular, discuss with their husbands about the type of crops they want to cultivate in a particular season and decide together on the proceeds of the harvest. Moreover, the

growing participation of women in income-generating small businesses helps the maintenance of the household economy and improves the bargaining power of women in the family (Berhanu 1995; Dessalegn 2007). As is noted in chapter two, this is a showcase of the positive changes to women's roles and status in SZD and WLW within the domestic sphere and beyond (Logo and Bikie 2003).

The promotion and institutionalization of women's rights in SZD and WLW has to go a long way before it embraces and benefits all women. Thus, all women and men as well as traditional leaders need to be fully exposed to the FDRE's Constitution, the SNNPR's rural land law and other legal instruments through orchestrated consciousness-raising campaigns to enable them to know women's rights in every respect. Moreover, traditional leaders, women's and men's grass roots organizations need to be involved in a process to identify customary institutions and practices that support the rights of women, and question those that do not provide adequate protection to women through organized community trainings and educational campaigns. All rural women need to be given free legal support services by state institutions at all levels, especially by the Wolaita Zone Women's and Children's Affairs Office, to enable them pursue their cases whenever land disputes flare up. The regional state also needs to be committed to the promotion and institutionalization of women's rights at all levels by holding trainings for members of the judiciary, district courts, district land administration experts, village administration heads, and LACs. This way women's full equality in SZD and WLW can be promoted and realized.

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