



IN BRIEF
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BEYOND LAND REGISTRATION

HOW TO SUPPORT RURAL WOMEN TO DERIVE THE FULL RANGE OF BENEFITS FROM LAND IN ETHIOPIA



Photo: UN Women

Key message

There is a tendency to view the sheer volume of land certificates issued in Ethiopia in recent years as a proxy for improvements in women's land tenure security. While getting land registered in women's names is a significant step, evidence indicates that focusing on titling alone may not necessarily lead to greater tenure security for women.¹ Control and transfer rights of land for women are affected by broader gendered norms and practices. It is high time to think more deeply around the post-certification agenda so that women can derive the full range of benefits from their land resources.

1. BACKGROUND

Improving women's land rights (WLR) is well recognized in the international development agenda as an important pathway for achieving poverty reduction and gender equality.² One way of improving WLR has been documentation of women's land rights, and as a result several countries have engaged in similar exercises. Between 1998 and 2004, Ethiopia carried out a large-scale land certification program, which became known as First-level Land Certification (FLLC), to register the land holdings of rural smallholder farming households and improve tenure security. FLLC covered approximately 20 million parcels belonging to over 6 million households in Amhara, Oromia, Southern Nations, Nationalities and Peoples' (SNNP) and

Tigray regions. In order to address some limitations in the FLLC, the Government introduced the Second-Level Land Certification (SLLC) program in 2005, supported by international donors. By 2021, information from the Ministry of Agriculture's (MoA) Rural Land Administration and Use Directorate (RLAUD) indicated that more than 15 million certificates had been issued.

While exact gender disaggregated figures could not be generated from the MoA's RLAUD database, the SLLC process is believed to have considered gender concerns in the registration process. For instance, data from one of the SLLC program-implementing organizations shows that out of 9.2 demarcated parcels, nearly 90% of the land certificates included women's name as either an individual or joint owner.³ The results are noteworthy, considering the vision of the African Land Policy Centre (ALPC) to reach the target of having 30% of all registered land in the name of women by 2025.⁴

Some policymakers and development partners tend to view the sheer volume of land certificates issued to women as a proxy for women's land tenure security. While getting land registered in a woman's name is highly significant, evidence demonstrates that titling alone does not lead to greater tenure security for women.⁵ In effect, simply counting the number of issued certificates may not provide an accurate picture of women's and men's land rights and the progress made towards improving their tenure security.



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In addition, considering the concept of bundles of rights (such as use, control and transfer), not all rights dimensions have the same implications for gender equality. Transfer and control rights are considered as the most significant in the hierarchy of rights. To ensure tenure security, the development community, policymakers and practitioners must explore which aspects of rights are being positively affected directly or indirectly by certification, and which types of legal, social or economic restrictions are acting as barriers to gender equality in land. This helps to recommend interventions that address internal and external constraints women face when exercising their land rights. After successfully distributing more than 15 million certificates, interrogating the impact of the program at the grass-roots level beyond the numbers of issued certificates is essential.

This brief seeks to review the actual benefits women derive from holding land certificates by exploring how women exercise the use, control and transfer of rights over land. Insights from the brief offer policy options for dialogue in order to support women to derive the full range of benefits from their land resources.

2. APPROACHES

The recommendations are based on the findings from a qualitative research project commissioned by UN Women's Joint Program on Rural Women Economic Empowerment (JPRWEE) in collaboration with the Federal Ministry of Agriculture (MoA), Rural Land Administration and Use Directorate (RLAUD) and Women, Children and Youth Directorates. The assessment covered smallholder female farmer communities in East Shewa and North Shewa Zones of Oromia regional state and utilized information from women in male-headed households (MHs), female-headed households (FHHs), and stakeholders from government offices. The research employed focus group discussions (FGDs), key informant in-depth interviews (KIIs), as well as a literature review. While a more robust representative survey is suggested for generalizability, the qualitative findings from the project areas are also highly

relevant to other regions in the country.

3. KEY FINDINGS

1. There is a tendency by policymakers and development partners to view the number of issued land certificates as a proxy for women's land tenure security. While getting land registered in a woman's name is important, evidence demonstrates that focusing on titling alone ignores the many dimensions of women's land rights. Counting the number of issued certificates may not provide an accurate picture of women's and men's land rights, nor of the progress made towards improving their tenure security, as cultural and gendered norms guide the use and control of women's land rights. This indicates that improving landholding rights is just the first step in the right direction.
2. Land certification itself does not appear to have changed the land use rights arrangements but rather 'solidified' existing use rights. For women who hold a joint land certificate and are actively engaged in daily agricultural activities, land use and management decisions – such as the use of land for agricultural production, decisions about which crops to plant, which inputs to apply, and when to harvest – are mostly reported to have been conducted in consultation with their husbands. However, for those women who have limited farm engagement, men tend to make most decisions and landholding rights per se may not be translated into management rights. In comparison with control rights and transfer rights, women exercise land use rights relatively better. On the other hand, FHHs make land use decisions alone but are affected by resources and protection constraints.
3. Certification has improved the control rights of women, but only partially. Before land certification and the improved Rural Land Administration System (RLAS) were in place, some men used to make deals without the knowledge of their wives. Formal transactions now require the full consent of their wives; However, in most cases, funds are received and controlled by men, affecting female preferences and their agency on household expenditures and investments. Despite certification, the control over

agricultural yields and revenues has tended to remain in the hands of men.

4. Informality in land transactions is widespread, affecting women's land transfer rights. Certification has been instrumental in promoting land markets for women, but only when formal transactions take place. Current transaction data from two study woredas indicate low transaction practices. Evidence from a related survey data from four major regions, including Oromia, reveals that 84% of transactions for MHHs and 92% of transactions for FHHs are conducted in an informal setting. This is even more pronounced for sharecropping, which stands at 99.5% for FHHs.⁶

5. With the introduction of certification, FHHs claim to have better control over the output and income from their lands, but there are social and economic barriers that affect full utilization and control. FHHs lack access to male labor and other resources such as oxen, and are forced to engage in land markets that are less competitive. Women's access to loans, farm inputs and capacity-building interventions is largely unavailable.

6. Land Administration and Use institutions at the federal and regional level are yet to introduce full gender perspectives in their functions. Reviews of documents and interviews at woreda level show that gender perspectives have limited reflections in the Rural Land Administration manuals and land budgeting, and an absence of gender targeting in woreda and regional RLAS functions.

7. The Land Registration and Certification (LR&C) program has tended to improve unequal power relations within households and at the community level, but it still operates according to gendered norms and practices. Relatively progressive land laws, and the SLLC program that encourages joint titling, are a good foundation to start advocating for women's land rights security. Land reforms and a relatively gender-responsive LRC program, however, are not adequate to ensure tenure security. Women's agency is affected by multiple factors, and their rights are more affected during marriage, separation, divorce, death of a partner or spouse, remarriage, and motherhood.

RECOMMENDATIONS

Governments and development partners should take steps to support women by taking the following policy, programmatic and institutional measures. The reform process should not be considered complete after distribution of certificates and it is time to think more deeply around the post-certification agenda.

1. Advocate for women's rights to land and tackle gender norms and practices

- Provide awareness interventions through local and national media to inform the public about women's rights to access, use and control land and other productive resources.
- Strengthen women's rights organizations, including women's groups and non-governmental organizations that work on the agenda of women's access to land and resources; and support organizations that work towards improving women's involvement in decision-making.
- Increase the gender sensitivity of religious and cultural leaders, and also emphasize male engagement to promote social acceptance and recognition of women's land rights.
- Promote awareness on gendered norms and practices through community dialogue and public outreach services. These services should pay attention to individual rights within a household, not just household rights as a whole.
- Train women on land rights, facilitate life skills training and organize experience-sharing opportunities.

2. Create gender-equitable land administration and promote the formalization of transaction registration

- Invest in infrastructure and human resources in the Rural Land Administration System (RLAS) by allocating adequate budget and capacity building. Ensure that land budgeting reflects a gender perspective and tracks how budgets respond to gender-equality commitments and targets within land administration.

- Provide training in women's rights, gender mainstreaming and participatory gender planning for all authorities and institutions responsible for land administration, at both the regional and federal level.
- Ensure that the full range of land tools – such as guidelines, operational manuals, training modules, land records databases, and monitoring and evaluation instruments – have an integrated gender perspective, and promote women's effective, secure and equal enjoyment of their land rights.⁷
- Create awareness and incorporate the Committee on World Food Security's Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGTs)⁸ and other African Union frameworks in local land administration and management.
- Promote women's representation and participation in land governance institutions in woreda and regional offices, and facilitate capacity-building opportunities
- Create gender and social inclusion job position within the woreda administration charged with identifying women's needs and addressing those needs in land-related matters and support the woreda Land Administration and Use to mainstream gender issues in their land functions.
- Coordinate the women's land rights agenda and its response with the Land Administration and Use office, Women and Social Affairs office, justice sector, and financial institutions.
- Devise short- and long-term strategies so that courts can be linked with National Rural Land Administration Information System (NRLAIS), and conduct consultation with court officials on how to use SLLC as primary evidence during litigation.
- Introduce and strengthen mobile Land Administration and Use services in order to address the distance barrier to service sites.
- Strengthen the RLAS by creating a public awareness-raising campaign team.
- Promote women's equal access to finance through SLLC-linked loans and credits, in partnership with microfinance institutions (MFIs).
- Ensure that agricultural extension services respond effectively to women's needs and reflect women's rights to equality in their access to, use and control of land.
- Provide women with effective and gender-responsive access to agricultural inputs, including seeds, tools and equipment/resources for farming.
- Facilitate training and capacity building, including on new technologies and production systems, and assistance in procuring production inputs and accessing marketing facilities.⁹ Training should also focus on business and life skills.
- Improve the socio-economic status of FHHs through the provision of productive assets, such as livestock, extension services and credit.
- Pilot an alternative to rural market transactions (renting and sharecropping) by establishing a link between unemployed youth and women who seek labor.
- Put mechanisms in place to reduce the burden of unpaid work for women by improving access to energy, water, sanitation, transportation, and the provision of affordable care services.
- Facilitate market assistance to renting and sharecropping households. Best practices from previous interventions, such as the LIFT program that established Land Rental Service Providers (LRSPs) at kebele level, could be scaled up. LRSPs raise awareness of rural land markets, reach out to more vulnerable households and facilitate rental transactions by providing market information on prices and available land, as well as contract completion and registration.¹⁰ LRSPs also provide services that support tenants in identifying available land and help more vulnerable tenants to agree fair rental contracts.

3. Promote livelihoods through SLLC-linked loans, capacity building and agricultural input supply

4. Put in place women-friendly dispute resolution mechanisms and assistance through legal aid

- The intervention must ensure that dispute resolution mechanisms are in place and accessible by women, taking into consideration their lower levels of literacy, time and mobility constraints, and social norms that inhibit them from pursuing justice. There is

also a need to ensure that formal dispute resolution mechanisms are not intimidating for women.

- Support rights organizations and universities to strengthen and create awareness of free legal aid interventions for women.
- Conduct dialogue with courts so that land certification is used as one of the leading sources of evidence in land dispute cases.
- Find ways to link the RLAS database with the court system to expedite judgments and reduce malpractice.
- Promote legal literacy through outreach education so that women and men know their obligations and responsibilities as stipulated in law.
- Promote and strengthen the representation and participation of women in dispute resolution mechanisms.
- Strengthen institutions such as the Good Governance Task Force and Steering Committee at woreda and kebele level to protect women's land rights concerns.
- Create awareness among Islamic women on the availability of options of taking disputes to either regular or Sharia courts. Reduce the cultural stigma attached to the preference for 'secular' courts through engagement with religious and cultural leaders.

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