

Women's Land Rights and Tenure Security in the Context of the SDGs

Situation Analysis Report

Ethiopia

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Final Draft



Background

The adoption of *Transforming our World: the 2030 Agenda for Sustainable Development* in 2015 has globally unified and amplified the importance of rights to land and tenure security in poverty alleviation, the realization of human rights and human progress.

The Agenda places land rights at the centre of development, recognising the fundamental links to eradicating poverty (Goal 1), ending hunger and ensuring food and nutrition security (Goal 2), promoting gender equality and the empowerment of women and girls (Goal 5), sustainable cities (Goal 11) and life on land (Goal 15). Secure land rights also contribute to achieving other Sustainable Development Goals (SDGs), including the achievement of peace and security and the reduction of inequalities. Nevertheless, in practice, women do not enjoy equal land rights when compared to their male counterparts, as is reflected in the data and information available on land tenure security. A gender gap persists in ownership, control, access to or use of land and its resources in diverse land tenure systems (e.g., community, customary, collective, joint, individual) in many parts of the world.

Following the articulation of the 2030 Agenda's 17 SDGs and their respective targets and indicators, Member States of the United Nations are in the process of putting in place actions to align, measure and monitor progress towards their achievement within national contexts. At the same time, practitioners, government officials and other stakeholders must understand context-specific needs in order to localize the 2030 Agenda. To do so, countries are aligning their national development plans with the SDG framework targets and indicators identified by the Inter-Agency Expert Group on the SDGs (IAEG-SDGs). This involves defining and reconfiguring existing monitoring frameworks of the national development plans by adopting context-adjusted indicators that will measure progress towards the 2030 Agenda.

Fifteen SDG indicators aim to achieve progress in the land sector, through the application of the continuum of land rights and tenure security paradigm, spanning across individual and communal rights to land and physical property, land governance and administration. The SDG framework includes three sex-disaggregated indicators which form the basis of the interventions in UN Women's project entitled "Women's Land Rights and Tenure Security in the Context of the SDGs"¹:

- 1.4.2: Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure;
- 5.a.1: (a) Proportion of total agricultural population with ownership or secure rights over agricultural land, by sex; and (b) share of women among owners or rights-bearers of agricultural land, by type of tenure; and
- 5.a.2: Proportion of countries where the legal framework (including customary law) guarantees women's equal rights to land ownership and/or control

The UN Women project has collaborated with the key partners in the land sector in Ethiopia with the overall objective to support stakeholders, including the government, to enhance efforts on the policy tools necessary to advance women's land rights and land tenure security in the measurement and progress reporting of achieving the land-related SDGs. The key objectives are to operationalize SDG targets and indicators related to women's rights and access to secure land tenure and to promote gender equality and women's economic empowerment.

¹ For a brief outline of the project, see **Annex 1**.



At the continental level, there are various commitments and frameworks for securing women's land rights and measuring progress that align with the SDGs. The African Union Declaration on Land Issues and Challenges in Africa and the Framework and Guidelines on Land Policy in Africa (F&G) identifies securing women's land rights as a critical area for advocacy and action by African member states to eradicate poverty and reduce the gender gap in control over resources. Within the framework of the African Union (AU) Agenda 2063, this engagement includes member states' commitments to monitor progress toward securing women's land rights and increasing the amount of land allocated (individually or jointly) to women to a minimum of 30% by 2025. The African Union's recent endorsement of the Pan African Women's Charter on Land Rights further demonstrates growing political will on women's land rights and tenure security in the region. The Charter includes 15 specific demands addressing women's access to use, control, own, inherit and dispose of their land and natural resources, with the ultimate aim of empowering women across the continent. These milestones amount to an unprecedented commitment, which sets standards and could influence other regions to make similar commitments (Araujo, 2017).

At the national level in Ethiopia, the government leads in the localization of the SDGs via the Growth and Transformation Plan (GTP II). This five-year plan is the national development strategy from 2015/16-2019/20. The Government of Ethiopia has been carefully reformulating its national priorities regarding the adaptation of the SDGs at the national level in order to align the development strategy with the indicators of the SDGs. The final inception report was presented to the National Planning Commission in early 2018.

However, the shortage of data on land tenure security makes it difficult to gauge progress, preventing governments and organizations from taking measurable steps to empower women and improve lives. Existing land data is often limited to some geographical locations in urban and rural areas, and not always disaggregated by gender. Furthermore, existing data lacks the necessary depth to comprehensively address issues on people's perceptions and other forms of land access and tenure security, which are measured in SDG indicators 1.4.2 and 5.a.1.

This Situation Analysis report outlines the issues surrounding land, including its access by individuals and collectives, through a gendered lens to identify key challenges for measuring women's rights to land and tenure security in Ethiopia's national development framework. It further discusses the opportunities that existing national frameworks offer for the integration of gender equality considerations in land sector interventions, and importantly, provides a structured set of recommendations for the reflection of the three indicators in national development frameworks. Despite the relevant international and regional policy instruments and targets, there is a critical need for more coordination, collaboration and coherence among all relevant actors to ensure that the national process to localise the 2030 Agenda, SDGs and indicators is fully supported.

The next section outlines the methodology used in the articulation of this situation analysis. Afterwards, the report describes the land sector in Ethiopia, highlighting the key aspects that have a bearing on women's land rights and tenure security. It specifically addresses the prevailing structure of land governance in the country and illustrates key aspects of the division between administrative actors, projects and programmes in Ethiopia. The following section illustrates key gender dimensions of land rights and tenure security in the country through the exposition of both barriers and opportunities for women's land rights. It then focuses on how the integration of the three gender and land rights indicators of the SDGs will support national efforts to advance women's land rights in the context of the SDGs. Finally, the report concludes and makes recommendations.



Methodology

This situation analysis report brings together information from desk reviews and face to face interviews with government and other development partners in Ethiopia. The report includes an analysis of relevant literature and project monitoring and evaluation reports, as well as the most recent laws and policies available in Ethiopia.

The report has greatly benefitted from the presentations, papers and conversations held during the Regional Workshop on Women's Land Rights and Tenure Security that took place from 28 – 29 November 2017 in Addis Ababa, Ethiopia.

Land in Ethiopia

The current land governance system is the result of Ethiopia's political ideology. Land is kept as a public resource to uphold equitability and security, e.g., to prevent farmers from selling their land leading to increased displacement and poverty. The Constitution affirms these principles. Article 30(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 to other means of exchange” (Federal Democratic Republic of Ethiopia, 1995).

Ethiopia's land area is estimated to cover approximately 1.1 million square kilometres, which houses a population of 102,403,196 people (2016) (World Bank, 2018a), making it the second most populated country in Africa (World Bank, 2018b). Over 80% of the population is rural and reliant on subsistence agriculture (2017) (World Bank, 2018a), which is undertaken on only 15.12% of Ethiopia's land that is arable (2016) (FAO, 2019a). With a high population growth rate of 2.46% (2017) (World Bank, 2018c), an increasing urban population expansion rate of 4.7% (2017) (World Bank, 2018a) and the repercussions of climate change, including land degradation, there is growing pressure on land and the natural resources required to support livelihoods. Large-scale land requirements, which result from the need to boost the economy through industrialization as a means of addressing the burdens of a growing population, may also result in tensions over land even though efforts are made to re-allocate land to ensure that poor and subsistence farmers are protected (Moreda, 2017). At the same time, poor land policy and the mismanagement of land in rural and urban areas have built upon these demands for land, leading to conflict and political unrest.

Significantly, the growing competition for land might exacerbate the existing gender gap in land access and tenure security. Distribution of agricultural land holders by sex indicates that 19.2% of agricultural landholders are women (2011-2012) (FAO, 2019b). While this figure does not include women who have joint rights with their husbands, i.e., both the husband and wife's names are on the land deed, it demonstrates the significant gender gap that exists in holding of individual land certificates; men singlehandedly hold more land than women and are overwhelmingly the custodians and arbiters of land use. In addition, joint-titling may mask inequalities faced in practice due to customs and norms (e.g. women's lack of control over profits). Thus, women, who already experience discrimination in realizing their land rights, might become more vulnerable as land competition increases.

Nevertheless, adding women to land titles through joint-titling is a valuable step towards strengthening women's land rights and decreasing vulnerability. Women's land access and use is often tied to marriage, leaving women vulnerable in the cases of divorce or death. Joint-titling was thus introduced by the government in 2003 (Girma and Giovarelli, 2013) and, in later years, became a key component of the



Ethiopia Land Investment for Transformation (LIFT) programme that sought to enhance the Second Level Land Certification (SLLC) programme (Allebachew, Leckie and Smith, 2017). Indeed, listing both female and male names on land certificates leads to more equitable distribution of lands in the dissolution of marriages and can moreover increase women's influence on decisions relating to land rentals (Girma and Giovarelli, 2013). At the same time, it is important to note that the formalization of land tenure through the state might bring about competition with other forms of tenure, i.e., customary frameworks, which may or may not be preferable in promoting gender-equitable land allocation.

To increase both women and men's tenure security, the Government of Ethiopia has implemented two main land certification programmes. The First Level Land Certification (FLLC) was a broad-scale land registration and certification process where land plots were demarcated and registered using simple local technologies that required little training, such as field markings, in conjunction with the memories of the neighbours whose farm plots border those owned by the households in question (Bezu and Holden, 2014). To be inclusive of all of Ethiopia's citizens, the FDRE subsidised this land registration, reducing the cost to approximately the equivalent of US\$1 or less (Bezu and Holden, 2014). Although seen as one of the most successful low-cost land registration programmes in the world, the programme also had key limitations that rendered it unlikely to be a viable long-term solution for securing land rights for smallholders. For example, there was no mapping of individual parcels nor sufficient spatial detail of boundary documentation to allow for the development of cadastral maps for improved land use management and administration. Furthermore, the lack of computerized land registries under first-level certification did not enable effective management and updating of registration records (Persha, Grief and Huntington, 2017). Nevertheless, the FLLC was undeniably triumphant in its reach; between the late 1990s and mid-2000s, the FLLC registered about 20 million land plots, covering around 5.5 million households (Deininger et al., 2007).

The success of the FLLC led to the revamping of the land certification programme with the SLLC. The second round of Ethiopia's land certification addressed the FLLC's limitations with respect to the maintenance and updating of land registration records and gender equality. Therefore, the SLLC involved the award of a household level certificate in recognition for registering the precise geographical locations and sizes of individual farm plots using technologies such as GPS and satellite imagery. In addition, the SLLC emphasised equal rights for women during adjudication, surveying, demarcation and public display and promoted joint-titling as explained above.

Increasing land tenure security through land certification programmes has had significant impacts. A survey performed in the Amhara region between the years of 2005 and 2007 found that increasing tenure security reduced the likelihood of land disputes by roughly 40% (Di Falco et al., 2016). Land certification has also been associated with increased productivity, investment and land rental market activity (Persha et al., 2017). Bezabih et al. (2011) found that increasing land tenure security was linked with higher productivity of female-headed households. Indeed, Ethiopia's land certification process has contributed to several aspects of women's land tenure security and empowerment. Holden and Ghebru (2013), found that women's participation rose in land market activity due to the FLLC (cited by Persha et al., 2017). Meanwhile, a study conducted by Persha et al. (2017) across 4,319 households in the Amhara, Oromia, Southern Nations, Nationalities and Peoples (SNNP) and Tigray regions found that the SLLC resulted in an 11% increase in the likelihood of wives having land titles, a 0.32-hectare increase in lands registered to couples or solely to female-headed households and an increase in women's decision-making. The study found a 44% rise in wives' control over which crops to grow on their land.

Increases in agricultural productivity are significant given that agriculture is the primary source of livelihood for about 68% of men and women in Ethiopia (2017) (World Bank, 2018a) and accounts for 41.5% of the country's gross domestic product (GDP) (The Federal Democratic Republic of Ethiopia, 2016). Consequently, land rights are the highest priority in the GTP II, key to the country's efforts to improve food security and nutrition and in the efforts to eradicate poverty. Unfortunately, Ethiopia still



faces substantial challenges with respect to food self-sufficiency and an increasing problem of displacement despite attempts to reform land governance and administration. Accordingly, the Government of Ethiopia has also prioritized the development of other economic sectors, including industry, mining, construction and urban development², which are poised to drive economic growth and development and to facilitate structural transformation in the GTP II. Nevertheless, land is important for the performance of all these various and key sectors and continues to be at the centre of economic policy in the country.

With the promotion of land tenure security, the country is aiming for a functioning land sector, where basic transfers such as gifting, exchange, inheritance, leasing, and using land as collateral to access loans and so on would be possible within the nationally-defined parameters of land access. Greater land tenure security, bolstered by the development and maintenance of a national land register, will be instrumental in mitigating conflict, empowering women and fast-tracking economic productivity and economic development.

Policy and Legal Environment

Ethiopia's land policy is based on a socialist Derg regime which, in 1975, significantly altered the terms of access to land that had been in effect during the imperial rule of Haile Selassie. The regime accomplished the nationalisation of all (rural) land in Ethiopia, which restricted all sale and/or mortgage of land, while granting, instead, usufruct rights on land held by the people. Despite the change of the military regime in 1991 and the establishment of the subsequent economic policy of the transitional government (November 1991), the 1995 Constitution approved and confirmed the state ownership of land in the country that reigns to this day.

Following these historical developments, the Federal Democratic Republic of Ethiopia (FDRE) Constitution of Ethiopia (January 1995) states that "Land is a common property of the Nations, Nationalities and Peoples of Ethiopia and shall not be subject to sale or to other means of exchange." Under Article 2(13), the Federal Land Administration and Land Use Proclamation, the state defines state and public ownership as pertaining to "forestlands, wild life protected areas, state farms, mining lands, lakes, rivers and other rural lands." In addition, Article 40(3) of the FDRE Constitution states that the right to ownership of rural and urban land as well as of natural resources is exclusively vested in the state and the people. This means there is no private ownership of all land in Ethiopia, although the Constitution provides for various forms of land access and tenure security.

All three basic types of land – urban land, farmland and pastoral land – are state-owned on behalf of the people but offer different holding rights. According to the Constitution, "peasants have the right to obtain land without payment" (Bezu and Holden, 2014). The Rural Land Administration and Use Proclamation of 2005 confirms these principles, stating that men *and* women "have the right to get and use land" for agricultural purposes (Aimbaye, 2012). In addition, Ethiopia currently operates a system of leaseholds, which allows, to a certain degree, the transfers and subleasing of rural properties and land³ to which individuals or collectives hold rights. Thus, farmers are given "holding rights", which safeguard tenure security, and they have all rights excluding the sale and mortgage of their rural land.

As a federal state, there are different subsystems of land governance within regions that are expected to be more consistent with overarching national laws, but, this may not always be the case. Variation in land

² Urban development includes sub-sectors like housing.

³ However, there is no subleasing of urban land where leasehold is implemented.



governance exists between the federal, regional and local levels. For example, while Ethiopian pastoralists are likewise guaranteed land by the constitution⁴, pastoral lands are communally held, and thus are administered by common property regimes⁵. In light of this, the state recognises communal rights to land through the Proclamation 456/2005. This proclamation is provided for rural land administration and land use and defines “communal holding” under article 2(12) as that which is allocated by the government to local residents for common grazing, forestry and other social services⁶. Another variation in land governance is family law, which provides additional guidance in the context of administrative processes related to land issues. Finally, urban land, under the Land Lease Proclamation, establishes a lease holding system for urban lands. Leasehold certificates are given with maximum timeframes (e.g., 15 years for urban agriculture; 70 years for commerce) with the possibility of renewals (The Federal Democratic Republic of Ethiopia, 2011).

The FDRE Constitution also guides the different roles that different institutions should play in ensuring land governance and administration in Ethiopia. While the country has yet to reconcile approaches of governmental institutions, the responsible national institutions that work to protect the rights of all Ethiopians in different circumstances and characteristics are manifold. Coordination is thus a challenge and is complicated by the Woreda data collection system, which prioritizes regional demands of data and information on land, making data on land and agriculture on the national level inconsistent.

In addition, the concept of property becomes somewhat complex due to State ownership of all Ethiopian land on behalf of ‘the people of Ethiopia’ and constitutes a bundle of rights where, for example, the right to sell, lease or to mortgage are understood differently. For example, Article 1200 of the Civil Code states that “buildings, plantations or works on land” are the property of the owner (W/Gebriel and Belachew, 2009, page 13). Furthermore, the Urban Land Holding Registry Proclamation no. 818/2016 states via Article 42 that whoever holds the parcel is considered as owner of the development made on the top of the parcel. This means that ownership of physical property is not necessarily tied to the land on which it sits but may connote user rights to land by owners of physical property.

Within the set of prevailing legal and policy instruments on land, there is no discrimination based on sex or gender. For example, the government issued a Proclamation in 2005 aimed at strengthening tenure security, allowing for equal rights in land allocation, succession and donation of land within families and for women, specifically stating that “women who want to engage in agriculture shall have the right to get and use rural land” (Federal Government of Ethiopia, 2005, Article 5). However, research shows that, in practice, access to land is largely discriminatory for women as women’s rights depend on marriage. Despite efforts made to promote joint-titling, land is not always registered separately, but often solely under the male head of the household’s name, reducing, therefore, women’s control over agricultural land.

Land Use

Ethiopia is yet to put in place a land use policy. The Ethiopian Government, however, has initiated a National Integrated Land Use Planning and Policy Project, which will become an integral part of the country’s GTP III to be implemented between 2020 and 2024. Regardless of the absence of a comprehensive policy and framework for land use, the FDRE has taken several measures to respond to

⁴ “Ethiopian pastoralists have the right to free land for grazing and cultivation” (Federal Democratic Republic of Ethiopia, 1995, Article 40).

⁵ “In pastoral societies there are clear, usually hierarchical governance structures that lead community decision-making processes and, for example, control access to land and rangeland resource.” (Tefera, 2016).

⁶ Pastoralists and agro-pastoralists practice clan-based communal tenure regimes, such as in Somali region or among the Borana in Oromia region.



the growth of the agriculture sector and demographic shifts particularly in response to rapid urbanization trends and industrialisation.

Arable land grew steadily between 2002 and 2012 but has remained flat afterwards, illustrating the urgency to intervene in the land sector so that it meets the needs of a large and growing population. Sixty percent of the country's land is designated as pasture and caters to the livelihoods of pastoralists across the country. Moreover, only 1.14% of Ethiopia's land supported permanent crops in 2015 (World Bank, 2018c), whereas 12.4% are forests and 71% are "other" lands (FAO, 2019a).

As mentioned above, Ethiopia is experiencing large urban expansion, putting pressure on surrounding areas and causing unrest especially in the Oromia region surrounding Addis Ababa. Urban influx is also influencing changes in land use, particularly around urban areas where soaring housing needs mean that land designated for agriculture in surrounding areas is appropriated by new constructions of residential dwellings and industries. These dynamics and high poverty levels have also led to a growing proportion of landless people, which has, in turn, significantly contributed to the increased risk of displacement of certain segments of the population. Indeed, the reduction in farmland from urban expansion combined with the repercussions of climate change and high population growth continually increases the competition for land. Meanwhile, average plot size is estimated to have reduced, on average, to between 0.2 and 0.3 hectares per household.

Institutional Framework and Land Administration

There is an ongoing process of surveying and digitalising land registration systems in Ethiopia in both rural and urban contexts with the view to improve security of tenure for Ethiopians. A prototype of National Rural Land Administration and Information System (NRLAIS) was introduced in 2016, which will include the integration of gender disaggregated data. As a result, some parcels at pilot level have now been digitally registered under the NRLAIS out of the acute need to register 50 million parcels available in the highland area alone. Indeed, a significant amount of land is unregistered under the pastoralist system, where communal land tenure systems are prominent.

The Ministry of Agriculture is responsible for the coordination on rural land issues in Ethiopia. However, the distinction between rural and urban land necessitates the sharing of responsibilities of land governance and administration mainly between two government Ministries. All rural land in Ethiopia is governed and administered by the Ministry of Agriculture, whereas the Ministry of Urban Development and Construction oversees matters concerning all urban land. The two Ministries are hosts of two institutions that specifically manage land administration processes, where the Ministry of Agriculture hosts the Secretariat for the Rural Land Administration and Use Directorate (RLAUD), the main land administration body for rural land in Ethiopia⁷. On the other hand, the Urban Land Information Department (ULID), which develops and maintains urban land administration data, is hosted by the Land Development and Management Bureau and the Federal Land and Landed Property Registry and Information Agency, both under the Ministry of Urban Development and Construction. In addition, because of the federal structure of the state, regional administrations on land can be different. For example, in the region of Oromia, the Urban and Rural land administrations have recently merged (World Bank, n.d.).

⁷ Technically, governance and administration of urban and rural land is divided between the LAUD and ULID, who have also been developing separate land data management systems. However, in practice, it appears that LAUD carries more constitutional strength and is often seen as the first point of contact when acquiring land data, which makes the ULID less visible at the national level.



Generally, the two national land administration institutions have clear jurisdictions in which they coordinate activities. They manage key national processes and projects on land implemented under the authority of their parent Ministries. The Ministry of Agriculture leads some key national programmes on land such as the Sustainable Land Management Program (SLMP), Responsible and Innovative Land Administration (REILA), Land Investment for Transformation (LIFT), International Fund for Agricultural Development (IFAD) and Land Administration to Nurture Development (LAND). The SLMP, for example, has provided landholding certificates which has increased landholders' incentives to invest in sustainable land practices. As a result, the programme has contributed to the recovery of 520,000 hectares of degraded land (World Bank, 2017). On the other hand, the Ministry of Urban Development and Construction hosts the Integrated Urban Land Holding File Management System (IULHFMS) and the Cadastral Real Property Registry System (CRPRS) projects. The IULHFMS is similarly promoting more effective land management. Rolled out in three cities, the project organised and digitised urban land files through a data management system.

In the same vein, there is an important institutional complexity in the administration of land in Ethiopia, which is amplified by mandate overlaps across the responsibilities of producing geo-information. However, attempts by the government to reorganize land administration responsibilities is proving useful. For instance, the Information Network Security Agency (INSA) was dominant for a while in remote sensing, aerial photography and digital data collection in Ethiopia. But now, the existing Ethiopian Geo-Spatial Information Agency (formerly the Ethiopian Mapping Agency) has taken full authority in the production of all geo-spatial products in the country.

The Key Gender Dimensions of Land in Ethiopia

The process of land registration, by default, should increase land tenure security for women in Ethiopia. According to available statistics, before the process of land registration began with the FLLC in 1998, only 8% of women were aware of their rights to land, which has now increased to 25%⁸. There, however, remains important and systemic gender gaps in Ethiopia's land sector, which can be explained, in a major way, by the reforms being implemented. National consultations have revealed that more than ten million parcels have been registered in rural areas so far, where the role of strong cultural norms and practices prescribe male domination in key decisions affecting land. Despite the government's attempts to ensure full certification of landholding, the process of digitalizing the land registration system is still a lengthy process that will not guarantee immediate benefits to equal rights to land between men and women. And, although LIFT will attempt to register 14 million parcels by 2020, the larger proportion of rural land will remain unregistered.

Legal Dimensions on Women's Land Rights

The prominence of customary laws, norms and practices, which is a result of patriarchal traditional systems, promotes the systemic discrimination of women in key institutions where decisions over land use and land transactions are made, but also where adjudication of land cases take place. This is supported by a USAID study, which found that women are often discriminated against or excluded from legal land processes in Ethiopia (USAID, 2015).

⁸ REILA Annual Report: July 2011 to December 2016.



Another barrier to women's land tenure security is polygamous marriage. The practice remains common; on average, 11% of Ethiopian women aged 19-49 live in polygamous marriages⁹, and this can pose a serious threat when it comes to land rights. Land administration does not always address the registration of land certificates in polygamous families, which complicates the issues of land use, control and ownership. Each region addresses this differently, effectively leaving many women outside of legal protection, which regulates land inheritance and holding. For example, in Oromia, all wives are listed on land certificates during the registration process, but any subsequent wives the husband marries cannot be added (Girma and Giovarelli, 2013). Furthermore, in some instances, a plot of land is registered in the name of the first wife, but in practice a co-wife cultivates and benefits from the produce (Smith, n.d.).

High levels and spread of poverty have been identified as another restriction to the full realization of women's rights to land and, particularly, tenure security in Ethiopia. Poverty frequently tramples on the ability of the poor to claim their legal rights to land, especially through formal mechanisms, as the costs associated with legal processes remain too high for the poor, leaving them generally uneducated and uninformed about how to navigate formal institutions. So, women, especially those living in rural locations where patriarchal traditions are particularly strong will lack access to economic and social resources that would enable them to access and participate in land institutions at the local and national levels. Consequently, these institutions may be seen as incapable of providing fair remedies to all men and women regarding access to land.

In the same vein, the increasing encroachment on communal lands threatens poor and landless women, who often rely on communal lands for their livelihoods, for example, by collecting firewood or using soil to make pottery. As competition mounts for this limited resource, communal lands may be appropriated, leaving women without land use and access.

In view of this, the government has made considerable efforts to rectify problems around land insecurity. In addition to instituting the subsidized FLLC programme as mentioned, the government has partnered with universities in the country to provide legal aid to women to educate them about their legal land rights, in efforts to abate the prevalent exclusion of women in formal holdings and other rights to land. However, there is need to scale this effort and others so that more women will be reached and afforded secure land tenure.

Household Level Dynamics in Relation to Land

Although the Constitution and other laws governing land governance in Ethiopia proclaim the equality between men and women in relation to land, evidence shows that rights to land and (physical) property continue to be disproportionate between men and women at the household level. As most household-level decisions on property are governed by culture, traditions and associated customary legal statutes, men often wield more power in making these decisions than women. In addition to informal laws guiding household power dynamics between men and women, there are also multiple family laws. This, combined with the absence of federal laws protecting women living in polygamous families, perpetuates gender inequalities related to land, its use and the decisions around it.

Women's Participation in Land Governance and Administration

Traditionally, women are seldom included in land use planning and cadastral surveying and hence miss out on the overall process of land administration and land titling. In addition, their absence in higher levels of decision-making means the consideration of the specific needs of women in access to, use and control over

⁹ This percentage ranges from 1% to 29% depending on the region (Central Statistical Agency, 2017).



land will not be considered when designing and implementing land governance and administration systems. However, the government has recently made a new national commitment to improve women's participation, establishing a 30% quota of women in land administration committees on all levels. This represents a significant and welcome step towards greater gender equality within the land sector.

Unfortunately, women in Ethiopia remain generally unaware of their rights to land and how to claim them. Because of strong patriarchal cultural traditions and customs, women are excluded from spaces where they can access relevant information about their rights, and this represents a major institutional barrier to women's advancement and gender equality. In part, the limited participation of Ethiopian women in public and economic spaces is driven by assigned gender roles which dictate their roles in unpaid care and domestic responsibilities. Despite the ongoing efforts to enable the equal realisation of economic rights (see Annex II for some key land programmes and projects in Ethiopia), the vastness of Ethiopia's geography and population size will require substantial financial, human and institutional capacities to successfully reach equality by 2030.

Integrating Gender and Land Rights in the context of the SDGs in Ethiopia's GTP II

As a signatory to the 2030 Agenda for Sustainable Development, Ethiopia is committed to mainstreaming the SDGs into its current national development plan, which has been designed to make Ethiopia a low middle-income country by 2025. The process takes a current as well as forward-looking approach to domesticate the SDGs, where some changes will be incorporated to the current plan whose cycle is expected to conclude in 2020 and reincorporate targets in the subsequent plan. An inception report was commissioned by the FDRE to map out the approach of the localization process and has been discussed under the auspices of National Planning Commission at the beginning of the second quarter of 2018.

To achieve the SDGs through the implementation of the GTP II, the Ethiopian Government is taking a practical approach in the SDG localization agenda; it is assessing the number and extent to which the SDGs are achievable within the confines of its development goals outlined in the GTP II. The GTP II has identified at least 300 indicators which are expected to overlap, as much as possible, with the indicators of the 17 SDGs. Therefore, the localization process will blend the people-centred, environment- and social-focused SDGs into the set parameters of economic and infrastructure development, which are the development priorities of Ethiopia. As part of the definition of a functional monitoring and evaluation framework that is consistent with both the national priorities and the SDGs, baseline indicator data is currently being collected and analysed.

At this point, it is important to note that national second level surveys have often not been successful to accurately map out land, failing to capture a critical land data component on perception of tenure security needed to measure tenure security especially on the status of women and men in a society. Most national surveys interview heads of households, skewing the responses and quality of the data produced in favour of the respondents, usually men. They fail to embrace random sampling in enumeration areas or at household level to achieve 'self-reporting' and to understand the tenure issues and challenges of men and women in the society. Use of varying definitions, concepts and methods for data collection at local and national levels continues to challenge the comparability of gender statistics. Data on perception goes beyond ownership, allowing the capturing of intra-household, family and community power relations that affect enjoyment of land rights, and is capable of profiling the real struggles of women in securing their tenure rights (Ndugwa, Nairesiae and Sylla, 2018).



However, according to the Ethiopian Government, primary focus will be on a macro-economic baseline, which would not prioritise the individual micro-level dimensions propagated by SDG indicators 1.4.2, 5.a.1 and 5.a.2. According to the data being collected, all three gender and land rights indicators mentioned above appear to be defined as Category 3 indicators for national development, implying their low importance for measurement. As a matter of fact, national authorities have determined that there are no obstacles to gender equality and women's empowerment in the country's legal and policy frameworks on land, which removes the focus on SDG indicator 5.a.2 in its GTP II implementation as a priority. It is also important to note that there is only one SDG target, i.e., target 5.5 on women in governance and leadership, that is deemed as high importance in the national monitoring framework of the GTP II.

Conclusions and Proposed Recommendations

Analysing the disproportionate impacts of social norms and traditional practices on women will be important in advancing women's land rights and tenure security in the context of the SDGs in Ethiopia. The ongoing SDG localisation process creates an important opportunity through which national monitoring systems will measure and monitor progress towards not only achieving the SDGs in the country, but also to catalyse the attainment of national development priorities. The adoption of the three SDG indicators on gender and land rights will establish a systematic and sustainable means to, *inter alia*, creating a policy environment that is gender-responsive and one that promotes policy solutions for the achievement of women's empowerment and gender equality.

The low prioritization of the three gender and land rights indicators among Ethiopia's priorities for measuring corresponding progress does not imply national development commitment to promoting women's economic empowerment overlooks the attainment of these rights. However, the opportunity to utilize the existing GTP II gender equality priorities aligned with SDG target 5.5 (women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life) must be availed through advocacy for policies that are applicable to the land sector, while encouraging the proliferation of supplementary data collection, analysis and reporting towards both the GTP II and the SDGs.

This situation analysis has outlined key barriers to women's land rights and tenure security in the context of Ethiopia's national development strategies, policies and legal frameworks. It has enabled the pathways in which a coalition of partners will support the national government to institute evidence-based policies and actions that promote a sustainable development framework which fully protects and promotes women's economic rights. To accomplish this, a few measures are proposed below:

1. Support national, regional and local leadership to mobilize and coordinate stakeholders in Ethiopia's land sector to advocate for policy development and implementation that directly or indirectly integrate SDG indicators 1.4.2, 5.a.1 and 5.a.2 in the national development implementation process;
2. Build the skills, capacity and expertise of stakeholders at the national, regional and local level to collect, analyse, report and disseminate sex-disaggregated data on land;
3. Establish an SDGs monitoring system that incorporates women's rights to land and tenure security;
4. Conduct regular coordination meetings for knowledge sharing, strategizing and reporting amongst national, regional local stakeholders, under the leadership of relevant government Ministries and departments;
5. Conduct awareness-raising and civic education activities to strengthen women's knowledge of land rights and context-relevant guidance on how to claim these rights; and



6. Conduct gender trainings for stakeholders in the land sector, so that new policies and programmes, including land certification schemes, consider power relations and intra-households dynamics in differing land tenure systems so that interventions do not exacerbate gender gaps.

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Annex 1: Background to the project to promote ‘Women’s Land Rights and Tenure Security in the Context of The SDG’s’

The project to support Women’s Land Rights and Tenure Security in the Context of the SDGs was initially agreed in 2014, facilitated by UN Women. Since then, under UN Women’s leadership, the initial project document was prepared, and activities were held in Tanzania, Ethiopia and Kenya.

The project’s overall goal is to support countries in advocacy and policy work to advance women’s land rights and land tenure security. Among the key objectives are the operationalization of SDG targets and indicators related to women’s rights and access to secure land tenure, which has been advanced through trainings and the promotion of gender equality and women’s economic empowerment through improved survey design, collection and dissemination of sex-disaggregated data in the land sector. The rationale of the project is to promote gender equality and Economic Empowerment of Women through improved national commitments to secure women’s land rights in national development frameworks. The goals of the project are to:

1. Increase coordination among gender and land tenure information and data providers and users at the global level;
2. Ensure that governments (policymakers, legislators, statisticians) are informed about gender and land tenure security issues and women’s land rights; and
3. Ensure that national stakeholders are aware of gender and land tenure security issues and the need to improve and implement gender-responsive laws, policies and statistics to realize women’s land rights

The initiative to improve Women’s land Rights in Ethiopia should also support the overall solution of the national land administration.

This would support the actualisation of the global SDGs as well as closely follow the national development policy of the GTP II. The policy development process will inadvertently promote government leadership and the role of the Ministry of Agriculture in its role as the line Ministry to advocate for women’s land rights in Ethiopia.



Annex 2: Key projects in the land sector in Ethiopia

REILA – Responsible and Innovative Land Administration, a Finland funded programme to develop Land Administration techniques and support Capacity Development

LIFT – Land Investment for Transformation, a DFID funded programme to undertake mass Land Registration in Ethiopia

IFAD – International Fund for Agricultural Development, a large pool of resources and projects focusing on the development of Ethiopian Agriculture and Land

LAND – Land Administration to Nurture Development, a USAID funded programme to work in the field of Land Administration with a primary focus on policy level development

NRLAIS – National Rural Land Administration Information System, an IT land administration system¹⁰

SLMP – Sustainable Land Management Project a World Bank funded project to enhance sustainable land management.

IULHFMS – Integrated Urban Land Holding File Management System, a project concentrating on Urban Land Registration Systems, working in three cities, i.e., Bahir Dar, Mekelle and Dire Dawa

URPRIS – Urban Real Property Registration and Information System, the project/management contract that will further extend the Urban Land Registration System in 23 cities

¹⁰ For more information, see (Mengistu et al., 2017).



Annex 3: List of Contributors

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