



LAND ADMINISTRATION AND GENDER

DR. GEBEYEHU BELAY, AUGUST 2024

KEY MESSAGES

The social, environmental, and political influences of land and gender relations on sustainable development are bold enough. Due to this clear gender policy on access and use of land by women and girls is very important. Women and girls' access, control, and use of land are generally determined by social, cultural and legal factors.

Gender and land relations as a result of their very nature need to be multispectral and integration is a must for their implementation. Designing proper gender and land rights relations have to address fairness and moral obligations.

Land rights and associated benefits are the foundations of the rights of all citizens. Women's land rights are not fully protected as a result of cultural norms. Skewed relations largely originated from cultural settings. Policy objectives are very important but their implementation and protection of policy objectives from cultural influences are even more important.


Women in Ethiopia face significant barriers to accessing and controlling land, despite legal provisions for gender equality. Customary land tenure systems often discriminate against women, limiting their land rights. Women-headed households have less access to land and secure tenure compared to male-headed households.





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The key challenges observed in Ethiopian on land and gender relations are:

-  Foster greater collaboration between Cultures and traditions are not supportive of women and girls land rights.

-  Capacity limitation for effective gender mainstreaming and protection of the rights of women and girls.

-  Lack of effective stakeholder integration gender mainstreaming especially at local level.

-  Weak implementation of land laws and policies, as well as gender biases in.

Regardless of supportive gender policies and laws in Ethiopia, the implementation status is very low.

However, supporting provisions are identified in the constitution and other legal documents such as rural land administration and use proclamations both at federal and regional levels. The policy objectives to be crafted need to consider the changed political social and technological scenario that is in favor of women and girl’s equal participation.

BACKGROUND AND CONTEXT

The constitution is above all laws in Ethiopia. The most important gender and land-related issues are enshrined in the constitution. According to the constitution, women and girls have equal land rights with men. There is no gender segregation according to the Ethiopian constitution and other supportive legislations.

However, the provisions were not properly implemented or enforced except in rare cases. Cultural practices and backward traditions are the major impediments to the implementation of progressive provisions promoting equal access and land use rights in the country. The studies on Land gender relations in different localities reported on one hand encouraging improvements and on the other very exploitative relations.

The implementation of the new land administration system resulted in better protection of the land rights of women and girls. The protection of weaker parties in progressive land administration is among the top priority tasks. Ethiopia is a country of diverse cultures and traditions. The impact on the land rights of women and girls is also diverse. The women-headed households cannot use their land effectively and efficiently as a result of the lack of male labor which is crucial in the traditional farming system. As a result of this the implementation of protective provisions was found to be very low. The studies identified the following challenges:

-  Limited gender mainstreaming capability.

-  Limited implementation rate of protective provisions.

-  Limited political will for implementation.

-  Male-dominated farming system that hinders the effective use of land by women and girls.

-  Lower social and economic status of women and girls to defend their legal land rights.

-  Poor institutional setting for effective protection of women and girl’s land rights.

Methodology

A Literature review was the main method of this systematic review. The review was made systematically. The keywords that can represent the study subject were identified. The databases that are globally recognized were searched. After all, studies made on Ethiopian land administration were downloaded. The summary tables for all relevant study reports were organized and the review was made based on that. The assessment report developed based on a systematic report was the base of recommendations for policy brief topics. The draft policy briefs then were prepared and the drafts were presented for stakeholders and comments from the client and stakeholders were used to upgrade the draft policy briefs.

Findings

Effective engagement of women and girls who represent 50% of society is a necessary condition for sustainable development. Sustainable development objectives cannot be effective if they underestimate the potential contribution of women and girls. The right of women and girls to equally participate in sustainable development initiatives must not be compromised. The capacity to develop implementable policy provisions and laws needs to be created and these initiatives have to be institutionalized.

The existing policy objectives, laws, and organizational settings are supportive of gender equity. The theoretical and political correctness alone cannot produce the needed changes. Based on the findings of this review the level of implementation of supportive policy objectives is low. In some cases gender equity is considered the objective and requirement of development partners.

The implementations therefore are found to be not sustainable. Some traditions and cultural influences are identified as a bottleneck for the implementation of gender equity objectives.

Law enforcement has to be improved for better protection of the rights of women and girls. Women's land rights are critical issues that can make a difference in the economic empowerment

of women and girls. Capacity building for all stakeholders and responsible institutions is very important. Women and girls must be capacitated so that they can stand for their own rights.

Recommendations

The land administration in Ethiopia must target sustainable, efficient, and effective utilization of scarce land resources. Women and girls are entitled to have equal access and use rights on this important resource. Land administration services must especially protect the rights of disadvantaged parties of the society. Community leaders, educated, stronger, and well-to-do part of the society can stand on their own for their rights. Unless properly controlled the stronger parts of the society can encroach on the land rights of the weaker parts of the society, particularly the rights of women and girls.

The land rights of women and girls can be better protected when they are properly empowered. The negative influence of traditions and cultures has to be properly controlled. Culture as an ever-developing societal construct must respond to the current development needs. The gradual cultural change must target gender equity and better protection of land rights of women and girls. The use of techniques and technologies must be synchronized with gender equity policy objectives.



Integration and holistic approach are recommended for gender mainstreaming and protection of land rights of women and girls. Genuine participation is mandatory for gender mainstreaming. Women and girls must be represented at all stages of property rights creation and administration. Women and girls must participate in public hearings for land administration. The mandatory participation of women and girls in land administration committees must be promoted.

Capacity building is especially important for gender mainstreaming. The capacity-building exercises have to be consistent and tailored. Institutionalization and formal education about gender mainstreaming is very important. Implementation is found to be the major gap. Developing implementable policy objectives is required.

The following recommendations are given:

- Strengthen implementation of land laws and policies: Ensure land laws and policies are effectively implemented at the local level to protect women's land rights.
- Address gender biases in land administration: Train land administration officials on gender-responsive service delivery and women's land rights.
- Empower women in customary land tenure systems: Work with traditional authorities to promote women's participation and decision-making power in customary land governance.
- Improve women's access to land information and documentation: Ensure women have equal access to information about their land rights and land registration processes.
- Collect sex-disaggregated data on land holding and tenure. The statuses of certification of

family holdings in the name of both husband and wife have to be properly recorded. Improve data collection and monitoring to better understand the gender dynamics in land administration.

Action Plan:

Effective protection of the land rights of women and girls in Ethiopia requires the existence of strong institutions. The first action therefore will be resolving the institutional challenges. Land is the input for all development initiatives where women and girls must have equal access, use, and transaction rights.

The protection of the rights of women and girls in Ethiopia therefore requires the involvement of all development actors. The institution that is responsible for the protection of the rights of women and girls and gender mainstreaming needs to have the authority to monitor and evaluate the plan and actions of all stakeholders and development partners.

The next key function will be policy formulation. The policy formulation has to involve all stakeholders. The needs of all development actors have to be properly addressed in the policy provisions. Legal framework and enacting or amending of laws is the next important task. The legal status for the focal institution to monitor and evaluate the plan and actions of all development institutions on the principle of gender mainstreaming and protection of the rights of women and girls is very important. Clear strategy and action plan development is the next step. The policy and legal system needs to be strengthened by regulations, directives, manuals, and standards. After the preparation and approval of the legal system capacity building is imperative. Planners and implementers at all levels need to be capacitated. Among others, the importance of short and long-term need-based and tailored training programs can never be overlooked.



CONCLUSIONS AND WAY FORWARD

The way forward is largely indicated in the action plan section. Land as one of the scarcest and most valuable resources has to be utilized in an effective, efficient, and sustainable manner. Efficiency, effectiveness, and sustainability can only be realized by fully engaging women and girls who constitute half of society. Policy objectives targeting gender mainstreaming, and the protection of the rights

of women and girls have to be implemented and stringent control is required to control the plan and actions of all major stakeholders. Women and girls must have equal land rights both in paper and on the ground to realize sustainable development. The policy objectives, clear strategy, and supportive legal provisions must be in place to realize the envisaged sustainable development.