

Women's access to farm land in current land administration system in two rural kebeles of Guji Zone Wadera Woreda, Oromia, Ethiopia

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Abstract: The study is prepared to explore the status of rural women in access to farm land in the current land administration system in two rural Kebeles in Guji zone Wadera Woreda of Oromia region .The Oromia National Regional State Rural Land Administration and Use Proclamation and its implementation procedure are examined from a gender perspective in terms of ensuring rural women's land holding rights. Historical overview on the land question in Ethiopia revealed that tenure systems evolved through historical periods. Land remained under men's control throughout history and men's control over land was strengthened by the rural land reform carried out by the Derg. This tenure reform applied rural land distribution using households as unit for rural land allocation and women were disadvantaged as most rural households were headed by men. The Oromia rural land proclamation is not discriminatory on basis of sex. However, policy gaps are evident in addressing women specific issues such as issues of divorced women FHHs and women under polygamous marriages. Gaps also exist between policy and implementation. Customary laws and practices have serious impacts on women's land rights at the level of implementation. The research applied both quantitative and qualitative methods in view of feminist research methodology to properly address issues from a gender perspective. Survey of 283 households was conducted administering questionnaires in the quantitative method. The qualitative method applied was interviews with relevant Woreda office and Kebele LACs, focus group discussions with rural women, case stories and observation for data analysis. Study findings reveal that women's access rights to land is less equal than legally provided. This study evidences gaps between policy and implementation. Customary laws and traditional practices generally have impacts on land access rights of single/unmarried, divorced, widowed women and on access rights of women in polygamous marriages. Women's access to land is not efficiently addressed by the regional rural land policy. This is a significant policy drawback as women's equal rights on land could not be achieved without gaining control over land. The land administration system in general and the land registration process in particular has not considered women's participation in community activities and decision-making. Women are not highly represented in LACs and Sub-Committees in both Kebeles. The absence of land ownership certificate in the study area is another gaps that finding indicate. This study also revealed loose linkages between the rural land policy and other regional legislations like the regional family law which provides women's equal rights on land in marriage and on its abandonment. This study forwards recommendation to address gender gaps identified to ensure women's equal access to land in the study area. Land ownership certificate should be given for women in the study area. The Oromia rural land proclamation needs revision from a gender perspective to address women's specific issues and the land administration system should consider women's participation in the process, their contribution to the system as well as their equal benefits from policy outcomes.

Keywords: women, land right, ownership rights, feminism, Gender issue.

1. INTRODUCTION

The issue of Land and Women's Land right in rural African is at the heart of Scholarly Literature written by African and non-African scholars in recent years. As one of the natural resources, land is central to the existence and livelihood of mankind. It can be said that both traditional and modern societies, have used and exploited land for a variety of purpose in the past. (Hanna and Jentoft 1996, P.45) .

Africa is the continent where the most of its rural communities still use land based on traditional /customary /land tenure system (as dictated by statutory laws) established by state institutions (Cotulla 2007, and Logo 2003, P.50) . This appears to be common practice especially in rural parts of sub Saharan Africa. There are seemingly three reasons for close relationship between Africans and land. First land is the main sources of power livelihood, second, it is sources of power and social status, the third it is identify indicator of the people living on it.

Women in Ethiopia have vital role in the country's economy, mainly in agricultural sector which is the back bone of country's economy. Women in our country comprise half of the country's population and the majority of women have significant role in the rural part of the country (Tesfa 2002). They have a significant role in the country's economic development and have triple role in the society which is reproduction, production and social role. However, most of them lack independent access to production resources such as credit land and so on. Despite the significance of land and the fact that women have an important role in the country's economy and for wellbeing of individuals house hold, land tenure system in both Derg and Haile sillassie didn't guarantee the equal right to women. As part of Ethiopia wadera woreda is also characterized by low level of women access to farm land and there is gaps on land related policies and strategy implementation. So the research is aimed to access the gaps and factors affect women in access to farm land and practicing their land right in Wadera Woreda .

Land tenure reforms and women's right to land

Adams, M.S sibanda defines land reforms as,

Generally accepted to mean the redistribution and /or confirmation of rights in land for the benefits of poor and as one major type of intervention by the state .A planned change in the terms and conditions on which land is held used, and transacted, e.g. through converting informal right to formal rights, establishing mechanism for managing common land rights, recognizing customary rights of occupation , etc (Adams,2000,p.1-2 Cited in Almaz 2007).

Gender issues are mostly over looked or misunderstood in land tenure measure, this results in long lasting negative impacts on development .The Emerging social, economic and technological changes are requiring land administration programs and institutions to examine individual and group right to land and other productive resources in order to effectively address gender issue (FAO, 2002 and Moyo,2003) changes occurred with commoditization of land and modern economy has resulted in change in roles and functions of household. Land is no longer relatively abundant non marketable resources now a days, it is bounded, finite and has price (Moyo, 2003)

Land issues in Ethiopia

Historical Background

The issues of rural land has been primarily a political and social question in prevails and contemporary Ethiopia. Rural land has been center of focus and land tenure system has long history in the country .There where peasant uprisings and revolts during the imperial era against the Regime starting from the 1950's (Bahru 2002, p.192). The government faced serious challenge as when it increased tributes in the aim of increasing income to modernize the country . The first significant peasant uprising took place in Tigray province in 1943, (Bahru, 2002). Peasant of Bale province took up arms against the Ethiopian state between 1963 and 1970 as imperial bureaucracy expropriated huge portion of cultivable land under the guise of tax default gradually turning peasants in to land less tenant (Ibid). The last rural uprising prior to the 1974 revolution took place in province of Gojjam in 1968 where new agricultural income tax was introduced 1967 (Ibid).

Beginning of private land holding and introduction of large scale farming system in the country offered opportunities to the nobility residing in town and cities to hold large areas of farm land in the Southern and Western part of the Country. Thus the class of absentees land lords emerged (Halden, 1993) .This resulted in complex land tenure system with

significant differences between the North and Southern part of the Country .In the Northern part, the major form of land ownership were type of communal system now as ‘rist’,Rist was hereditary inalienable and Inviolable and all descendants (both male and female) of an individual founder were entitled to share land (Bahru,2002).

Oromia national Regional state is located in the area where major form of land tenure was the gult system .Gult is ownership right to land acquired from monarch or provincial rulers who are authorized to grant land. There were also other forms of tenure by which land was granted to Ethiopia orthodox church in perpetuity and land granted to government officials, war veterans and other patriots in substitute of pension or salary land to the Tiller was the leading slogan of popular Ethiopia students movement in the 1960.The land question of 1960’s or early 1970 was primarily the political question aimed to bring to an end the feudal form of exploitation of presents by few land lords especially in southern part of the country (Helden, 1999 and Bahru,2002).Eventually opportunity was created to mobilize presents worker and middle class against imperial regime and finally the emperor was over thrown by the Derg (military government) in 1974 and this ended imperial land tenure system.

The land tenure system before the 1974 land reform was blamed for causing inequality in efficiency and for being a major obstacle for development of agricultural sector and the country as whole, (Dessalegn, 1984). Following the over throwing of imperial regime a land reform was carried out by Marxist –Leninist rhetoric, the government issued proclamation on rural lands (PMAC,1975).The government proclaimed public ownership of rural land nationalized rural land and abolished tenancy and private ownership of land the proclamation granted each present family right to hold land up to ten hectors and outlawed any transfer of interest by sale less mortgages . In the similar means on land the objective of derg’s land reform was addressing issue of inequity which was inherent in feudal system by providing access to land to farming population through distributing rural land to present farmers (Desalegn, 2005).However the outcome of the 1974 land reform was tenure insecurity and decrease of farm size that hindered development of agricultural sector.

In 1991 the Derg government over thrown by Ethiopia people’s revolutionary Democratic front (EPRDF) land policy is framed in the constitution in the current Ethiopian government. The FDRE rural land policy granted free access to land to ever rural resident who wants to live on farming .The rural land policy grantees women’s equal right on land as women have constitutional right acquire administer control land and transfer property (FDRE 1995, Art.35).Women are particularly provided equal rights with men in respect to use transfer administer and use and inherit land. Rural land policy issues still continues be agenda of scholarly debates in views of its impacts on rural lively hoods the rural economy and that of the country as whole more over women’s land rights issues is becoming a respect of rural land policy.

Women’s policy and women’s rights to land.

The National Policy on Ethiopian Women was milestone for Article 35 of the FDRE Constitution. The policy affirms women’s equal right with men in social, economic and political spheres. One of the major objectives is to facilitate conditions for rural women to access productive resources particularly land and basic social services (TGE, 1993,p.25).Contents of the policy further emphasize on ensuring women’s equality through legal reforms, awareness creation, initiating women’s participation in formulation of government policies and implementation of programs (TGE,1993,p. 26-28). Furthermore, government had developed and issued National Action Plan for Gender equality (NAP-GE, 2006). Therefore women’s policy and rural land policy have strong linkages because women’s policy put rural women’s equal access to productive resources, particularly land, as basic for women’s equality.

Family laws: Family law relates to very basic issues of family life, the relationship between husband and wife and the rights each have over family resources. As pointed in the first part of this chapter, legislations addressing women’s specific issues are necessary to translate women’s legal rights to land to reality. Family laws are particularly important since control of marital property and equal share in divorce is the main area where women are mostly affected with regards to their rights to land. The FDRE issued family law that addresses a range of issues concerning marriage, administering individual and common properties in marriage and sharing property at divorce (FDRE, 2000). Women are provided equal rights with men in entering into marriage, within marriage and in divorce. Article 11 of the FDRE Family Law states that marriage is monogamous and Article 33 asserts that polygamy is illegal and the second marriage entered can be disbanded by law. Regions are provided rights to enact family laws within the framework of the FDRE family law. Oromia National Regional State issued family law in 2003 and a revised family law in 2004 Oromia family law proclamation number 69/1995 and 83/1996). The family law issued in 2003 was amended in 2004 basically because it

required clarity on polygamy. Owing to the FDRE Family Law the revised family law of Oromia explicitly states that no one can enter in to second marriage at the continuation of the first one and the second marriage could be disbanded upon claim by any concerned body or office of the prosecutor the Oromia family law proclamation number 69/1995 , article 30 and 59). The law also gives substantial coverage on issues related to divorce. Common property including land will be shared equally by both spouses on divorce.

Rural land legislation of Oromia Region

Legal framework

Oromia Region issued Proclamation No. 56/2002, on rural land use and administration(ONRS, 2002) and Regulation No. 39/2003, the implementation regulation (ONRS, 2003),based on the mandate provided by FDRE rural land administration and use proclamation(FDRE, 1997). Women’s equal right with men in rural land use and administration was put as an underlying principle in the Oromia rural land proclamation. The proclamation affirmed free access to land to any resident of the region 18 years or above who wishes to live by farming. Land use right is for life and no one will be deprived of these rights unless, land is needed for investment by the regional state. The person will be fully compensated for investments she/he made on the land in this case. Although land distribution was not carried out in the region after the Derg regime the rural land proclamation prohibits future land redistribution. Future land redistribution in the region is conditional to government’s need to use land for irrigation schemes or lease for investment or distribution of unoccupied or abandoned land to the landless. Lifelong certificate of holding will be provided to every landholder to ensure tenure security. Spousal joint registration and certification will be applied in the land administration system of the region.

Land use right is not subject to permanent residence in Kebeles where land is located or will not be terminated if the land holder leaves his/her Kebele and resides elsewhere. It specifically states that women will have rights to land on equal basis with men on divorce and that the family holding will be shared equally between the spouses. The proclamation has provision on the rights of women under polygamous marriage. The rural land administration and use regulation states that all spouses shall get holding right certificate with their husband and that all of them have equal access rights on the husband’s land unless, the wife/ wives live far from the land holding area and get engaged in other businesses.

Land use right transfer Proclamation 56/2002 Article 4/2 state that, Women shall have equal right with men in all activities of rural land use and administration. Proclamation 56/2002 Article 15/2, Husband and wife shall be jointly certified to their common landholding. Proclamation 56/2002 Article 15/ 5; The use right of a family shall not be affected, if either of the husband or wife or both leave the area where the land is situated. Proclamation 56/2002 Article 6/6: upon divorce, husband and wife shall have equal right to share their landholding that was registered by their name. Proclamation 56/2002 Article 15/4 dictate that, in the case of polygamous marriage, a husband is allowed to get a holding right certificate with only one of his wives and the others shall get separately based on the guideline made by the authority.

Proclamation 39/2003 Article 10/1-2 state that, in case of polygamous marriage a husband is allowed to get a holding right certificate with all his wives but a wife living far away or involved in other business has no right to get the holding right certificate. A husband having wives livings at different areas get a holding right certificate with only one of his wives. Article 3/8 states that land should be divided among the spouses maintaining the minimum through inheritance to family members is endorsed by the proclamation. Proclamation56/2002, further had provisions on establishment of regional institution to implement the proclamation and on mechanisms for conflict and dispute resolution. Regulation 39/2003 has provisions on rights and responsibilities of land users, minimum farm plot size, landholdings by new settlers, land sharing on divorce, control of land fragmentation, proportion of land allowed to lease, land distribution and redistribution, land registration and certification, transfer of land holding rights and land management on individual land holdings.

The regulation had provisions on management of communal lands, conservation of wet lands, dam sites and reservoirs and administration of protected areas. The regulation includes provisions on updating landholding certificates whenever changes appear in holding rights and measures to be taken on failure to comply with the regulation. Land sharing is not allowed at divorce or inheritance if individual share falls below minimum size of holding. Divorced spouses are required to enter into different arrangements to make common use of their land if their shares fall below minimum size. The

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regulation provided guidelines on the land administration process. Accordingly, Land Administration Committees (LACs) will be established at Kebele levels and Sub-committees will be established at village (Gote/Ganda) levels to carry out the land registration process. Guidelines on mechanisms of dispute and conflict resolution are also provided by the regulation.

In Oromia the land administration process started from calling community meetings to explain about the land administration program and conducting election of LAC members (Tesfaye, 2005). LACs demarcate boundaries of communal lands and individual holdings, measure individual plots using traditional measurements and record information on formats provided by Woreda Offices of Agriculture and Rural Development. The filled information is transferred to Woredas and is compiled in the registry book. The information is finally recorded on books of landholding (certificates). A landholding certificate carrying photo of the landholder is finally signed and handed to the land holder by Woreda offices.

Objective of the study

The research has general and specific objective which are presented as follows.

General objective

The major objective of this study is to assess the Women's access to rural land in current land administration system and policy implementation with focus on small holders farmers land holding registration in Guji zone, wadera woreda in Tulam and Jide kebeles .

Specific Objectives**Specific objective are:-**

To assess the land administration system Vis-à-vis land holding and administering rights of women.

To find out gender gaps in the regional rural land use and administration proclamation in terms of women's access to land.

To explore impact of customary land holding practice on women's access to land in to two rural kebele.

To analyze the practice of land registration and ownership in terms of women's Socio-economic benefits and decision making power.

2. RESULTS AND DISCUSSIONS

This study adopted descriptive research design. A descriptive study is a study concerned with describing the characteristics of a particular individual, or of a group (Kothari, 2004). The study sought to examine the impact of Women economic empowerment on their socio-economic development. The study adopted a case study survey. A case study involves careful and complete observation and analysis of a unit in its relationship to any other unit in the group (Kothari, 2004). The researcher used a descriptive research design, where qualitative and quantitative approach was used. In quantitative approach, the researcher employed data in form of numbers collected from the concerned bodies through purposive sampling and simple random sampling for concerned bodies separately and describes existing situations in the selected study area, analyzes major issues and forwards sound recommendations. Recommendations will address significant gender issues that could add to the principle of knowledge in the field of studies or another gender related studies.

The study was carried out through quantitative and qualitative research design .The quantitative method was employed through survey questionnaires by taking 283 women from house hold of two rural kebeles through simple random sampling. Qualitative design employed through interview questions with woreda land administration office, women affairs office (purposive sampling) and land administration committee by taking seven females and three male from women's affairs office, two land administration officials and 28 rural women focus group discussion, case story with two rural women, observation checklist on land related issues in four selected villages from two selected kebeles.

To collect the appropriate data help to ensure this research in the proper manner the researcher used different kinds of data collection methods, these data collection methods include structured interviews, questionnaires, document review and

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research questionnaires, qualitative and quantitative data, in addition the researcher applied focus group discussion (FGD) to support the data collected through the above mentioned data gathering techniques.

The source of data's are primary and secondary sources the primary source will include data's collected from people from two kebeles taken as sample people through structured interviews and questionnaires, the secondary data collected from woreda women's affairs office, woreda rural land administration office and woreda court.

Sample Size Determination

Population for quantitative data collection for this study is women from rural households in Jide and Tulam Kebeles in Wadera Woreda. It is the total number of women from rural households in the two Kebeles each household represented by a woman. So, it is 972 women representing 552 households from Jide Kebele and 420 households from Tulam Kebele. The researcher deemed necessary to take independent sample for each Kebele to ensure equal representation of households as the two Kebeles has different number of households. Therefore, sample size is determined on the total number of households 972 and independent sample is considered from households in each Kebele, 552 and 420 households from Jide and Tulam Kebeles respectively using simple random sampling method.

The sample size for collecting quantitative data for this research is determined using Cochran's (1977) formula as indicated on Bartlett and Higgins, (2001). This study uses the following formula to calculate sample size:

$$n = \frac{N}{1 + N(e)^2}$$

Where:

n = designates the sample size the research uses;

N = designates total number of households in both Kebeles assuming that women in all Households are affected by the issue;

e = designates maximum variability or margin of error 5% (.05); as 95% confidence.

1 = designates the probability of the event occurring.

Therefore:

$$n = \frac{972}{1 + 972(0.05)^2} = 283$$

The required sample size is 283 women (respondents).

Sample size for each Kebele is calculated using proportion of number of households in each Kebele (Jide 552 and Tulam 420) to the total number of households of the two Kebeles (972). Therefore

$$\text{Sample size for Jide Kebele is: } \frac{552}{972} \times 283 = 161$$

$$\text{Sample size for Tulam Kebele is: } \frac{420}{972} \times 283 = 122$$

Sum of sample sizes taken from each Kebele = Survey sample i.e., 161 + 122 = 283.

Qualitative Analysis.

Survey respondents from Woreda Pastoral and Rural Development Office and Kebele LACs are selected through purposive sampling with respect to their roles in the land administration process and their knowledge and experience on the subject of the study for the qualitative survey. Woreda Office land administration experts and Kebele LACs are

implementers of the land administration policy. Women's affairs desk is responsible for implementing the National Policy on Ethiopian Women in the agricultural sector at Woreda level. The role of this office is considered significant input to the study in the context of the two policies, the regional rural land administration and use policy and the national women's policy.

Focus group discussion with rural women is considered important to get information on their lived experiences and views on their access rights to land and control over land, household resources and equal decision-making power. A focus group is an organized discussion – though structured in a flexible way – of between 6 and 12 participants. It usually lasts one or two hours and provides the opportunity for all the respondents to participate and to give their opinions. Dominant and submissive relationships which develop within the group, as well as side conversations, can be controlled. Smaller groups and those with a narrower range of characteristics tend to be more coherent and interactive. Focus groups differ from informal group discussions in a number of aspects. First, specific, pre-determined criteria are used for recruiting focus group participants. Second, the topics to be discussed are decided beforehand, and the moderator uses a pre-determined list of open-ended questions arranged in a natural and logical sequence. The moderator may even memorize the questions beforehand.

Finally, focus groups rely on discussion between participants about the topics presented, and group members may influence each other by responding to ideas and comments that arise during the discussion. There is no pressure on the moderator, however, to have the group reach consensus. These types of discussions allow the researcher to identify where participants' points of view converge and diverge, and to investigate the whys and wherefores of certain phenomenon (Patton, 1999).

Discussion participants were randomly selected exclusive of quantitative survey respondents. Sample size considered for quantitative data collection is used as a base to determine the number of focus group discussion participants.

Ten percent of quantitative survey respondents were taken from each Kebele to make the size Manageable. A total of 28 rural women, 16, (10% of 161) from jide Kebele and 12,(10% of 122) fromTulam Kebele participated on the focus group discussion. Two case story participants were selected on the basis of relevance of issues they raised on focus group discussions carried out in two sample villages selected from the two Kebele.

Focus group discussion with rural women is considered important to get information on their lived experiences and views on their access to land, household resources and equal decision-making power. Discussion participants were purposely selected exclusive of quantitative survey respondents. Sample size considered for quantitative data collection is used as a base to determine the number of focus group discussion participant.

3. DATA PROCESSING AND ANALYSIS

Quantitative raw data collected using questionnaires was organized and pre-processing test was carried out right after the field data collection was completed. Method of data entry was arranged categorically. Questionnaires were coded by Kebele to facilitate analysis of questions on which respondents were required to specify their opinions and to facilitate analysis of the open-ended question on the questionnaire. Responses on these questions were carefully collected and summarized. Outputs were categorized into different components relating relevant variables for convenient use in analysis of findings. Qualitative data collected through interviews, focus group discussions and observations were put into different categorical variables. Major themes were identified and analysed thematically in line with research questions and were summarized for use in descriptive analysis. Identified themes of the qualitative survey were related to categorical arrangements of the quantitative survey outputs .Triangulation method were applied in analysing and interpreting data. Triangulation method refers to the use of multiple methods or data sources in qualitative and Quantitative research to develop a comprehensive understanding of phenomena, but triangulation method also has been viewed as a qualitative research strategy to test validity through the convergence of information from different sources. (Patton, 1999).

Issues intended to be addressed by the research are analysed using findings from both quantitative and qualitative surveys applying triangulation method. Survey findings are used to draw arguments on relevant issues with data collected from secondary sources and to draw conclusions and recommendations. Data is presented using statistical techniques frequency distributions, tables and simple measures of dispersion specifically ranges using percentiles and/or counts. Explanation is provided to clarify information on observed data.

Women’s access to land

A number of questions were included in the survey questionnaire and qualitative survey tools to collect data on women’s access to land. Questions focused on women’s access to land, means of land acquisition and size of landholdings. Land access rights of different group of women are also included in the survey questions.

Means of land acquisition in the study area of respondents by means of land acquisition

Means of land acquisition	Frequency	Percentage
Through land distribution	180	63.6
Through marriage	50	17.6
Through inheritance	20	7
By leasing from others	10	3.52
Other means	15	5.3
No response	8	2.8
Total	283	100

Source: own survey data sokora jide and Tulam kebele May, 2017.

Data collected on means of land acquisition in the study area reflected that out of the total 283 respondents 63.6% responded that they accessed land through land distribution, 17.6% responded they accessed land through marriage, 7% responded they accessed land through inheritance, other 5.3% responded they get access to land through other means and 3.52% responded that they lease land from land holders 2.8% respondents are unwilling to respond. From the above result I conclude that the means of land distribution are through land distribution by selected land administration committee (LAC) and women who lose their family, guardian and husband have limited opportunity to access to farm land.

Focus group discussion with women in the study area



Source: own survey source on Focus group discussion with women in the study area, May 2017

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.....’Even if we have equal constitutional right with men, culture impose pressure on women, as people including our husbands and others have backward belief against our right as women are ‘domestic workers’ our husbands are not recognize our equal right over all our resource, even they are not discuss with us to sell or buy property. The force full inheritance when our husband die by his relative or brothers were affect again our right to administer and control property. Government must be give awareness to men particularly married men because government is aware us about our right and responsibility frequently, but our husbands are block us to exercise our right. So government priority must be on married men and eliminating backward views against women’.

Relationship between marital status and means of land acquisition.

Means of land acquisition.								
	Marital status	By inheritance	Through marriage	Through land distribution	By lease	Other means	Non respondent	total
	married	10	30	150	3	4	3	200
	single	1	-	-	1	1	1	4
	divorced	3	-	8	-	1	-	12
	Widowed	7	23	30	3	4	-	67
Total		21	53	188	7	10	4	283

Source: own survey data sokora jide and Tulam kebele May, 2017.

Data displayed on the above table shows the relationship between means of land acquisition and marital status in the study area. Out of 188 respondents that responded they accessed land through land distribution, 150 are married, 30 are widows, 8 are divorcees. Out of 53 respondents that responded they accessed land through marriage, 30 are married and 23 are widows. Out of 21 respondents that responded they accessed land through inheritance, 10 are married, 7 are widows and 3 are divorcees and 1 single. Out of 10 respondents that responded they accessed land by other means, 4 are married, 4 are widows, 1 are divorcees and 1 are single/unmarried. Out of 7 respondents that responded they accessed land by lease, 3 are married 3 are widows 1 is a single women. Three married and one single woman did not give responses to this question.

Survey findings on means of land acquisition in the study area revealed that most respondents (70%) those who are married acquired land through state land distribution .that means those who got farm land through spousal line have secondary right over land and land is given to them as she has been married no due to her gender legal right to have own property. In other word those who has got land through marriage have the chance to lost joint spousal land their husband may die as they are culturally obliged to marry her ex-husband’s brother who marry her has the full cultural right to own all his brother’s resources. This study shows that marriage has impact on women’s access rights to land. Most women get access to land through marriage because most survey respondents are married women who get access to their husbands’ land and widowed women who get access to their deceased husbands’ land. Literatures revealed that women’s access to their husbands’ land offers them secondary rights and this right is seriously constrained in reality because women’s rights to their husbands’ land is secured as long as the marriage lasts.

Qualitative information obtained from focus group discussions with rural women in both Kebeles reveal, respondents that responded they accessed land by other means are custodians of lands of individuals residing out of the Kebeles. Information obtained from the focus group discussion further reveal that most women get access rights to land through marriage but lost access rights to their natal land at the same time. The case story below explains fact.



Picture 3.own survey source,Case story from jide kebele kilita irressa village May, 2017

Case story one:

Sadiya is a middle aged woman living in jide Kebele kilita irressa village she raised the issue on during discussion. She was willing when I approached her to tell us her story. she tells multiple problems she faced in her life because she was denied access right to land.

My parents had 9 children but seven of us survived out of which, four are female. My father died in 1980 (EC) and my mother died five years later. I was married and was living with my husband and my two children when my parents died. I divorced three years ago and left my home with my children. I didn't get my share from my marital property. I took only my clothes as I got out from my home at time of divorce. I asked my ex-husband several times to give me my share from our common property and land through community elders (Jaarsa Biyyaa), but he refused. He said '...land is for our children'. He got married soon after I left home and had other children. I am also skeptical about my children's fate with my ex-husband entering into marriage and having other children. I came back to my village after divorce. I have nowhere to go with my two children. I am living in my deceased parents' house. I asked my only brother who inherited our parents' land to give me my share because I need income to raise my children. He refused. I kept on asking him through community elders but there was no way to convince him. My brother died three years ago. I again started asking his children, my nephews for my share, because, they are the ones who inherited my parents' land after my brother died. Their response was difficult! They started harassing me to the extent forcing me to leave the house I live in. I know that I have legal right to inherit my deceased parents' property but, I couldn't make it. I have already applied to Kebele Social Court. They give me appointment every time I appear to the court. I am leading a hard life. I live by selling egg and hen. The income is not enough to raise my children. I am not quite sure about my getting justice and coming out of this problem.

Sadiya is not still sure about getting her share either from her husband's land or from her deceased parents' land. She is bearing the burden of raising two children without sufficient income.

Breach in marriages and problems in ensuring marital property rights cause insecurity in Women's land rights in the study area. Traditional divorce practices hamper women's rights to secure marital property including land. Traditional means used by communities hardly ensures women's marital property rights because patriarchal attitudes and practices are biased against Women's land holding rights. Women also lack awareness and capacity to get justice through legal means and it is difficult for them to get justice. Thus divorced women bear the burden of single parenthood without getting share from their marital land.

Case story two

Marta is a 43 years old widow that I met on the focus group discussion in Tulam live in Oda dima village. She welcomed us with smile as we asked her to tell us her story. Marta started telling her life history from beginning. She told us that she was very much attached to her father. She tells me her life history by saying the following.

My mother died when I was a child I was married when I was 18 years old. My husband died shortly after our marriage. I left my home after he died. His relatives forced me to leave my home. I don't have a child. That was why his relatives didn't allow me to live there. I came back to my village and lived with my father. My father died 10 years ago. I still live in my deceased father's house. However, I didn't get my share from my deceased father's farm land. My nephews use my father's land and I live by selling hen and butter I didn't claim my share before because I was afraid of my nephews' view, they might attack me. My father didn't leave with land inheritance. The situation was different in previous years. Daughters were not allowed to inherit land in our tradition. Some kind fathers allocate a plot of land to their daughters. However, this is not done by all fathers. Sons use the land since daughters move to other places when they get married. Daughters can claim the land if they come back to their villages because of marriage problems like divorce or on death of husbands like my case. I don't know why my father left me aside. He should have left me an inheritance. I lived with him most of the time and I was the one who cared for him in his old age and who looked after him when he was sick. I am aware that situations are changing these days. I know that there is legal support for female inheritance. I heard about this on a Kebele meeting and I am also advised by friends and relatives to claim my share of land. In the last four month I appeal the case for kebele and woreda women affairs office, now I have a hope to get a share of land from my father's land sooner Marta is aware now that she has equal inheritance right. She is also have future about getting her share from her deceased parents' land.

In this case story finding reveal that the widow women have the right to inherit land from her died husband if she has child from died husband this cultural practice is practiced for the sake of favoring child rather than widow mother, if she has not child for died husband she have not cultural right to inherit land, this indicate she has no direct right to inherit land from her died husband, that means her child is belongs to her husband's clan so they give land to favor the child belongs to their clan rather than his/her mother. I asked the well known local elder by saying why you do not register land by the name of your daughter?

He says that in Afan Oromo...dubartiin isiinuu qabeenya, qabeenya qabeenyaan hin eegan''. Meaning females then selves are money; we do not protect money by itself. And daughters are belongs to elsewhere, if we give permanent asset for them one who marry her may take all the resource'', This view reflects strong affirmation of daughters belonging to their husband's place after marriage. Such beliefs detach daughters from their own line of descent and retard their access to parents' land in particular and exercise their right in general.

4. SUMMARY AND 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 (Yonas,2011 and Berhane- 1991 cited in Logo and Bikie 2003,p.31).

The Access to land is critical for rural women's empowerment in terms of economic benefit and social status. Rural land reform policies affirming women's equal rights to land hardly bring intended changes in reality and bring about women's empowerment. Most land reforms institutionalize systems that usually fail to challenge existing community gender perspectives on women's access to and control over land. Rural women's access to land and utilization right they exercise on it is constrained by multiple interweaving factors. Major factors affecting women's access to land are:

1 Farming system: As reflected on the literature review part the agricultural sector plays important role in the country's economy. This study confirms farming activities are main sources of income in wadera Woreda Tulam and Jide Kebeles. Each Kebele is noted for cultivating variety of food and cash crops. In respect of feminist theory used as framework in this study women have significant contribution on household farms. However, the existing gender division of labor in the farming system makes women's contribution invisible in the study area. Women's labor contribution on farm activities and their reproductive roles that support the farming system is not fairly considered. Agriculture is based on plough

cultivation in the study area. The ox-plough farming system and cultural taboo on women's ploughing had affected particularly FHHs. These households lack adult male labor in their households to do the ploughing. Agricultural inputs like plough oxen, fertilizers, etc. are also less accessible to these households as compared to male headed households in the study area. FHHs are forced to enter into sharecropping arrangements or to lease out their lands for they cannot make use of their farm lands without sufficient input. As reflected in literatures FHHs are disadvantaged because, these households get less benefit from the land they hold. Male headed households have better access to farm inputs, earn more income and spend more on investment.

2. Marriage: Consistent to literatures reviewed for this study, marriage becomes a primary means to get access to land. Most survey respondents are married women and widows comprise the second large number. Married and widowed women get access to land through marriage as widows get access to land by inheriting their deceased husbands' land. The study reflects that unmarried women hardly access land through inheritance and divorced women hardly access land through marriage. Legal provisions on female land inheritance and the right of divorcees to marital land are not fairly recognized in the study area.

3. Husbands are reluctant to recognize women's land rights: The 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 Wodera woreda 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.

4. Customary laws and practices: Women's access to land is affected by customary laws and practices in the study area. These practices not only affect women as a whole in these communities but, make differences among group of women under different marital statuses. Study findings reflect that patriarchal inheritance system is the dominant inheritance system applied by communities. This system restricts daughters from inheriting land from their parents. Study finding on the relationship between marital status and means of land acquisition in the study area reflect that none of the unmarried women accessed land through inheritance and none of the divorced women accessed land through marriage (Table 4.6). Regardless of the regional rural land policy commitment, women's lived experiences as reflected in the two case stories, reveals that women not only lose access to land they should get through inheritance but they also lose access to land which they get through marriage when marriage breaks because of divorce or death of a husband. Study findings reflect that traditional practices in the study area make widows' access to their deceased husband's land conditional to having child/children from that specific marriage. Widows are allowed to live on their deceased husbands' land to raise their children and to farm on their children's land.

Polygamy has strong cultural bearing on women's access to land in the study area. Polygamy is an accepted norm by communities under this study including women themselves. It is attached to infertility and ageing of women. Survey findings on land access rights of women in polygamous marriages reflect that implementation of the regional rural land administration regulation is consistent to the pre-existing community practices. Women in polygamous marriage are affected by customary practices to the extent their access right to land through marriage become questionable. Because, right of these women is limited to sharing products obtained from the land registered on the husband's name while in marriage. Realization of marital property rights at divorce of women in polygamous marriage is also uncertain given community practices on ensuring marital land rights. Although the regulation provides joint registration rights on the husband's land to all wives study findings reflect that their individual right is hardly realized in practice.

5. Decision-making: Secondary sources assessed for this study reflected that the land administration implementation program was aimed at initiating community participation at local levels. Despite this policy commitment, practice in the study area reveals that women are mostly marginalized from participating in community activities and decision-making. Female participation is not considered in the land administration process from its early stage to final implementation.

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There is only one female member in the Kebele LACs and Sub-committees. The problem is not limited to women's marginalization from the process but, also their lack of information on how LACs election was carried out. Furthermore, the study reflects that women rarely participate in community activities and women are organized under women's league but the league is not effective in the study area. At household level women have less influence on decisions on land and land related matters like on what crops to grow on the land, on sales of proceedings and control of income. Low decision-making power has become challenge to women's meeting their responsibilities in household food sufficiency. Women mostly involve on off-farm activities to fulfill family food needs. The relationship between decision-making power exercised by women, land registered in own names and their marital status are made evident by this study. Out of the total 283 households only 66 (23%) of the households have land registered in women's names (Table 4.6). Women in male headed households have relatively less decision-making power because, men control land in most married households.

5. RECOMMENDATION

This study clearly points out existence of gender disparity in access to land in two rural Kebeles in Wadera Woreda of Oromia Region. Contributing factors to women's inequalities need to be addressed effectively to ensure women's access to land in the study area. This can be achieved by reviewing the regional rural land policy, mainstreaming gender in the land administration system, carrying out advocacy and awareness creation activities on women's land rights, establishing strong women's organizations, initiating women's involvement in community activities and decision-making, introducing female friendly plough technology and by carrying out further research in the subject area. Recommendations are to be implemented by the regional government, development organizations, research institutes, donors, NGOs and local communities.

Reviewing regional rural land policy: as mentioned earlier there is no land ownership certificate in the study area as the community is pastoralist and need further studied to provide special land owning certificate said officials, these delay in policy were affects women right to have land as the providing land tax receipt is serve as land ownership document which has no joint spousal registration part on receipt as the receipt is given with the name of only single individual, so regional policy makers must be provide immediate solution for pastoral community in having their own land ownership certificate.

Gender mainstreaming in the land administration and distribution system: Gender mainstreaming strategy should be applied in the land administration system in order to address women specific needs, to initiate their equal participation in the process and to ensure women's equal benefit from the system.

Carrying out advocacy and awareness creation programs: Promoting women's equal access to and land requires addressing socio-economic issues particularly customs locally saying "dubartiin isiinuu qabeenyaa, qabeenya qabeenyaa hin eegan" meaning women are money, no need of protecting money by itself" meaning they are married others and land may belongs to those who marries them, thus government must be design strategies to address these issues through advocacy and awareness creation programs to change community attitudes and practices.

Establishing strong women's organizations: Women's organization has an aspect of empowerment and women's associations could serve as forum to women focused interventions. Thus rural women should be initiated to organize and struggle for their equal landholding and administering rights.

Initiating women's involvement in community activities and decision-making: Women should be involved in the land administration program implementation process including in dispute settlement and should be empowered to assume leadership positions in LACs. Therefore the land administration system should design strategies to initiate active involvement of women in the land administration process including at decision-making levels.

Introducing female friendly plough technology: The ox-plough farming technology applied in the study area enforces women's dependence on male labour for ploughing Or as locally saying "sangaan dubartiin qotteen urmii hin qabu" meaning "women ploughing oxen are not live longer" as a result they were fear to plough land by themselves and choose share cropping or leasing their land to others. Hence the another plough technology should be innovated using local capacity to initiate women's participation in ploughing

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