

Lavers, Tom

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Conflicting priorities in the promotion of gender equality in Ethiopia:  
Uneven implementation of land registration and the impact on  
women's land rights

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Working Paper 2014–2

## **Conflicting Priorities in the Promotion of Gender Equality in Ethiopia**

*Uneven Implementation of Land Registration and the Impact on Women's Land Rights*

*Tom Lavers*

a preliminary version of this paper was presented at the joint UNRISD and Graduate Institute workshop on Gender and Agriculture after Neoliberalism

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UNRISD, Palais des Nations  
1211 Geneva 10, Switzerland

Tel: +41 (0)22 9173020  
Fax: +41 (0)22 9170650  
[info@unrisd.org](mailto:info@unrisd.org)  
[www.unrisd.org](http://www.unrisd.org)

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## Acronyms

<b>DA</b>	Development Agent
<b>EPLAUA</b>	Tigray Environmental Protection, Land Administration and Use Agency
<b>EPRDF</b>	Ethiopian Peoples' Revolutionary Democratic Front
<b>ESDA</b>	Ethiopian Sugar Development Agency
<b>LAC</b>	Land Administration Committee
<b>MoARD</b>	Ministry of Agriculture and Rural Development
<b>NGO</b>	Non-governmental organization
<b>OLF</b>	Oromo Liberation Front
<b>OPDO</b>	Oromo Peoples' Democratic Organization
<b>PSNP</b>	Productive Safety Net Programme
<b>SNNPR</b>	Southern Nations, Nationalities and Peoples' Region
<b>TPLF</b>	Tigrayan People's Liberation Front
<b>USAID</b>	US Agency for International Development

## Glossary

<b>chiguraf sehabo</b>	A form of residence-based tenure found in parts of Tigray during the Imperial era
<b>gadaa</b>	A customary system of social and political organization in Oromo society
<b>gebri</b>	A unit of land measurement used in Tigray, notionally the amount of land that can be ploughed by a pair of oxen in one day
<b>kebele</b>	The lowest level of formal government administration
<b>kilil</b>	An ethnic region in Ethiopia's federal system
<b>kushet</b>	A sub-division of the tabiya
<b>risti</b>	A form of descent-based tenure common in northern Ethiopia during the Imperial era
<b>tabiya</b>	The lowest level of formal government administration in Tigray, the equivalent of kebele in the rest of the country
<b>wereda</b>	The district level of government administration

## **Abstract**

The current Ethiopian government originated in a Marxist revolutionary movement, which early in its struggle against the Derg regime recognized the widespread discrimination against women in Ethiopian society and placed gender emancipation at the centre of its revolutionary strategy. While political expediency and confrontation with patriarchal Ethiopian society has at times challenged its commitment to women, the EPRDF has, nevertheless, introduced a number of reforms which aim to promote gender equality. This includes recognition of equality between men and women in land rights, and a land registration programme that requires the names of both husbands and wives on certificates. This paper examines the gendered impacts of these reforms through analysis of three village-level case studies based on fieldwork conducted in 2009–2010. The cases highlight the contingent nature of gender outcomes based on local state-society relations, and the government's political and economic priorities, resulting in considerable variation within Ethiopia.

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Keywords: Ethiopia, land tenure, gender, political economy, investment.

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## Introduction

The ruling Ethiopian Peoples' Revolutionary Democratic Front (EPRDF) has its roots in a Marxist revolutionary movement, which early in its struggle against the Derg regime (1974–1991) recognized the widespread discrimination against women in Ethiopian society and placed gender emancipation at the centre of its revolutionary strategy. Since coming to power, the EPRDF has initiated a number of reforms intended to enhance women's rights, including a process of land registration, the objectives of which include improving the security of women's land access.

A great deal has been written on land tenure in Ethiopia, the majority focusing on the effect of state ownership on tenure security and investment incentives.<sup>1</sup> However, relatively little research has explicitly considered the gendered nature of land administration. Exceptions include Rahmato (2004) who briefly considers women's land rights in a broader analysis of Ethiopian land laws, and Flintan (2010) who examines women's access to land through customary institutions among the Boran Oromo pastoralists. To date, there have only been two studies that have focused on the gender implications of the recent land registration process. The first, by Teklu (2005), provides an overview of the land registration process in Amhara region, concluding that registration has enhanced women's access to and control over land. The second, by Holden et al. (2011), uses econometric analysis of a panel dataset to show that land registration has improved tenure security in Tigray and, as a result, women are more likely to rent out their land. This paper complements existing research by providing an analysis of the political economy of policy implementation, showing how the implementation and effects of land registration in Ethiopia have varied according to the compatibility of the programme with the government's other economic and political objectives. This variation in implementation has had important consequences for the objective of enhancing women's land rights.

The paper employs a realist, case-based research strategy,<sup>2</sup> which links macro policy analysis to village-level case studies. The analysis draws on a year of fieldwork conducted between September 2009 and September 2010. This fieldwork involved more than 200 semi-structured interviews with federal, regional and local government officials, and inhabitants of the case study sites who were purposively selected according to criteria of class, ethnicity, age and gender. In a few instances, interview testimony is supported by documentary evidence where land disputes have been mediated by elders or pursued through the courts. The selection of case studies and respondents was not intended to generate a representative sample. Rather, the cases were selected to examine the implementation of government policy in different political settings and agro-economic zones, and to illustrate variation, where it exists. Meanwhile, interview respondents were selected to ensure coverage of a variety of types of rural household and individual, and to focus on key informants within relevant departments in the government bureaucracy. The three case studies set the land registration process in the context of the government's development strategy and state-society relations.

The next section sets out the analytic framework on which the paper is based. The following sections turn to Ethiopia, examining first, the political and socioeconomic

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<sup>1</sup> For example, Rahmato 2004, 2009; Deininger et al. 2008b.

<sup>2</sup> Hammersley 1991; Ragin 1992; Yin 2008; Bevan 2009.



context of land and agricultural policies, and second, the implementation of the land registration process in three case study sites. The final section concludes.

## Policy Implementation, Land Rights and Gender

The existing literature on gender and land rights has frequently highlighted the challenge of translating legal reforms and good intentions at high levels of government into real change at the local level, where state reform efforts frequently conflict with customary institutions and local interests.<sup>3</sup> Thus, while legislation can be an important starting point for transforming local practices, implementation is “where the real struggle begins” (Daley and Englert 2010:103). These findings mirror the literature on policy reform in general, which frequently highlights the disconnect between policy and practice.<sup>4</sup>

In order to examine the links between policy and practice in land registration in Ethiopia, this paper draws on Migdal’s (2001) State-in-Society approach. Migdal’s work rejects the frequent assumption that the state constitutes a unitary, goal-oriented actor, which can result in a failure to problematize the relationship between policy and practice. Instead, the State-in-Society approach conceptualizes the state as a loose network of semi-autonomous organizations, which are in constant competition for domination with organizations in society. Each state organization—the Prime Minister’s office, a national Ministry or a rural administrative office—has its own set of objectives, which reflect the individual interests of its staff members, the organizational interests of the department or agency, and the balance of interests in local society, with cleavages along ethnic, gender and class lines often assuming importance.

In many cases, local state organizations will have very different priorities and face a very different set of local interests to policy makers at the highest levels of government who announce policy reforms. As such, the State-in-Society approach understands policy change as one outcome of the ongoing competition between state organizations and sources of authority in society in the pursuit of their contrasting objectives. The result is that sweeping policy changes announced by senior officials at the “commanding heights” of the state may be considerably adapted during the process of implementation based on the contrasting objectives and interests in different local contexts (Migdal 2001:121). This paper draws on this approach to examine the political and economic context within which federal and regional governments have launched land registration processes in Ethiopia and how these factors have influenced the paths of implementation in three case study sites.

Another important finding from the literature on gender and agrarian studies is that, while land rights are important, they constitute just one aspect of gender relations. Gender inequalities derive from a variety of social, economic and political factors, highlighting the need for this paper to situate an analysis of land rights and land reform within a much broader context. Access to land depends not just on government policy pronouncements about land rights and attempts at implementation, but also the interaction of these policy processes with social institutions, such as marriage, divorce, inheritance and intra-household relations (Agarwal 1990; Razavi 2009). Furthermore, the extent to which improved land rights for women translate into improved socioeconomic outcomes is also dependent upon the gendered division of labour, including responsibility for care work (Razavi 2009), as well as women’s overall

<sup>3</sup> Walker 1994; Joireman 2007, 2008; Daley and Englert 2010.

<sup>4</sup> Lipsky 1980; Harriss 1988; Grindle and Thomas 1991.

engagement in local political and community life and their capacity to pursue claims to land, often in the face of resistance (Leonard and Toulmin 2000). As a result, the following sections situate the implementation of land registration within an analysis of the social, economic and political aspects of agrarian systems of production, including the gendered division of labour.

## **Agricultural Policy, Politics and Gender in Ethiopia**

This section provides an overview of the federal government's policies regarding agriculture, land and gender. The first part examines the evolution of the government's agricultural development strategy. The second part focuses on the origins of the ruling party's commitment to gender equality and the policy initiatives pursued to achieve this objective.

### ***Development Strategies and Politics under the EPRDF***

The ruling EPRDF coalition originated in an ethno-nationalist insurrection by the Tigrayan People's Liberation Front (TPLF), which, in coordination with ethnic-based movements in Eritrea (the Eritrean People's Liberation Front) and, to a degree, Oromiya (the Oromo Liberation Front—OLF) succeeded in overthrowing the military-Marxist Derg regime (1974–1991). On coming to power in 1991, the EPRDF established a federal system, using an ethno-linguistic criterion to draw around ethnic groups and delineate *kilil* or ethnic regions.

At its founding, the TPLF espoused a Marxist-Leninist political ideology, subsequently embracing a Maoist approach to mobilizing the peasantry as it sought to gain rural support (Young 1997; Berhe 2008). Despite the leadership's embrace of free market rhetoric on coming to power in 1991, the state retains a major role in the economy. For much of the last twenty years, the EPRDF has pursued a development strategy focused on enhancing smallholder productivity through the increased use of improved agricultural inputs (MoFED 2002, 2003). State land ownership constituted a key feature of this strategy, since it prohibits land sales and restricts rental, ensuring the dominance of smallholder agriculture and preventing land consolidation by what the EPRDF considers to be less efficient large-scale capitalist agriculture (MoFED 2003).

The Derg originally nationalized land in 1975, replacing a variety of tenure systems with state ownership and the distribution of usufruct rights to households. The EPRDF retained state ownership, in part due to its compatibility with the socioeconomic objectives of its smallholder-based development strategy, but also based on important political considerations. As critics have pointed out, the land policy prevents the consolidation of land by economically powerful elites which might threaten the ruling party, while ensuring the dependence of the rural population on the state and consequently its subordination (Rahmato 2009). An additional consideration is the desire to control migration in order to limit the growth of a politically dangerous class of un- or under-employed urban migrants.<sup>5</sup>

The EPRDF's smallholder-based development strategy has, nevertheless, fallen short of its lofty socioeconomic objectives. In particular, use of government-provided improved inputs has remained low and the agricultural surplus has thus far proved insufficient to stimulate rapid industrial expansion, address food insecurity or prevent a growing

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<sup>5</sup> MOIPAD 2001; Rahmato 2004; Devereux et al. 2005.

foreign exchange shortage.<sup>6</sup> Critics of government policy have frequently argued that state land ownership has a detrimental impact on subjective tenure security.<sup>7</sup> According to these researchers, the looming threat of land redistribution and the lack of land titles reduce tenure security and incentives for farmers to invest in the land that they farm, reducing productivity and contributing to ecological decline. Partly in response to these concerns, federal and regional governments initiated a large-scale programme of land registration from the late 1990s across the highland areas where the bulk of Ethiopia's population involved in settled agriculture reside (int. respondent FG4, see annex).<sup>8</sup> Land registration programmes have been supported by donor agencies, in particular the Swedish Foreign Ministry in Amhara region, US Agency for International Development (USAID) and the World Bank.

A more recent response to the challenges faced by agricultural policies in the smallholder sector has been the government's promotion of large-scale agricultural investment by public and private, foreign and domestic investors. Government officials claim that these investments are intended to boost foreign exchange earnings, promote the local processing of agricultural products, create employment and contribute to national food security (Lavers 2012a). The government has actively promoted land leases to investors in peripheral lowland areas where pastoralism and shifting cultivation are among the main livelihoods, on communally owned grazing land in highland communities and, in a few instances, on smallholder land where investors promise large productivity increases based on the development of irrigation infrastructure or the introduction of high-value crops (Lavers 2012b). Nevertheless, the government retains close control of the allocation of investment land, and the limitation of urban migration remains an important consideration of government policy, with outgrower schemes or labour-intensive investments such as flower farms favoured in heavily-populated areas to limit displacement (Lavers 2012b).

### ***The EPRDF and Gender Equality***

The TPLF made gender equality a key focus of its strategy from the beginning of its insurrection both because it fit with its revolutionary ideology and because the TPLF needed to mobilize all available resources, including women, in its fight against the Derg (Young 1997; Berhe 2008). Indeed, in 1982 the TPLF claimed that one-third of its fighters were women (Young 1997, p. 179). The TPLF recognized the widespread discrimination against women in Tigrayan and Ethiopian society, evident in common practices such as early marriage, female circumcision, abduction and rape as a means of securing a bride, and the male domination of household and community decision-making (Vaughan and Tronvoll 2003; Kumar and Quisumbing 2010). While the party's commitment to gender emancipation has waned at times as the TPLF sought to avoid confrontation with patriarchal Tigrayan society (Tadesse and Young 2003), important reforms have, nevertheless, been initiated both in liberated parts of Tigray and across Ethiopia since 1991. For example, a Revised Family Code in 2000 provided for equal rights in marriage and inheritance, while revised land proclamations and land registration have aimed to enhance women's land rights (Kumar and Quisumbing 2010).

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<sup>6</sup> Dercon and Vargas Hill 2009; Spielman et al. 2011; Lavers 2012a.

<sup>7</sup> Rahmato 1991, 2003, Deininger et al. 2008a; Holden et al. 2011.

<sup>8</sup> Land administration is one of the areas where some responsibility has been devolved to regional administration. The federal land proclamation specifies state land ownership and requires regions to conduct land registration. Each of the four highland regions has its own land proclamation, with some variation among them. This is, however, quite limited based on the restrictions of the federal proclamation.

Land registration was conducted first in Tigray in the late 1990s and then in the other highland regions following a federal requirement (int. respondent FG4). In many respects, the land registration process in different regions is very similar, employing a low technology approach. Each *kebele*, the smallest unit of government administration,<sup>9</sup> is expected to facilitate the election of a Land Administration Committee (LAC) by and from the local population, including at least one female member (Deininger et al. 2008b). The LAC measures the size of plots of land in the presence of all neighbouring landholders using ropes, and certificates note the holders of neighbouring plots but provide no map and no specific location.<sup>10</sup> Where there are disputes about who is the legitimate landholder of a plot, the LAC is expected to measure the size of the disputed plot and refer the matter to dispute resolution, first by community elders and then by local courts if the elders are unable to mediate a resolution. This approach has been praised by the World Bank as a low-cost model of land registration suited to developing countries (Deininger et al. 2008b).

In addition to provisions in the constitution and land proclamations, which give women and men equal rights to land and other property, titles should be jointly issued to the husband and wife in a household, giving women equal rights to make decisions about land use. This is in contrast to tenure under the Derg, which focused on the redistribution of land to household units, ignoring intra-household inequalities (Rahmato 2004), like many other state-led distributions of the time (Razavi 2009). Unlike many studies examining the gendered impacts of titling in other countries,<sup>11</sup> the few studies on land registration in Ethiopia have reached positive conclusions, suggesting that joint registration has improved women's access to and control over land (Teklu 2005; Holden et al. 2011). This may be in part because exclusive household rights to particular plots of land have long been established in most areas where registration has been attempted in Ethiopia. As a result, the registration programme has sought to *formalize* exclusive use rights, in contrast to some programmes in other countries which have also sought to *establish* exclusive individual rights to land that was previously subject to multiple claims, leading to competition over land, frequently to the disadvantage of less powerful groups in society (Lastarria-Cornhiel 1997; Whitehead and Tsikata 2003).

In Ethiopian communities, women are expected to care for children and elderly relatives, collect water and firewood, cook and clean, as well as to provide important agricultural labour in activities such as sowing, weeding and harvesting. Men's roles are more focused on agriculture, with ploughing, in particular, considered to be an exclusively male activity. The government builds on these norms regarding the gendered division of labour, arguing that ensuring secure land access for women, in particular through land registration, provides protection for women, since it enables female landholders without access to male labour for ploughing to sharecrop their land and thereby ensure an income (int. respondent FG4).

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<sup>9</sup> The hierarchy of government institutions is (from top to bottom): *kilil* (region), zone, *wereda* (district), *kebele* or *tabiya* (sub-district).

<sup>10</sup> This low technology approach is described as 'first stage' registration. Second stage registration involves the use of technologies such as GPS or full station technologies and is consequently much more expensive than the low technology approach used in the first stage registration that is the focus of this paper. Second stage registration has been conducted as part of pilot schemes in areas of high economic potential funded by USAID and others.

<sup>11</sup> Lastarria-Cornhiel 1997, Whitehead and Tsikata 2003, Razavi 2007.

## Gender and Land Rights in Practice

This section examines the process of land registration in three village-level case studies. These cases show how land registration has resulted in very different outcomes for women's land rights based on variation in the relations between the party-state and local communities, the interests of different state organizations, and competing government political and economic priorities. As noted above, the case selection is intended to illustrate variation, rather than providing a representative sample from which to generalize to the rest of the country. In particular, the cases reflect variation in the relationship between the ruling party and local communities, as well as covering a range of agro-economic zones, in order to examine how land registration has been pursued in areas assigned quite different roles in the government's agricultural development strategy.

The TPLF's revolutionary strategy was based on gaining the support of the Tigrayan peasantry in order to mobilize them for the fight against the Derg (Young 1997; Berhe 2008). Despite subsequently forming the EPRDF and seizing national power, Tigray remains the heartland of EPRDF support, and the party is widely portrayed as being dominated by Tigrayan politicians.<sup>12</sup> The village of Geblen, the first case study examined in the paper, is located in East Tigray, close to Marwa, where the TPLF established one of its first bases in its fight against the Derg (Young 1997; Berhe 2008). Indeed the TPLF has controlled Geblen itself since the mid to late 1970s and the community is part of an area where the TPLF's strategy of gaining the support of and mobilizing the peasantry has been most successful. As such, the case study on Geblen is taken as an example of policy implementation in the context of longstanding, close relations between the party-state and the local community.

The TPLF and the OLF, which favours greater autonomy or even secession for Oromiya, coordinated their activities to a limited extent prior and immediately subsequent to the fall of the Derg. Nevertheless, as the TPLF expanded its interests to the whole of Ethiopia, it created its own Oromo party under the EPRDF umbrella, the Oromo Peoples' Democratic Organization (OPDO), in direct competition to the OLF.<sup>13</sup> The OPDO has, however, long been regarded by many as an artificial creation of the TPLF / EPRDF that has struggled to establish legitimate authority in Oromiya (Clapham 2009). In particular, many established and locally respected elites either refused to collaborate with the OPDO or were excluded because of their past involvement with the Derg or the OLF (Vaughan 2003; Markakis 2011). As such, the OPDO established a new political class that relied on the EPRDF for its power and status. The second case study examines Turufe Kechema in West Arssi, which has been administered by the OPDO since 1991. Turufe was selected as an example of a site where the party-state is likely to have considerably less legitimacy in the eyes of the local population.

Finally, in recent years government policy has increasingly focused on the commercialization of agriculture, including the specialization of smallholders in niche, high value markets, as well as the promotion of agricultural investments by a variety of foreign and domestic, public and private investors (Lavers 2012a). The final case study examines Waqqee Xiyyoo, Oromiya, an area of high agro-economic potential where the state-owned Ethiopian Sugar Development Agency (ESDA) has invested in the large-scale expansion of a sugar plantation using outgrowers. As such, this case examines the

<sup>12</sup> Vaughan and Tronvoll 2003, Clapham 2009; Markakis 2011.

<sup>13</sup> The brief and strained collaboration between the EPRDF and OLF, as well as the collapse in relations is discussed in Vaughan (2003).

implementation of land registration in a context in which the government is pursuing potentially contrasting economic development objectives.

### ***Geblen, Tigray***

Geblen *tabiya* (the equivalent of a kebele in Tigray) is situated in the East Tigrayan highlands close to the Eritrean border in a very mountainous and drought-prone area. Despite the extremely difficult conditions for agriculture, population density is very high, land shortages are severe and, consequently, the site is extremely food insecure, with many households producing only a few months' food per year (see Lavers 2013). According to several respondents, the TPLF first arrived in Geblen in 1975, very soon after the Derg seized national power in 1974. However, others reported that the Derg had some authority over the area until the late 1970s and it was only at this time that the TPLF consolidated its control. During the fight against the Derg, the TPLF drew considerable support from Geblen and the surrounding area and several respondents, both male and female, were former TPLF fighters and support workers (ints. respondents GF1, GM8, GM17). By the time of fieldwork, the TPLF had controlled the area for at least 30 years and, to this day, there are no organizations operating in Geblen that are truly independent of the party-state. To provide an example of the extent of TPLF dominance, one of the government Development Agents (DAs) in Geblen during fieldwork in April 2010 reported, just months before the 2010 national elections, that the *tabiya* party leadership was discussing their political strategy, not for the coming elections, but for the 2015 elections, since their only concern was that opposition parties might try to establish themselves in the community at some point in the future (int. respondent GT4).

Early TPLF activities in liberated areas included initiatives focusing on gender equality, including: raising the minimum age of marriage; ensuring equality in inheritance; promoting girls' education; reducing women's heavy work burdens; protecting women's property rights; and establishing women's associations for mobilization (Young 1997). In the early years the TPLF also started a programme teaching women how to plough, in order to break the gendered division of labour in agriculture (Young 1997). However, the programme was ended after just two years, according to the TPLF, because it increased women's work burden and because the plough was too heavy for women to use. Young (1997) dismisses these motivations, suggesting instead that the TPLF sought to avoid confrontation with patriarchal Tigrayan society on whose support it relied. To this day, women in Geblen still depend on men to plough land, with female-headed households sharecropping out their land or, in exceptional cases, hiring male labourers to farm. Based on data from past surveys conducted in the site, 35 per cent of households lack adult male labour (Lavers 2013, p. 467). This high proportion is likely to be, in part, the result of past conflicts between the TPLF, the Derg and other competing revolutionary movements in the 1970s and 1980s, and between Ethiopia and Eritrea in 1998–2000. Many men were either killed in these conflicts or never returned from them, while others have subsequently left to look for work elsewhere.

In Geblen, the local sharecropping arrangement stipulates that the sharecropper supplies the inputs for production, while the grain produced is split equally between the landholder and the sharecropper, and the chaff, used as animal feed, is taken by the sharecropper. Hiring a labourer to farm the land is widely considered to be more beneficial to the landholder than sharecropping. Nevertheless, in Geblen there are very few people who have the money to pay a labourer before they receive their harvest. During my interviews, I came across only two women were able to do so (ints.

respondents GM22, GT10). For the most part, therefore, landholders who lack male labour receive less than half the income of that earned by a male-headed household which otherwise has the same inputs.<sup>14</sup> In addition, as a result of the reliance on male agricultural labour for ploughing, the only way in which young women can gain access to an agricultural income is through dependence on a man—either through marriage or sharecropping. Furthermore, while men are able to expand their production by sharecropping in additional land, this is much more difficult for women without male labour. I found no examples in Geblen or elsewhere of women who had been able to do so.

The TPLF conducted land reforms in liberated areas, including Geblen, wiping out the previous *risti* (descent-based) and *chiguraf sehabo* (residence-based) tenure that existed during the Imperial era (Kiros Gebre Egziabher and Solomon Tegegne 1996). According to two elderly male respondents, women had no rights to land under these previous tenure regimes, (int. respondents GM7 and GM25), although one female respondent acknowledged that in some cases when a couple divorced, the man might have voluntarily given the woman some land to support the children, whom she was expected to look after (int. respondent GT10). Following the TPLF reforms, women were allocated land and were entitled to half the household's land on divorce (int. respondents GM7 and GM25, see also Berhe 2008). More recently, Tigray was the first region to conduct land registration, beginning in the late 1990s (int. respondent FG4) and registration took place in Geblen in 1997/98 (int. respondent GT8).

Land administration at the village level involves the LAC, which is responsible for measuring the land; elders, who engage in the first round of dispute resolution; and the land court, which presides over disputes that elders have been unable to resolve. The LAC, like all *tabiya* committees in Geblen, is expected to have at least one female member. Indeed, when the committee was originally formed, there were two female committee members (int. respondent GT6). However, at the time of fieldwork, both women had left. According to one of the former female members, they departed because of personal problems and the need to look after sick relatives (int. respondent GT6). In contrast, a current male member said that they were removed because they were not working effectively and the LAC was not willing to compromise merely to ensure its quota of female members (int. respondent GT7). Meanwhile, there are three elected elders in each *kushet* (a sub-district within the *tabiya*) who take a leading role in dispute resolution (ints. respondents GT1, GM23). In Geblen, none of these elders are women, although one respondent claimed that the *tabiya* administration had been encouraging the community to nominate some female elders as well (int. respondent GM20). These elders are registered by the *tabiya* and were given training by the Catholic Mission in nearby Adigrat town. According to one of the elders who participated in this training, there were female elders in attendance from other *tabiya* in East Tigray (int. respondent GM23). Finally, if elders are unable to mediate a satisfactory resolution to a land dispute, the case passes to the *tabiya* land court. In Geblen, one of the three members of this court is a woman (int. respondent GT10).

In Geblen, the implementation of land registration by these institutions involves a mixture of formal rules, defined in Tigray's land proclamation, and informal practices. Though not mentioned in the land proclamation, land allocations are based on the

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<sup>14</sup> According to policy documents, public works labour from the cash and food-for-work Productive Safety Net Programme (PSNP) can be used to cultivate the land of female landholders (Holmes et al. 2011), obviating the need to sharecrop land. Although the PSNP was operational in Geblen during my fieldwork, this particular provision had not been implemented at that time.

concept of a *gebri*, which is notionally the amount of land that can be ploughed by a pair of oxen in one day. In principle, individuals—both male and female—are allocated half a *gebri*, with the intention that a married couple together would have one *gebri*. In Geblen, at least, the size of a *gebri* varies considerably based on the quality of the land. For example, the head of the *tabiya* LAC estimated that one *gebri* ranged from 0.5 hectares for land with shallow soil to as little as 0.06 hectares for land with deeper soil (respondent GT8).

Following the 2005 federal land proclamation (FDRE 2005), which requires joint land registration, the Tigray land proclamations since 2006 stipulate that land certificates should be issued jointly in the name of husbands and wives (TNRG 2005/06). Nevertheless, all land in Geblen (ints. respondents GT1, GT8), and most in Tigray as a whole (int. respondent IR3), was registered well before this proclamation and the original land registration process in Tigray only required the name of one landholder. As a result, regional government officials acknowledge that in Tigray land has usually been registered to male household heads (int. respondent IR3) and there appears to be little motivation at any level of administration to re-issue certificates now that the law has changed.<sup>15</sup>

Consequently in Geblen when both husband and wife brought half a *gebri* to a marriage, all of the household's land was registered in the name of the man. However, if the woman had land while the husband was landless, the land was registered to the woman alone (ints. respondents GM19, GM23). Although the regional land proclamation makes no explicit reference to how land should be divided in the case of divorce, in Geblen the land is widely expected by men and women to revert to its original holder. It should be equally divided where both parties brought half a *gebri* to the marriage and, if the land belonged to the woman, then the man has no claim to her land (ints. respondents GT8, GM19, GM23). In cases where the man had land prior to marriage and the woman had none, if the couple have children, the woman is entitled to half the land in order to support the children, whom she is expected to look after (ints. respondents GF5, GF6, GM18, GM19, GT10). However, if they have no children, the woman has no claim (ints. respondents GF4, GM19, GT10).

One example is provided by GF6 who is in her thirties and had half a *gebri* before getting married. After she was married, the one *gebri* belonging to the couple was registered in her husband's name. Nevertheless, when they divorced recently, her half *gebri* was returned to her without dispute and she has now been issued with a certificate in her own name. Since she lacks both male labour within her own household and oxen, she now sharecrops out her land to her brother. In addition, two male respondents, GM19 and GM23, were both working in Eritrea at the time of the last TPLF land redistribution in 1990, and, as a result, neither was allocated land. However, GM19's wife was allocated half a *gebri* and GM23's wife and children were allocated a total of one *gebri*. Both men subsequently returned to Geblen when Eritrea seceded from Ethiopia. Although the husbands now plough their families' land, the land is registered solely in the women's names and their husbands agree that they would have no right to it if they ever divorced.

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<sup>15</sup> According to respondent IR3 in the Tigray regional government, women will be added to certificates when second stage land registration is undertaken, but not until that time. Given that the much more expensive second stage registration has so far only been piloted in areas of high agro-economic potential, it seems unlikely to be pursued in areas, such as Geblen, where the likely economic returns are very low.



Similar principles are also evident in the implementation of the government’s voluntary resettlement programme, which aims to relocate poor households from areas where there are severe land shortages to lowlands where the government claims that land is more plentiful. Households in the programme are allocated two hectares of farmland in Humera and after two years must decide whether to stay in Humera, losing any land they once had in Geblen, or return. In Geblen a few households signed up for the resettlement programme. However, in the cases that I found only the male household heads had actually been to Humera, leaving Geblen just during the rainy season, and then returning to their families for the rest of the year (ints. respondents GM11, GM24). This was largely because of the understandable desire to protect their families from the risk of contracting malaria in the lowlands. However, where both the husband and the wife had land in Geblen originally, even though the household’s entire landholding was initially registered in the man’s name, the woman’s share of that landholding was subsequently registered in her own name, with just the man losing his land in Geblen (int. respondents GM11).

Given the informality of women’s land access, where women’s land is registered in their husbands’ names, I had expected to find cases where women had lost access to their land, in particular during divorce. However, the validity of the principles discussed above was universally accepted among my male and female respondents, and none of the respondents had ever heard of any disputes resulting from women’s informal rights to land. The female member of the land court said that there were very occasionally disputes about which member of a couple was entitled to which part of the land, but not the principle of division itself (int. respondent GT10). She said that in the rare cases in which it is not possible to decide who is the rightful landholder of a particular plot, the land court measures the land and tosses a coin to decide.

Gender equality has been an important aspect of the TPLF’s mobilization of the people of Geblen for more than 30 years, both during its military campaign against the Derg and subsequently. As has been noted by Segers et al., the TPLF continues to draw on the close relations between the party and the population of rural Tigray, as well as memories of “the joint revolutionary struggle” to promote participation in the government’s development programmes (Segers et al. 2009:100). In particular, loyalty to the party should be demonstrated through participation in government campaigns and adherence to government policy. While changes to the land proclamation requiring joint registration of land to men and women have yet to be implemented, the strong relations between the TPLF and the community over more than 30 years and TPLF attempts to promote gender equality have contributed to the widespread recognition and acceptance of women’s land rights.<sup>16</sup> Although the informality of women’s access to land is potentially problematic and the TPLF has been unable or unwilling to challenge the gendered division of labour, considerable progress has, nevertheless, been made in promoting women’s access to land compared with previous tenure regimes, which excluded women.

### ***Turufe Kechema, Oromiya***

Turufe Kechema is a grain surplus-producing area of smallholder agriculture in West Arssi, Oromiya. Since 1991, when the Derg administration fled Ethiopia, the OPDO has administered the area. Land registration began in 2005, following federal and regional proclamations, and at the time of fieldwork 90 per cent of landholdings had been

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<sup>16</sup> In some cases it may be that residents of Geblen and other Tigrayan communities are truly committed to the ruling party, in others it may reflect a lack of any serious political alternatives.

registered (int. respondent TK3). The majority of the population is from the Arssi Oromo ethnic group, who are predominately Muslim. The Arssi are divided into clans and lineages that provide a community alternative to government land policies. A principal objective of local customary tenure is to retain land within the patrilineal clan, and, in doing so, this tenure system severely restricts women's land rights. Customary law requires women to marry outside the clan, moving to their husbands' villages and losing land in their home villages. In addition, if a woman is widowed, she must marry a male relative of her deceased husband to ensure that land stays in the husband's family and any children are protected (see also Hebo 2006).<sup>17</sup> The Arssi also practice polygyny, although land shortages have meant a decline in its occurrence.

In Oromiya in recent years the OPDO has attempted to re-establish a form of *gadaa* (int. respondent OR2), the customary system of social and political organization in Oromo society. *Gadaa* was in use since the sixteenth century, prior to the incorporation of Oromiya into Imperial Ethiopia, but was abandoned in most places during the Imperial and Derg administrations and has only really persisted amongst the Boran Oromo pastoralist communities in the south of Oromiya (Jalata 2005). Among other functions, *gadaa* prescribes particular political and military roles for men of different age groups and nominates the Aba Gadaa as the community's political leader. Though formally independent from the state, under the EPRDF, the re-instated *gadaa* is organized along the lines of the government administrative hierarchy with zone and *wereda* (third-level administrative divisions) representatives. Indeed, the Aba Gadaa in Shashemene *wereda* has a desk in the *wereda* Culture and Tourism office, and even required official letters of authorization from the regional and zonal government Bureaux of Culture and Tourism in order to cooperate with my research.<sup>18</sup> The reforms also directly affected community elders, who are assigned an important role in making the first attempt at dispute resolution by the regional land proclamation (ONRG 2007). As well as reporting to the Aba Gadaa, elders are now also trained by the *wereda* on government policy and are issued with government ID cards (int. respondent TM8).

As elsewhere in the country, government policy in Turufe builds on local norms regarding the gendered division of labour, with ploughing considered a solely male activity. Where households lack male labour to plough the land, landholders are expected to sharecrop or rent their land to a man to farm in order to earn an income and to ensure that all land is productively used (int. respondent TK3). There were numerous examples among my respondents of female-headed households and elderly landholders who lacked male labour and sharecropped their land to male farmers. Nevertheless, as in Geblen, sharecropping is inherently disadvantageous to women and the elderly since the landholder earns just half the production of an able-bodied man with otherwise comparable resources.

Prior to land registration, the lack of proof of ownership constituted a threat to female and elderly landholders sharecropping land, with sharecroppers often claiming the land as their own and refusing to give the crop to the landholder. This was particularly

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<sup>17</sup> Similar customary laws continue to be influential in parts of Southern Nations, Nationalities and Peoples' Region (SNNPR) and regional administrators there admitted that this has presented a challenge to government policies that aim to promote gender equality in land rights (int. respondents SR1, SR2, SR3).

<sup>18</sup> This was also the case when I approached the Aba Gadaa in East Shewa zone for the case study on Waqqee Xiyoo, below. In Shashemene, when I returned with the requested letters, the Aba Gadaa continued to evade me, missing two appointments and then switching off his phone. This constitutes an unfortunate gap in the fieldwork.

problematic for women who, under customary law, had few land rights, and received little support either from elders mandated to make the first attempt at resolving disputes or from formal dispute resolution procedures. This vulnerability has, however, lessened due to changes to formal and informal laws. As previously discussed, land proclamations now entitle men and women to equal land rights, and land certificates are issued jointly to men and women. In addition, in 2005 the wereda administration and the Aba Gadaa jointly announced changes to customary law, prohibiting what the government calls “harmful traditional practices”, such as female circumcision and bride abduction, and announcing reforms to customary tenure (ints. respondents TM8, TK2, TF5, OR2). According to a respected community elder, these changes gave women the right to refuse inheritance by a male relative if their husband died, as well as the right to keep land when living outside the kebele, meaning that they do not lose land when they marry (int. respondents TM8). My respondent in the regional Bureau of Culture and Tourism acknowledged that the reforms came, “mostly from the government’s initiatives” and were part of the regional government’s desire to “use the elders for many purposes” because when the regional government works through the gadaa it is more successful than the local government (int. respondent OR2). These regional initiatives were confirmed in Turufe both by the elder and the head of the kebele women’s association who believed that it was the wereda Culture and Tourism Office that pushed the Aba Gadaa to revise customary law (ints. respondents TM8 and TF5). Indeed, the elder said that the wereda administration has produced a book, kept in the wereda Culture and Tourism office, that documents the revised customary law (int. respondent TM8). The elder reported that, perhaps inevitably, these reforms have met with some resistance in the community, because clan members fear the loss of clan control over the land (int. respondent TM8). Nevertheless, the cases examined below show that there have been changes in local practices.

One example of the positive contribution of these changes is provided by a land dispute resolved during fieldwork. The father of the plaintiff, TF2, was Eritrean. He had lived in Turufe for many years and obtained 1.5 hectares during the Derg’s redistributions. In 1998, when the Ethio-Eritrean war began, the government instructed him and other Eritreans to leave the country. While some Eritreans in Turufe illegally sold their land to local people (int. respondent TM21), TF2’s father arranged sharecrops with four farmers. However, with the father gone and both of his children studying in Ethiopian towns, the farmers had no one with whom to share their crop and assumed that the land was now theirs (ints. respondents TM1, TM2, TM6, TF3). Nevertheless, when the land registration process began in 2005, TF2 returned to Turufe to claim the land. A certificate for the land was duly issued in her name, and she then demanded her share of the farmers’ crop. When the farmers refused, she registered a dispute, and the elders found in her favour based on the land certificate. This judgement is in contrast to the previous version of customary law, which would likely have rejected TF2’s claim because she is a woman living outside the community and from a different ethnic group. In an attempt to reconcile the parties, the elders asked that the same farmers continue to sharecrop the land and negotiated a written contract with the disputants for this sharecrop.<sup>19</sup> However, the farmers still refused to share the crop, according to TF2’s husband, because she is a woman and they thought they could “just ignore her”. Nevertheless, she persisted and brought the case to the wereda court, which also supported her claim and evicted the farmers (ints. respondents TF2, TM1).

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<sup>19</sup> Available in the Shashemene court records.

The change to customary law that requires widows to consent to being inherited by a relative of their deceased husband has also improved women's land rights. The husband of one respondent, TF5, died in 2006, shortly after the reforms. Both her husband's family and local elders tried to convince her to marry another male relative. Nonetheless, being aware of her right to consent, she refused and her husband's land was ultimately registered in her name. Based, in part, on her strong defence of her rights, she has subsequently been appointed chairperson of the kebele women's association with responsibilities for promoting women's land rights in the community. Nevertheless, in several respects she constitutes something of an exception in Turufe. First, her father did not belong to the *weyrera* clan that constitutes the majority in Turufe. Consequently, she was able to marry within the village and has a family network living nearby. As such, her capacity to resist pressure from her husband's family and the elders may well have been enhanced by having a supportive social network that is not available to most other women in the community. Second, TF2 is educated to grade 10. This may also have put her in a better position to resist inheritance than many other women since she would have had a greater knowledge of her rights.

A somewhat contrasting case is that of TF4, who moved to Turufe from a village about an hour's walk away to marry and had three children before her husband died seven years ago. The couple farmed land donated by her father-in-law, which she continues to use. However, the land was never formally transferred and is now registered to the father-in-law, leaving her completely dependent on him. A member of the LAC acknowledged that it is common for parents in Turufe to pass on a parcel of land to their children informally, with the parents' names remaining on the certificates (int. respondent TK6). Since her husband's death, TF4's father-in-law has been putting pressure on her to marry one of his other sons and, when she refused, he took the dispute to the elders, who, prior to 2005, agreed that she should re-marry. TF4 took the case to the wereda Women's Affairs Office, which paid her costs at the wereda court. TF4 won the case and, since the changes announced by the Aba Gadaa, the elders now also support her refusal. Nevertheless, she remains economically dependent on her father-in-law, and claims that he physically threatens her and steals her crops. She has reported the harassment to the elders, the kebele and the wereda Women's Affairs Office, but they have all said that they cannot do anything unless she provides witnesses. She would now like to return to the village where she was born and where her family still lives, but is unable to do so because she would be expected to leave her children in Turufe with her husband's family. TF4 believes that she is exceptional in refusing to re-marry and, despite the reforms, most widows are still forced to do so.

In cases of polygynous households, land registration is based on agreement within the household. Members of the LAC and the wereda land administration desk report that households usually divide land based on the number of children supported by each wife (ints. respondents TK6, TK7, TW2). The man and one wife appear on one certificate, while each of the other wives has their own certificate. Clearly this system provides considerable potential for uneven distribution or neglect of less favoured wives. Nevertheless, none of my respondents expressed dissatisfaction with the distribution, and I found no evidence of related disputes.

In Turufe, both formal and customary rules have been changed to protect women's rights to decide whom they marry and, in the cases examined by this research, these rights do seem to be upheld when brought to dispute resolution. Nevertheless, a woman's capacity to resist her husband's family depends on a number of factors in

which women are frequently disadvantaged. First, according to the elder interviewed, elders do still approach widows to ask for their consent to inheritance, although they have the right to refuse (int. respondent TM8). As such, women's rights remain dependent on their having the courage and capacity to refuse and, often, to bring disputes to defend their rights. Second, given the common failure to update land certificates, informal land access remains common, in particular for women, making legal defence problematic. Third, given that most women move to another area to marry outside their clan, they often have little local support when confronting their husband's family (Gebre Egziabher and White 2004). Finally, early marriage interrupts girls' education, in many cases limiting their literacy, knowledge of their rights and consequent ability to pursue a legal case. These findings mirror those of past research which shows that women's lack of power in social negotiations frequently damages their ability to claim their rights, indicating that real reform goes well beyond changes in rules and laws (Leonard and Toulmin 2000).

The changes to customary law in Turufe were largely a by-product of the EPRDF's co-optation of the gadaa. Not only does this provide a somewhat unusual case where informal institutions have had a positive impact on women's land rights, but this re-establishment and partial incorporation of the gadaa into government hierarchies is also of considerable political significance. The gadaa has been idealized by Oromo nationalists for its democratic and participative nature, and its emphasis on achieving consensus through discussion (Bassi 1996; Jalata 2005). Consequently, gadaa has become a key part of Oromo political identity, with many Oromo nationalists aspiring to an independent Oromiya governed by a form of gadaa (Baxter 1994; Bassi 1996). In co-opting the gadaa, the EPRDF has not only used this informal institution as a means of pursuing its own policy objectives, compensating for the relative lack of legitimacy enjoyed by the OPDO, but the party has also been able to prevent the emergence of an alternative source of political authority rooted in the local community.

This co-optation is indicative of the EPRDF's general approach regarding potential sources of opposition in society. Space for political mobilization outside the EPRDF party structure, including for the promotion of gender equality, is extremely limited in Ethiopia. In principle, the "revolutionary democracy" espoused by the EPRDF places great emphasis on the mobilization of the people through affiliated mass associations and debate within party structures. However, plural representation and criticism of EPRDF policy are considered a direct threat to the government's authority.<sup>20</sup> As a result, civil society organizations have always been viewed with suspicion by the government (Rahmato 2002; Berhanu 2002), while a recent law has severely restricted non-governmental organizations' (NGOs) access to sources of foreign funding for political activities, which, according to the government, includes the promotion of women's rights (Human Rights Watch 2008). The co-optation of the gadaa may also reflect the particular political and economic significance of Oromiya. The Oromo constitute the largest ethnic group in Ethiopia, and Oromiya is the largest ethnic region, occupying a central position in the country, surrounding the capital, Addis Ababa, as well as including many of the most economically important agricultural areas. As such, the government is likely to view with caution any initiative that strengthens an autonomous gadaa that might advance nationalist and secessionist claims.

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<sup>20</sup> Vaughan and Tronvoll 2003, Bach 2011; Vaughan 2011.

## **Waqqee Xiyyoo, Oromiya**

In 2010 the ESDA announced a major expansion of all its state-owned sugar plantations and factories (ESDA 2010), motivated by a domestic sugar shortage, which had already led the federal government to stop all sugar exports, in doing so, damaging Ethiopia's foreign exchange earnings. The expansion includes the Wonji-Shoa sugar factory, which has established a 600 hectare plantation using outgrowers in Waqqee Xiyyoo as the first phase of an expansion expected to cover more than 9,000 hectares and including a new sugar and ethanol factory in coming years (Lavers 2012b). Waqqee Xiyyoo is situated in the Rift Valley on a main road connecting it to Addis Ababa. The area is drought-prone, although it is located on the banks of the Awash River, offering considerable potential for irrigation. Prior to the plantation this potential was largely unrealized with only a handful of smallholders using river water for irrigation.

According to wereda officials and Wonji-Shoa staff responsible for the expansion, the sugar factory originally wanted to displace the smallholders and manage the land directly so as to ensure a reliable supply of sugarcane for the new factory in which it was investing (ints. respondents WW2, WW4, WI1). Nevertheless, the regional and federal governments refused, based on their concerns about the displacement of the farmers (int. respondents WW2, WW4, WI1). The regional and federal governments instead persuaded Wonji-Shoa to establish an outgrower scheme to combine large-scale investment by the ESDA in an irrigation system and a new sugar factory with the government's political priority of limiting smallholder displacement and urban migration.

Negotiations between the different state agencies and the local communities were protracted, lasting about a year (ints. respondents WW2 and WW4), resulting in a compromise on a complex and rather unusual system of production for the new plantation. The wereda government formed the smallholders with land in the plantations into a set of cooperatives,<sup>21</sup> which, in principle, manage production and negotiate the sale of sugarcane to Wonji-Shoa (ints. respondents WW2, WW4). Wonji-Shoa, in turn, constructed the irrigation system for the new plantation, as well as a new sugar factory. However, given the expertise that the sugar factory already has in sugarcane production, and the cooperatives' lack of experience, the cooperatives contract the management of the plantation to the sugar factory. Wonji-Shoa also brings in workers for all "skilled" jobs such as operating machinery and cutting the sugarcane, while the cooperatives are responsible for allocating "unskilled" work, such as weeding, guarding the crop and moving the sprinkler irrigation system, prioritizing cooperative members (int. respondents WW2, WW4). The cooperatives jointly negotiate a price for the sugar produced with Wonji-Shoa, while the costs of production, including fees for the sugar factory's management of the plantation and wages for cooperative members' labour on the plantation, are deducted from the final payment. In effect, therefore, the sugar factory is both the customer for the sugarcane produced and the management consultants for the production.

Nevertheless, during fieldwork there was considerable confusion within the community regarding the status of the land covered by the plantation. Many members of the

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<sup>21</sup> Wonji-Shoa first set up a 145 hectare sugarcane plantation in Waqqee Xiyyoo in 1978 under the Derg, and this was farmed as a cooperative since 1980. During the recent expansion, this original cooperative expanded in size by including additional land held by its existing members, but did not add additional members. Furthermore, two new cooperatives were created within Waqqee Xiyyoo kebele (int. respondent WM5).

cooperatives believed that they still retained individual rights to the plots of land. Others, including the management committees of the cooperatives, acknowledged that they did not have the right to withdraw their land from the plantation, although they believed that the land was still individually held (int. respondents WM4). However, the head of the wereda land desk, responsible for issuing land certificates, was clear that he was preparing land certificates that would identify the cooperatives as the holders of the land covered by the plantation, and that only land outside the plantation was to be registered to individual farmers (int. respondent WW4).

Although the Oromiya land proclamation requires land certificates to be registered jointly to husband and wife in a household, the land certificates had not been issued in Waqgee Xiyoo at the time of the establishment of the sugar cooperatives. When the cooperatives were formed, only one member of a household, invariably the man, became a cooperative member. Wives of cooperative members are not allowed to join in addition to their husbands (int. respondent WM5), and, for the most part, the only women in the cooperatives are female-headed households or widows of former male members (respondents WM4, WM5, WF3, WF4, WF5). As a result, female membership of the three cooperatives in Waqgee Xiyoo kebele is very low. In one cooperative female members constitute 36 per cent of the total of 157, 26 per cent of 57 members in another, while none of the 36 members of the final cooperative are women. Despite the subsequent requirement for local governments to register landholdings jointly to men and women, problems with the payment to the sugar cooperatives and the discontent of the cooperative members mean that the government is unwilling to revisit the question of land rights and membership.

Although government officials and representatives of the sugar factory claim that landholders were consulted and agreed to the establishment of the plantation (ints. respondents WI1, WW2, WW4), a number of my respondents from the cooperative stated that the government forced them into accepting the plantation (ints. respondents WM7, WM8). Regardless of the nature of any consultation process, it is clear that the smallholders were not provided with adequate information to make an informed decision regarding their participation. Indeed, even after the establishment of the plantation, the decision had not yet been made as to whether the cooperatives were responsible for repaying the substantial cost of the irrigation infrastructure (int. respondent WI3). Furthermore, kebele DAs (int. respondents WK5) and the managers of the cooperatives (int. respondents WM4) reported that representatives of the cooperatives negotiating the price for the sugar sold to the factory were pressurized by the factory and the wereda administration, which intervened in negotiations, to accept a low price. The result, acknowledged by a representative of the sugar factory, was that the cooperatives' production costs exceeded the revenue earned from the first sugarcane harvest and the cooperatives were paid nothing (ints. respondents WI1, WM5, WM6). Clearly, therefore, the cooperatives did not have sufficient oversight of the production costs to be able to negotiate a fair price for the sugar.

Although technically autonomous, others have already noted that cooperatives in Ethiopia are closely linked to the government and provide little space to represent farmers' interests (Rahmato 2002). Indeed, in Waqgee Xiyoo several cooperative members, the government DAs and, indeed, the kebele chairman who is himself a member of one of the cooperatives, argued that rather than representing farmers' interests, the cooperatives are actually used by the government to control the labour and land of the cooperative members (ints. respondents WK3, WK5, WM7, WM8). Understandably, given the lack of payment for the first crop, many cooperative

members are unhappy with the arrangement and now want to return to farming their land individually. However, the registration of the land to the cooperatives is a key means by which the workers and land are tied to the plantation, and the only way that they could now leave would be to relinquish any right to the land that they contributed (ints. respondents WM4, WM6).

The government, through the ESDA, invested a considerable amount of money in the irrigation infrastructure and the new sugar factory, which was due to be completed about three years after fieldwork was completed. As one of the managers overseeing the plantation expansion explained, “sugar is an intermediate product” and “the factory would not be viable unless there is a reliable supply of sugar produced by the cooperatives” (int. respondent WI1). Inevitably, Wonji-Shoa is now reluctant to revisit the issue of land ownership and cooperative membership, which might threaten sugarcane production and the viability of the plantation, even if this means the continuing exclusion of the wives of cooperative members. The sugar factory representatives reported that it would be “very problematic” if the cooperatives disbanded or changed crops (int. respondent WI1) and, consequently, the cooperatives were held to agreement to provide sugarcane for a period that was “indefinite, it is forever” (int. respondent WI3).

The exclusion of women from the cooperatives has also had important impacts on the allocation of labour on the plantation. While all local people are excluded from the better paid, so-called skilled work, with no training schemes to replace workers brought into the community, the all-male management of the cooperatives further limits activities allocated to women to the lowest status and worst paid jobs. In particular, women do the bulk of the arduous weeding but most male and female respondents claim that they are not strong enough to do better paid jobs that involve lifting the irrigation equipment (ints. respondents WF1, WM9, WM11) or to work as team leaders, since men consider them to be “incompetent” and are insufficiently respected to be able to give instructions to male workers (int. respondent WM11). As the male managers of one cooperative described, “there is an allocation of jobs for women—weeding, small watering [with hoses], day guards. These are the only conducive jobs for women, they cannot change sprinkler pipes” (int. respondents WM4). This division of labour is also reflected in poor payment. For example, one female respondent is paid 40 birr a month to weed 20 rows of sugarcane, while her husband receives 270 birr a month to clear irrigation ditches and move the sprinkler (int. respondent WF1).

Following fieldwork in March 2010, the three-year period covered by the previous sugar price negotiations was due to come to an end in summer 2010. Nevertheless, even if sugar price were re-negotiated to a reasonable level that provided a good income to the cooperatives members, the gendered ownership structure of the cooperatives and the resulting division of labour has now been set in place. Any future benefits arising from the plantation will therefore disproportionately benefit men, rather than women. In contrast to the previous cases, the constellation of the state’s political and economic interests in Waqxee Xiyoo, and the timing of the land registration process have led to the exclusion of women from land access and cooperative membership.

## Conclusions

This paper has shown that, despite statutory reform at the federal and regional levels to promote women’s land rights, and commitment to women’s rights at high levels of



government, the extent to which implementation meets these objectives is contingent upon their compatibility with potentially competing political and economic priorities, the interests of different state organizations involved in land administration and the relations between the local party-state and rural communities. In Geblen, Tigray, land registration pre-dated federal statutory reforms, which stipulated that land should be jointly registered to the husband and wife in a household. Nevertheless, the TPLF has ruled Geblen for more than 30 years, and its longstanding mobilization of the rural population are such that men and women accept women's rights to hold and inherit land. In contrast, in Turufe Kechema, Oromiya, where the OPDO is much less influential in the community, the party has co-opted the gadaa institution as a means of gaining local support for policy reforms. While the objective of this re-establishment of a customary institution may well be political control, one of the results has been to limit gender discriminatory customary practices in land administration, enhancing women's land rights. Finally, in Waqqee Xiyyoo, Oromiya, the government's promotion of a state-owned agricultural investment, alongside political concerns about smallholder displacement, led to the establishment of an outgrower scheme using agricultural cooperatives, which aimed to keep the local population on the land, while providing labour for the new plantation. The establishment of agricultural cooperatives initially overlooked gender inequalities and the unpopularity of the project now means that the government is unwilling to revisit the question of land rights.

This paper and past studies have concluded that land registration in Ethiopia has had some important, positive impacts on women's land rights. Nevertheless, the case studies presented here also show that gender inequality goes much deeper than just access to land. First, the agricultural system of production and the division of labour is gendered, in particular by local norms that prevent women from ploughing, privileging male agricultural labour. This means that households lacking adult male labour, including female-headed households, the elderly and disabled, earn a fraction of the income of a household with male labour, while young women have no means of accessing an agricultural income except through dependence on a man. Second, social institutions in Ethiopia are frequently discriminatory and, where government policy builds on these institutions, rather than challenging them, it is likely to reinforce gender inequalities. Examples include the expectation in many parts of the country that women should migrate for marriage, removing women from the social networks that can prove invaluable sources of support as they seek to claim their rights, and the taboo regarding women ploughing land that leads to dependence on male labour. Third, the cases examined in this paper suggest that, while women have found support from courts and elders when they have filed disputes to claim their land rights, this protection is often responsive, rather than pro-active. For example, there was no indication that local governments routinely check that women have been fairly treated in cases of divorce or widowhood. Instead gender equality depends upon women themselves pursuing claims through informal and formal dispute resolution procedures. As a result of the social, economic and political disadvantages that women face, this is often likely to be problematic.

Finally, under the EPRDF, reforms to promote gender equality, like most other government policies, are top-down initiatives, rather than constituting a response to the demands of autonomous women's organizations. Indeed, the absence of autonomous women's organizations at the local level to hold government officials to account may well be one reason why implementation has varied. The implication of the paper is, therefore, that rights that are given by the state can easily be taken away where they conflict with other competing political or economic priorities. Instead, real gender

emancipation must come from broader processes of democratization, in which women's political mobilization plays a central role (Whitehead and Tsikata 2003). At present, such a political transformation is made harder by the ruling party's approach to politics, which regards any political organization outside party structures as a threat to the party's authority.

## **Annex: Interview Respondents**

### ***Federal and Regional Governments***

FG4, head of the Land Administration and Land Use Division, Ministry of Agriculture and Rural Development (MoARD), Addis Ababa, 17.11.2009.

IR3, Process owner, Tigray Environmental Protection, Land Administration and Use Agency (EPLAUA), Mekele, 29.3.2010.

### ***Geblen***

GF1, single woman in 40s, Geblen, 11.4.2010.

GF4, married woman in 20s, Geblen, 15.4.2010.

GF5, married woman in 40s, Geblen, 9.4.2010.

GF6, divorced woman in 30s, Geblen, 14.4.2010.

GM7, married man in 60s, Geblen, 18.4.2010.

GM8, married man in 50s, Adigrat, 13.4.2010.

GM11, married man in 50s in resettlement programme, Geblen, 11.4.2010.

GM17, married man in 50s, Adigrat, 13.4.2010.

GM18, elderly widowed man, Geblen, 18.4.2010.

GM19, married man in 50s, Geblen, 9.4.2010.

GM20, male elder, Geblen, 12.4.10.

GM22, married man in 60s, 8.4.2010.

GM23, elder, married man in 60s, 14.4.2010.

GM24, married man in 40s in resettlement programme, Geblen, 10.4.2010.

GM25, married man in 60s, Geblen, 18.4.2010.

GT1, chairman, Geblen tabiya, 7.4.2010.

GT4, development agent, Geblen, 17.4.2010.

GT6, LAC member, Geblen, 15.4.2010.

GT7, LAC member, Geblen, 15.4.2010.

GT8, head of LAC, Geblen, 7.4.2010.

GT10, female officer, land court, Geblen, 15.4.2010.

### ***Turufe Kechema***

OR2, deputy head, Oromiya Bureau of Culture and Tourism, Addis Ababa, 16.2.2010.

TF2, married woman in 40s, Shashemene, 1.3.2010.

TF3, widowed woman in 60s, Turufe Kechema, 30.1.2010.

TF4, widowed woman in 20s, Turufe Kechema, 27.1.2010.

TF5, widowed woman in 40s, Turufe Kechema, 27.1.2010.

TK2, vice-chairman and elder, Turufe-Wetera-Elemo *kebele*, 13.1.2010.

TK3, manager, Turufe-Wetera-Elemo *kebele*, 13.1.2010.

TK6, member, LAC, Turufe Kechema, 13.1.2010.

TK7, member, LAC, Turufe Kechema, 13.1.2010.

TM1, married man in 50s, Turufe Kechema, 31.1.2010.

TM2, married man in 40s, Turufe Kechema, 30.1.2010.

TM6, single man in 20s, Turufe Kechema, 31.1.2010.

TM8, elder, Turufe Kechema, 26.1.2010.

TM21, married man in 40s, Turufe Kechema, 17.1.2010.

TW2, head, *wereda* Land Administration desk, Shashemene, 12.1.2010.

### ***Waqqee Xiyayoo***

WF1, married woman in 50s, Waqqee Xiyayoo, 10.3.2010.

WF3, remarried widow in 40s, cooperative member, Waqqee Xiyayoo, 10.3.2010.

- WF4, widow in 60s, cooperative member, Waqgee Xiyyoo, 13.3.2010.  
WF5, daughter of deceased member in 30s, cooperative member, Waqgee Xiyyoo, 13.3.2010.  
WI1, plantation expansion expert, Wonji-Shoa sugar factory, Wenji, 12.3.2010.  
WI3, head of plantation expansion, Wonji-Shoa sugar factory, Wenji, 12.3.2010.  
WK3, chairman Waqgee Xiyyoo *kebele*, Waqgee Xiyyoo, 11.3.2010.  
WK5, development agent, Waqgee Xiyyoo, 13.3.2010.  
WM4, management committee of a sugar cooperative, Waqgee Xiyyoo, 13.3.2010.  
WM5, vice-chairman, sugar cooperative, Waqgee Xiyyoo, 10.3.2010.  
WM6, chairman, sugar cooperative, Waqgee Xiyyoo, 11.3.2010.  
WM7, married man in 60s, Waqgee Xiyyoo, 10.3.2010.  
WM8, married man in 60s, Waqgee Xiyyoo, 10.3.2010.  
WM9, single man in 20s, Waqgee Xiyyoo, 11.3.2010.  
WM11, single man in 20s, Waqgee Xiyyoo, 10.3.2010.  
WW2, head, Adama *wereda* investment desk, Adama, 8.3.2010.  
WW4, head, Adama *wereda* land administration desk, Adama, 8.3.2010.

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