

STUDY ON WOMEN'S PROPERTY RIGHTS IN AFAR AND OROMIYA REGIONS, ETHIOPIA

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ACRONYMS

APDA	Afar Pastoral Development Association
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
EC	Ethiopian Calendar
EWLA	Ethiopian Women’s Lawyers Association
FDRE	Federal Democratic Republic of Ethiopia
GGA	Gumii Gaayoo Assembly
ICRW	International Center for Research on Women
IFAD	International Fund for Agricultural Development
NEWA	Network of Ethiopian Women Association
NGOs	Non-governmental organisations
PLI/ENABLE	Pastoral Livelihoods Initiative/ Enhancing Afar and Borana Livelihoods Efforts
SG-EHRCO	Support Group to the Ethiopian Human Rights Council
UDHR	United Nations Development and Human Rights
WOA	Women’s Affairs Office

I.0 INTRODUCTION

I.1 Background to the Study

The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles it describes what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. According to the Convention, discrimination against women is:

...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

As far as property and property rights are concerned the Convention highlights in Article 16 that: "State parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

- (a) The same right to enter into marriage;
- (b) The same right freely to choose a spouse and to enter into marriage only with free and full consent;
- (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;
- (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

Further it is stated that States Parties shall take all appropriate measures to:

- Article 2 (b) Adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;
- (f) Modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

Ethiopia signed the CEDAW in 1980 and ratified it in 1981.

I.2 CARE International's Gender Policy

CARE is committed to promoting gender equity, based on a rights-based approach. It recognizes that countries such as Ethiopia have ratified conventions such as CEDAW and uses this as the basis of their interventions (CARE USA 2007). In reflection of this CARE International has adopted a gender policy (revised in 2007) (CARE USA 2007; undated, a). CARE supports equal rights of men and women at household, community and societal levels. In many cases CARE will employ gender equity measures to achieve its aim of equality.

Practically this means adjusting the playing field to account for women's disadvantaged position and status. CARE will use equity measures to support and empower women to be full and equal players: politically, economically and socially....CARE will support women – as individuals, as members of social groups and as CARE employees – to understand and improve the dynamics of power that affect their lives (CARE USA undated, a:1-2).

CARE recognizes that biased stereotypes and social norms prevent women and men from exercising their free choice and taking full and equal advantage of opportunities for individual development, contribution and reward. Further it is clear that gender disparities and biases undermine the effectiveness of CARE's operations, in both stable and emergency contexts. CARE's policy is marked by two fundamental principles:

- That all people, by virtue of their shared humanity, carry inherently equal dignity and rights. Therefore, CARE should always affirm and uphold the equal rights, opportunities and status of men and women.
- That each person, by virtue of her or his particular character and context, has a unique identity and combination of aspirations and abilities. Therefore CARE must strive to understand how the particular conditions of each individual or social group shape their ability to achieve equal fulfillment and create tailored opportunities for each to thrive.

CARE recognizes that gender equity is complex and dynamic. It will progress at different rates and different means around the world. CARE feels that this may require changes in the way they work, and how they design intervention strategies. CARE staff and partners must develop innovative approaches that provide responsible support to communities to explore gender dynamics and advance gender equity. This includes continuing to expand CARE's knowledge of and commitment to gender issues, through research, documentation and sharing of lessons learned (CARE USA 2007; undated; a, b and c). This study on women's property rights contributes to this.

In Ethiopia, CARE has developed its own policy on gender equality (see Appendix 4). It states that:

CARE Ethiopia's programs and interventions will promote the empowerment of women and men, and put into place specific measures in order to advance and attain gender equality and sustainable development.... We will focus on increasing women's and men's awareness of gender issues. We will do this by working with key stakeholders to implement education, income generation, and health programs for women and girls. We are also committed to promoting women's leadership in political and socio-economic arenas.

Further the policy states that it will build the capacity of CARE staff and key stakeholders to understand and promote gender equality, promote equal participation in decision-making and to ensure that both men and women have equal access to and control over the resources and benefits of their projects. Operational research, networking and advocacy are some of the key ways to achieve these (CARE Ethiopia undated).

I.3 Objectives and Scope of the Study

The PLI/ENABLE Project is working with Afar, Borana and Kereyou pastoralists to improve household livelihood security while maintaining assets and strengthening resiliency throughout drought cycles. As part of this broad objective, the project has been working towards the economic empowerment of women through various income generation activities and mainstreaming gender into its other intermediate results (livestock marketing, animal health, water development, rangelands management and drought cycle management).

PLI/ENABLE has also been carrying out operational research on all its intermediate results to document and share widely through avenues that reach actors working on the ground. Despite some progress made toward achieving economic empowerment of women, the desired level of social transformation is not yet achieved. However, the lessons learned in the process of PLI/ENABLE implementation have been beneficial. The majority of the operational studies conducted by CARE and its partners recognize that in order to achieve significant economic empowerment of pastoralist women, fundamental changes are required in the long-held denial of the rights of women.

Understanding the dynamics of the problems related to women's property rights particularly and why it occurs; helps them better understand what is needed in order to prevent it. Although it is known that barriers against women's property rights grow out of a complex interplay of individual, relational, communal and societal dynamics there is inadequate information on why it happens, and who the gate keepers are.

Therefore, CARE commissioned this study to help reveal these dynamics in order to move towards developing better programs and projects that work in favor of creating homes and communities that are safe for women, where women's property rights are respected, and social equity is enhanced. The purpose of the work is to document and share the complex interplay of factors and rationale at individual, communal and societal levels that violate women's entitlement to household and communal property right as well as their relationship between individuals, communal and societal levels¹.

The main activities of this consultancy work are to:-

- Identify the types of barriers related to women's economic and property rights in relation to National and Regional policies and laws including the UDHR² Declaration on the Elimination of all forms of Violence against Women.
- Identify factors at individual, relational, community and societal/institutional levels that maintain this violation of women's rights to individual and communal property ownership.
- Identify knowledge and skill gaps in CARE, partners and other institutions who are implementing programs against the anticipated longer-term social change with concern to women's empowerment.
- Identify issues for advocacy towards the promotion of community-based bottom up efforts for women's property right entitlement.

¹ As per Terms of Reference provided by CARE – see Appendix I

² United Nations Development & Human Rights

- Identify local leaders (formal and non-formal leadership structures) that carry power or influence overall local leadership.

1.4 Area of Study

The following PAs were chosen by the research team in collaboration with project officers from CARE and its implementing partners. Criteria used included ensuring that PAs chosen were from

1. Within the CARE and partner PLI/ENABLE intervention areas;
2. a) close to a town and b) further away from a town;
3. PAs that represented the different dominant livelihood strategies i.e. ‘pure’ pastoralists and agro-pastoralists.

Region: Oromiya

WOREDA	Fentale	Yabello	Moyale
KEBELE:	Herokersa	Dehiritto	Kebenawa
	Golan	Arboro	Bokolo

Region: Afar

WOREDA	Awash 7 Kilo	Dubti	Elidar
KEBELE:	Deho	Geidero and Gurmudale	Galafi (Gemiri and Beza PAs)
	Saboure	Halebari and Debel	

A system of coding for interviews was developed that indicate the Woreda, PA, Type of group and Gender of the respondents i.e. AKDE27/GOV/F means Awash 7 Kilo, Deho PA, No. 27, government staff, female. This system provides anonymity to the respondent but allows interviews to be traced and placed.

In total over 40 semi-structured interviews and/or participatory discussions were carried out with key informants and groups of men and women, and over 90 questionnaires filled out by women only.

1.5 Research Team

The research team was made up of appointed researchers (male and female) who have been working in the areas studied for some time. They were joined by government

representatives (Administration and/or Women's Affairs Offices) and staff from CARE and/or partner organizations (based in their respective field sites).

I.6 Methodologies Used

LITERATURE REVIEW

Literature was reviewed relevant to the study including collection and analysis of primary and secondary data sources, policies/laws and declarations. Assistance for this was provided by the Ministry of Women's Affairs, Ethiopian Women's Lawyer's Association and CARE Ethiopia.

FIELD WORK

Field work was carried out in Borana and Afar, for between 2-3 weeks in each area.

The objective of the field work was:

- to identify what property rights exist in communities for men and women;
- how these property rights are divided between men and women and why;
- how things have changed in relation to property rights in recent years and why;
- how would communities (men and women) like things to change in future and how can this be achieved;
- to identify local leaders that carry influence or overall local leadership.

The following was carried out in both Afar and Oromiya study sites.

1. A **wealth ranking** with communities as an initial first step in the study:

- to identify what criteria are considered important by the community to rank 'wealth' i.e. indicating what 'property' is considered important for a household;
- to identify which households are considered to be 'rich' 'medium' and 'poor' so that groups/individuals from each ranking can be included within the community dialogue and interviews; and
- to facilitate an initial discussion on property rights within the community.

2. A **survey** of key questions assessing access to and rights over property.

3. **Community dialogue** took place with both individuals and groups. This included:

- Group sessions with community leaders facilitating a discussion on women's and men's rights including property rights: what rights exist, how things have changed, what is the impact of this and how do they see or want things to change in the future in relation to women's rights including property rights. The discussion was framed around a set of questions. At least one group of elders was included.
- Group sessions with women of different ages (to prevent domination by older women) and different wealth rankings on women's and men's rights including property rights: what rights exist, how things have changed, what is the impact of this and how do they see or want things to change in the future in relation to

- women's rights including property rights. At least three group sessions were carried out with approximately six women.
- With individual women from different social groupings (age, wealth, status, employed, unemployed, married, not married – single, divorced, widowed) within the communities including those held up as 'role models' to assess access or lack of access to property rights (household and property) and the factors that deny access. The emphasis was on indepth case studies rather than large surveys, though the discussions were framed around a set of questions. At least six women were interviewed.

PRA tools were used within semi-structured interviews with small groups (at least four groups of approximately six participants) of community members and individuals including the following:

- Mapping of male/female domains in the household and the homestead.
- Weighing up different properties.
- Transect walk.
- Resource benefit analysis.
- Flow diagram.

INTERVIEWS WITH DEVELOPMENT PARTNERS

Interviews with PLI NGOs and government partners (including Ministry of Women's Affairs) were carried out both in Addis Ababa and in the field to assess how they have been promoting women's property rights and empowerment, the impacts, challenges etc. The level of skills and knowledge within these organizations was also assessed.

ANALYSIS

The information collected through the study was analysed to identify:

- What properties women and men have access to and control over in pastoral communities of Afar and Borana.
- The types of barriers related to women's economic and property rights in relation to National and Regional policies and laws including the UDHR Declaration on the Elimination of all forms of Violence against Women.
- Factors at individual, relational, community and societal/institutional levels that maintain this violation of women's right to individual and communal property ownership.
- How men and women feel about these issues, what change is wanted and how such change might be supported.
- Knowledge and skill gaps in CARE, partners and other institutions who are implementing programs against the anticipated longer-term social change with concern to women's empowerment
- Issues for advocacy towards the promotion of community-based bottom up efforts for women property right entitlement.
- Local leaders (formal and non-formal leadership structures) that carry power or influence overall local leadership.

1.7 Limitations of the Study

Time was short therefore the team was not able to visit Gewane area where FARM Africa works, as originally hoped. Further, due to time limitations in writing up this report the analysis of the questionnaires has not been completed and all information has not been included in this report. The questionnaires have however been entered into a SPSS program and pie-charts for each question have been presented in a separate document.

The terms of reference are provided in Appendix I and this formed the structure and basis of the consultancy. Though it is recognized that there may be (are) an important number of factors related to property rights such as the relationship between property and HIV/AIDS, it was not possible to include all of these in the report and the focus has been placed on understanding what property rights exist at the local level and how these are manifested/accessed. Future work however could use this study as a basis to explore these related issues and their impact.

1.8 Structure of the Report

In order to provide a concise and accessible report, it will be structured around the list of main activities provided in Section 1.2. That is:

- Chapter 2: Background literature on women's property rights, particularly those related to pastoral societies.
- Chapter 3: Ethiopian federal policy and laws related to women's property rights
- Chapter 4: Regional policies and laws related to women's property rights
- Chapter 5: Types of barriers related to women's economic and property rights (in relation to national and regional policies and laws including the UDHR Declaration on the Elimination of all forms of Violence against Women and factors at individual, relational, community and societal/institutional levels that maintain the violation of women's rights to individual and communal property ownership.
- Chapter 6: Knowledge and skill gaps in CARE, partners and other institutions who are implementing programs against the anticipated longer-term social change with concern to women's empowerment.
- Chapter 7: Issues for advocacy that can move towards the promotion of community-based bottom up efforts for women's property right entitlement.
- Chapter 8: Local leaders (formal and non-formal leadership structures) that carry power or influence overall local leadership, and what defines such power/leadership.
- Chapter 8: Conclusions

A large amount of information has been collected at the local level to inform these chapters. This information will be provided as appendices divided as a section for each woreda/region studied.

2.0 PASTORAL WOMEN AND PROPERTY

2.1 Introduction to Property Rights

Property rights are often viewed in the narrow sense of ownership – the right to completely and exclusively control a resource. However, as Meinzen-Dick et al (2005) explain, property rights are better understood as overlapping ‘bundles’ of rights, which can be grouped simply as:

- use rights; and
- control or decision making rights.

Rights may be conditioned by the amount, timing and other aspects of resource use and management. They are flexible and dynamic depending on factors such as social relations, the weather conditions (drought or non-drought) and the resource/property concerned. Several individuals or groups may have different kinds of rights over the same resource. There are multiple sources of property rights given by international treaties and law; state (or statutory) law; religious law and accepted religious practices; customary law, which can be formal written custom or living interpretations of custom; project (or donor) law, including project or program regulations; and organizational law such as rules made by user groups. People draw upon a range of strategies for claiming and obtaining resources, depending on their knowledge and assessment of which best suit their situation.

Security of access is becoming increasingly important for women when faced with crises such as their husbands dying due to increased conflict or such as HIV/AIDS.

Discriminatory inheritance practices have negative consequences for these households. Women suffer partial or total loss of assets, including their land and homes, to relatives of the deceased spouse leaving such households destitute and more vulnerable to further consequences.

Indeed upholding female property and inheritance rights helps mitigate negative economic consequences of AIDS experienced by women and their households, whilst also helping to prevent the spread of HIV by promoting women’s economic security and empowerment, thereby reducing their vulnerability to domestic violence, unsafe sex and other AIDS-related risk factors (UNAIDS undated). It has been shown that low-cost land reform including land registration has contributed to increased perceptions of tenure security for both women and men. The women’s names on land certificates increased the perception that the women would be able to keep the land after the divorce or death of their husband. Further women’s involvement in decision making over land has increased (Holden and Tewodros 2008). Further there is growing evidence to suggest that where women’s property and inheritance rights are upheld, women acting as heads and/or primary caregivers of HIV/AIDS affected households are better able to manage the impact of AIDS (ICRW 2004).

2.2 Property Rights in Pastoral Communities

In pure pastoral economies common property regimes are common. However private 'ownership' of land is increasing as well as of natural resources. Further there may be more 'fuzzy access rights' including overlapping claims to resources, shifting assertions of rights and continuous contestation and negotiation of access rules. Rights are non-exclusive, multiple, asymmetric (priority given to certain users) and in some cases time-bound (Scoones 1994).

Livestock and its products mean much more to a pastoral man or woman than an animal to be eaten or sold for profit. Cattle in particular can form an important means of self-value as amongst the Herero of Botswana: to own cattle is to have a kind of self-reproducing security against financial want that does not simply dissipate in the way that money does (Alexander 1999). As such, rights to and ownership over livestock and particularly cattle can be complex, embedded in tradition and custom, and heavily negotiated. For women in particular though they may play a role in livestock management and husbandry it is not necessarily the case that they have 'rights' to or 'ownership' over that livestock and therefore may not be able to make decisions about its use, sale etc.

Each animal in the herd has a specific bundle of ownership rights attached to it, depending on its origin, the circumstance of its transfer into the herd, the situation of the 'owner' and the 'giver' and so on. The transaction of livestock moulds and influences social transformations and relationships (Alexander 1999; Almagor 1978; van de Loo 1991).

2.3 Women's Rights to and 'Ownership' of Livestock and Livestock Resources

In Africa, many stories are told about how originally women used to own all the livestock but due to their mismanagement their rights were taken away (see Box 2.1).

Box 2.1 Women's Cattle

Long ago wild animals used to be women's cattle. Then one morning before the cattle were taken out to graze, a cow was slaughtered. Soon the cattle started moving away to graze by themselves and wandered off. One woman told one of the children to go and drive the cattle back before they went too far. When the child's mother heard this she said: 'Oh no, my child is not going until he has eaten the kidney.' It followed that whenever a child was asked to go, his mother forbade him to go until he had eaten a bit of the meat. This went on until all the cattle, sheep and goats wandered away into the bush and got lost. When all the children had eaten the meat, they tried to bring the cattle back, but they found that they had all gone and lived with the men, who had all along taken good care of their cattle. This is why up to this very day all the cattle belong to the men and women simply wait for the men to provide for them.

Source: Kipuri 1983 in Hodgson 2000

However today, in most pastoral societies, women exercise substantial and recognised rights over livestock which may vary according to the category of livestock, its sources and the purpose of its disposal (Bravo-Baumann 2000). For example in Algeria, Niger and Mali the Touareg women own both camels and small ruminants (Worley 1991). In Pakistan however women own only the livestock that they brought with them as dowry (Bravo-Baumann 2000).

Indeed, women receive and access livestock through a variety of ways and means, and at different stages of her life:

- At birth
- After completion of 'rites of passage' for example in Sudan (Adbel Ghaffer Ahmed 2002: 21).
- After birth of a child for example amongst the Fulbe in order to supplement the nourishment of the child (milk) and to produce calves as a start for a child's own herd.
- On marriage for example amongst the Julabe of Mali given to her by her husband (de Bruijn 1997).
- Through inheritance for example in Sudan (Abel Ghaffer Ahmed 2002:21); amongst the Julabe of Mali (de Bruijn 1997); the Guji of Ethiopia where a daughter receives a cow on the death of her father (van de Loo 1991).
- At divorce for example in Sudan in order for women to bring up the children (Adbel Ghaffer Ahmed 2002).

It is important to understand specific and local ownership arrangements and access rights in order to establish gender balanced programmes and interventions. Forced promotion of women rarely leads to a sustainable impact and can lead to antagonism between groups strengthening social imbalances. In Mozambique a goat programme which promoted women's ownership was in the beginning rejected by both men and women due to the fear of disrespecting cultural norms. Only after discussion with the whole community was it later accepted (Bravo-Baumann 2000).

Though it may appear that such rights are unequally spread between men and women, livestock assets are certainly more equitably distributed than other assets (such as land and capital). Indeed, some pastoral societies are matrilineal (IFAD undated; Butler 2007). And where the ultimate power over livestock remains with a male leader, it is usually the case he must be accountable for his decisions to anybody who holds an interest in the animal and must justify his actions including to his wife.

In the past often these rights that women have over livestock are not considered within livestock interventions. As a result women's role and status has been undermined (see Box 2.2).

Box 2.2 Undermining of Women Livestock Managers in Mali

After drought in the 1970s where the herds of the Touareg and Fulani were reconstituted, replacement herds were assigned to male heads of households, but none of the animals owned by women were replaced. The social consequence was the inability of young men and women to acquire bride wealth and dowries from their mothers, and the undermining of women's influence and status in their own households and communities.

Source: Joekes & Pointing 1991.

2.3.1 Nominal property

However, sometimes such livestock is only considered to be nominally a woman's property – in practice she is expected to give them in pre-inheritance to her children (they become co-owners) and has to leave them behind in the event of divorce (de Bruijn 1997). For the Jallube the co-property relationship of husband-wife is very temporary because the animals become the property of their children as soon as they are born. This means that the most essential property relations are those between father and child and between mother and child (see below).

2.3.2 Bridewealth and Dowries

Bridewealth and dowries can move either from future husband to the wife's family, or from the father of the bride, to the husband (and sometimes the bride herself). This can be a substantial amount.

In Africa bridewealth (usually paid to the families of the bride) remains an important part of social transactions and transformations. Though the amount of bridewealth passed today has reduced somewhat, it can still amount to 200 cattle among some groups, though more commonly 30-60. This encourages raiding among the youths to secure the necessary assets to marry. Variations in the size of the gift depend on the wealth of the families concerned, on the beauty of the woman and on many other factors (de Bruijn 1997). In times of stress or crisis resulting in a large loss of cattle, there have been instances where bridewealth has been reduced, even dropped (Sobania 1988; Hodgson 2000).

However, amongst the Parakuyo of Tanzania it is the couple that receives gifts, including the wife who on marriage receives her own milk cows, sheep and goats. Thus she gains economic security, which in turn enables her to survive in a strange place where she may have neither clan relatives nor friends (Mitzlaff 1988). Gifts can also be presented at the betrothal of the couple, which can occur when they are very young and over a period of time. Many of the gifts are presented or given to the bride, rather than to her parents) (see for example amongst the Jallube of Mali, de Bruijn 1997).

2.3.3 Purchasing, sale, disposal or change of livestock

While men may have management control over livestock, they cannot freely dispose of animals in which women or children have rights (Joekes & Pointing 1991). In most cases purchase, disposal or sale of livestock is discussed between husband and wife prior to action, and often a wife's approval is needed. And as amongst the Fulbe of Mali, women will make the decisions concerning her own herd (see Box 2.3).

Box 2.3 Fulbe Women in Control of Livestock

A woman herself decides whether she wants to leave her own animals in her parents' herd, or whether she wants to take them into her husband's herd. The decision is related to various factors. She may consider her husband, who manages the herd, a bad herdsman and decide therefore to leave her own animals with her parents, where they will be more secure and reproduce more. She may already have sufficient milk from her husband's animals and may not need the milk of her own animals to live properly. She may wish to support her parents. She may also take all her animals into her husband's herd, because he has very few animals, or because her husband's animals yield little milk, or because she regards her father and brothers as bad herd managers, or simply because she wants all her animals around her. In this way a woman can manipulate the care of her animals and the yield of milk, and hence the social security she can offer her own children. It may also be a way to keep the relationship with her own family or her in-laws friendly in case she ever needs their help. Further a man will never sell an animal belonging to his wife without her approval.

Source: de Bruijn 1997; Djedjebi and Haan 2001

2.3.4 Pasture

Because it is often assumed that men are those who take the livestock to grazing areas and pasture, it is also assumed that the men have all the knowledge about pastures. However, it is often the case that women too are experts, particularly those who are involved in livestock herding and grazing. Access to grazing, particularly communal grazing may have to be negotiated with those who hold authority and/or be controlled by customary regulations. Often access is in the hands of male members of community and women must gain access through them (Undeland 2008).

2.3.5 Livestock Marketing and Products

Women exercise much control over the transformation and marketing of livestock products (Bravo-Baumann 2000) for example the Fulani (Waters-Bayer 1988), the Somali (Herren 1990; Kandagor 2005); the Beja of Sudan (Morton 1990); and Parakuyo of Tanzania (Mitzlaff 1988). Women can be considered the most resourceful in the pastoral economy. However, where social codes restrict contact between the sexes (as in most Muslim societies), women are prevented from moving far from their homestead.

In particular women are able to control the sale of small livestock. During droughts they will often be the target of destocking programmes (see Box 2.4). During the 1999-2000

drought in northern Kenya for example VSF-Belgium and Arid Lands Development Focus assisted women's groups to purchase small stock through micro-credit, then purchased the meat from the groups for redistribution to needy households, hospital patients and schools (Morton et al 2002).

Box 2.4 Benefits of Destocking

Destocking allows pastoral households to liquidate some of their capital assets (livestock) before they are lost and increases the purchasing power of these households. Some value is therefore salvaged from animals, which may otherwise have died and meat or stock can be redistributed to needy households. In theory protecting herders' purchasing power by buying animals where markets are absent creates two categories of beneficiary: those who sell animals to the intervention/project at subsidised prices, and those who benefit from the general rise in prices on local markets caused by the extra demand created by the intervention/project.

Source: Morton et al 2002.

However too much power in women's hands can threaten men, and particularly where women are taking decisions about livestock including marketing: men can feel marginalized (see Box 2.5)

Box 2.5 An Increase in Women's Power Can Threaten Men

While regions adjacent to former Somalia went through upheavals, conflict, wars and repression, women in Somalia before the 1979 war enjoyed relative peace and freedom. Contemporary Somali women are not subservient, but live with men in a relationship of interdependence. They are considered the most resourceful persons in the pastoral economy. They market milk products, farm produce and their pastoral crafts, as well as producing them for their own use and that of their families, or giving them away, as they choose. This pattern has changed as urbanization encourages migration of young people to towns in search of work, depriving the pastoral family of input. Restrictions on male movement because of the conflict has led to further loss of labour power, leaving women to cope with the management of the family, taking on roles vacated by men. Women play multiple roles in Somali society: in the family, as contributors to the pastoral economy, and bringing resources into the family through girl bride-price. Traditionally women were dependent on men for their needs, for only men took livestock to markets. When women began to participate in animal marketing, the income generated reinforced their power and reduced their dependence on men. This benefited women but increased their workload, and men felt threatened and marginalized.

Source: Kandagor 2005: 16.

Milk selling tends to be the domain of women (Talle 1988; Wangui 2003; Mitzlaff 1988; de Buijn 1997), as amongst the Jalube, Fulbe of Mali. Once the women have been given the milk, they will decide on how much they will allocate for home consumption and how much they will sell. It has been noticed that increasingly draught and meat animals (rather than dairy) are being held back by the household (husband) from sale due to increased cultivation and commercialisation: this is said to be reducing milk availability and therefore women's income (Djedjebe and Haan 2001).

Similarly amongst Bedouin women, sheep and goat products, most especially dairy products, are shown to be tied directly to them, and the roles they play and the power they wield in the Bedouin community. This also helps to explain female ownership of part of the herd, and the special responsibilities women share in the feeding of the young, and their eventual weaning from their mothers. Such female responsibilities, Abu-Rabia states, are fundamental in furthering the creation of “social networks and areas of cooperation with the flock at its focus” (Abu-Rabia 1994: 89).

Amongst the Baggara of Sudan total revenue from the sale of dairy products accounts for at least a third of average household incomes. Here women’s relatively new role as milk and dairy marketers has given them the opportunity to participate in the ‘public’ or external sphere, rather than being confined to the ‘private’ or domestic domain. “However women’s participation in the public sphere is still, in the main, oriented towards fulfillment of their traditional obligations in the domestic sphere. For example, a big part of the income earned from dairying is spent on domestic-related expenses such as food, child-care and socialization of young children. Thus men and women have apparently negotiated a satisfactory arrangement for exploiting traditionally male-controlled and female-controlled domains under commercialization” (Sikana et al 1993: 29).

Michael (1984, 1990) suggests further that women’s access to and control of income has increased their social and economic autonomy as well as enhanced their participation in decision-making. Nomadic Baggara women can influence migratory routes by pressuring men to locate camping sites near a cheese factory, water source or a trading centre, in order to maximize returns from their dairy enterprise. Additionally they take part in management decisions related to improving milk output. They may use some of their income to purchase supplementary feed for the livestock, and remain responsible for milking and hence directly able to determine the level of milk off-take.

2.3.6 Other small stock

Almost all women in transhumant societies own poultry, guinea fowl and other small stock. But there are cultural differences even among large tribes. For example, the Fulani of Benin allow women to raise and sell hens and guinea fowl (Bierschenk & Forster 1987), but the Fulani of Niger do not allow women to raise guinea fowl (Henderson 1980). However though it is known that women depend on small stock to provide food and income there is very little written literature on the subject, nor information on projects that have supported women in their activities.

2.4 ‘Ownership’ and Control of Natural Resources

It tends to be the case that men and women have different degrees of access to resources, including natural resources e.g. use of trees or land; economic resources e.g. credit; services e.g. schools and clinics; and political resources e.g. information on their ‘rights’ and legislation, or forums to voice their concerns and needs. Not only do men

and women have different access to resources but they also have different access to the decision-making processes that concern the use of those resources and how the money is spent, if they are sold. As such “women’s entitlement to productive resources is not just a legal or policy matter; it is essentially a question of social transformation of gender relations and social institutions” (IFAD 2003: 11).

‘Effective command’ means the degree that the resources (to which social actors have legitimate command) are actually utilized. This is not always obvious and rights to and use of resources can be highly complex. There may be more than one party involved in claiming access to certain properties. Second “transforming a legitimate right into effective access, an entitlement, demands a proper combination of endowments.... Consider the example of a village’s common grazing pastures. A female village member may have principal access rights, by virtue of her membership of the village community. However, she may fail to exercise her initial rights due to prevailing gender relations that proscribe that women cannot go out for grazing animals. Alternatively she may find her access rights to the common grazing pastures not translated into actual access because other, more powerful actors have encroached and enclosed a portion of the commons for individual ranching purposes. Finally, she may not be able to access the pastures when she has no grown-up children to assist her. So actual access does not logically derive from principal access rights...” (Koning 2003:28).

2.5 Religion

Religion should be viewed as part of a wider cultural complex. In the absence of women’s recorded narratives, experiences and their views on what religion means to them, analysis has often reduced peoples’ experiences/relationships with religion to the political use of the latter in the public arena. These are not the same. “Approaches which fail to make this distinction and which focus on religion as an obstacle to women’s development are discordant with aspects of women’s own experience of religion where it can provide women a space which is absolutely their own and means of self-affirmation and social participation” (Balchin 2003: 42).

Religion has played a role in changing pastoral societies. In Kenya for example, where Christianity has grown, religious leaders condemn wife beating practices and encourage men to treat women as equals. One result of this has been an expansion of women’s economic opportunities as husbands allow them to travel further and work more independently than before. This has also increased their economic responsibility and time spent on livestock and crop duties (Wangui 2003).

In many countries there has been a strengthening of Islam and sharia law, see for example Nigeria. As a result in some countries there has been a “Sharianization” of parts of society and new offences have been created, mostly surrounding sexuality, which has had a negative effect on women’s rights. Islam has undermined aspects of pastoralist women’s powers through the introduction of new inheritance laws, marriage and divorce provisions, spatial sanctions, dress codes, and ritual practices and regulations. This has led to an increased number of NGOs being established that focus

and support women's rights. However what is also needed, it is argued, is a "demystification" of Sharia for the Muslim communities (Imam 2006).

Some men feel threatened when women do claim their Islamic rights such as equality between men and women, the right to education and the right to participate in community affairs. Their reaction is to put women down so that the authority of men will not be questioned. In the Qur'an, in the translation made by Yusuf Ali, there is a commentary in the Chapter of Women (Sura al Nisa) that says "What can be a holier cement to society than the...women's right secured; ...and all life lived in faith, charity and kindness sincere to all our fellow creatures." [18]. The essence of this is that if women are treated well, the whole society benefits. [19] (Affi 1995).

3.0 ETHIOPIA POLICY AND LEGISLATION

3.1 Federal

CEDAW gives special attention to rural women who often face specific problems that are not given adequate attention by the state. The obligations of the state according to CEDAW include ensuring that rural women have equal access to health care, education, social security programmes, agricultural credit and loans, land and adequate living conditions. However, “much of what the government claimed to have done in improving the condition of rural women is related to their engagement in the agricultural sector” and little has been directly targeted at pastoral women (NEWA and EWLA 2003:22).

Though there is a Policy for Women, there is no comprehensive policy on *rural* women and issues are dealt with in different laws and policies. Starting with the Federal Constitution, rural land legislations of federal and regional governments, policies such as the environmental policy, water, education and economic policies, family laws incorporate different areas of concern including to a degree, property rights.

3.1.1 Constitution

The Federal Constitution (1994) has embodied the right: to life; to the security of the person; to liberty; to be protected from inhuman treatment; of arrested persons of accused persons; to honor and reputation; to equality; to privacy; to freedom of religious belief and opinion, thought and expression; to assembly, demonstration and petition; to freedom of movement; to nationality; to access to justice; to vote and to be elected; to nations, nationalities and peoples; to property; to economy; to social and culture; to labor and development.

The rights of women and children are also enumerated and equality has been laid down in Art. 25. Personal, marital and family rights are set out. Art. 35 focuses on women, under its 9 sub articles (amongst others):

- The equality with men is assured.
- Equality in marriage is guaranteed.
- Laws, customs and practices that oppress or cause bodily or mental harm to women are prohibited.
- Acquisition, control and administration, use and transfer of property including land and equal treatment in inheritance is clearly stated.

The Constitution states:

Any Ethiopian who wants to earn a living by farming has a right, which shall not be alienated, to obtain, without payment, the use of land.

Ethiopian pastoralists have a right to free land for grazing and cultivation as well as a right not to be displaced from their own lands.

Every Ethiopian shall have the full right to immovable property he builds on the land and to the improvements he brings about on the land by his labour or capital. This right shall include the right to alienate, to bequeath, and where right of use expires, to remove his property, transfer his title, or claim compensation for it³

The Constitution under Art 34(5) and 78(5) allows the adjudication of disputes relating to personal and family laws in accordance with religious and customary laws. The House of Peoples Representatives and State Councils can establish or give official recognition to religious and customary courts. “This is controversial vis-à-vis CEDAW provisions on such issues as such courts jeopardize the interest of women” (SG-EHRCO 1998:220).

The Federal Constitution is supreme over any law, decision of an authority or practice of any sort be it religious or customary. All religions and customs are allowed in the country as long as they do not violate the principles embodied in the Constitution. One such principle is equality of the sexes. Further “the fundamental rights and freedoms specified in this chapter shall be interpreted in a manner conforming to the principles of the Universal Declaration of Human Rights (UDHR), International Conventions on Human Rights and International Instruments adopted by Ethiopia” (Art. 13).

However cultural and traditional behaviours that clearly violate the constitutional guarantee are widely practiced throughout the country and as such “the constitutional commitment has remained unfulfilled” (NEWA and EWLA 2003: 31).

3.1.2 Policy for Women

The main political framework that provides some legislative support for women is found in the Policy for Women produced by the Transitional Government in 1993 (see Box 3.1).

Box 3.1 National Policy on Ethiopian Women

The primary objective of the National Policy on Ethiopian Women (1993) is:

- Facilitating conditions conducive to the speeding of equality between men and women so that women can participate in the political, social and economic life of their country on equal terms with men and ensuring that their right to own property as well as their other human rights are respected and that they are not excluded from the enjoyment of the fruits of their labor or from performing public functions and being decision makers (pp 25).

Since its establishment, Women’s Affairs offices and others have been attempting to mainstream the policy and its objectives within government at different levels to varying degrees. Hampered by few resources and low manpower (often poorly skilled) the ‘rolling-out’ of the Policy still has far to go in practice.

³ Article 40, *Constitution of the Federal Democratic Republic of Ethiopia*, 8 December, 1994.

3.1.3 Family Law

After no change in the family law in the country for forty years, in 2000 a new Federal Family Law was introduced for implementation in Addis Ababa and Dire Dawa with the assumption that regions would follow. This has occurred to varying degrees but in 2005 only four regions had adopted their own family laws: Amhara, Oromiya, Tigray and SNNPR).

Improvements in these laws include the fixing of marriageable age for girls at 18, the recognition of equality of the spouses in the personal and pecuniary effects of marriage; the granting of adjudication power in divorce petitions to the courts, and the introduction of the community property regime in relationships where a man and a woman cohabit like husband and wife without the bond of marriage for more than 3 years, now considered to be a union worthy of division of common property. Previously a woman would walk away from such unions of over 20 years empty handed because they did not have a legal marriage (NEWA and EWLA 2003; Woldegiorgis 2005)

The Federal Family Law (FDRE 2000) states that marriage should be a voluntary act for both parties and consent of the intending spouse is a prerequisite for the validity of the marriage. However this conflicts current traditions where the clan and/or parents decide on behalf of the girls and where bride price and dowry (see Box 3.2) are important elements of marriage contracts. These practices may involve exchange of girls across clans.

Box 3.2 Bride Price

Bride price is the transfer of wealth or possessions by the groom, or more typically, his family, to the bride's family on marriage. Dowry is money or property brought by the bride to her husband at marriage. This makes the marriage of a daughter a collective concern for the whole family especially the male members whose own prospect of marriage can depend on the number of bridewealth cattle brought in by outmarrying girls.

In Ethiopia a bride price remains prevalent in some regions including Oromiya. Bride price is perceived as receipt by the wife or her family, of the wife's rightful share of the husband's family property. Traditionally it is seen as payment for the wife's labour or services and must be returned if such services are terminated due to voluntary action taken by the wife. During the marriage therefore, the wife can only control property that she receives as a gift, including any livestock donated by her family or her husband. She has no access to property belonging to the husband or his household. Men and women consider this to be inequitable practice, and in fact some have argued that if women are given greater rights to property, the system of bride price should be abolished.

Source: WAO undated; Daniel Haile 1980.

Further marriages between a man and the sister of his wife, and between a woman and the brother of her husband is prohibited. Regarding property relations, there is community property regime and if the marriage is dissolved by divorce, the spouses, as a matter of principle, will have equal share on the property. If the marriage dissolves by death, the share of the deceased spouse will go the successors (NEWA and EWLA 2003).

3.1.4 Civil Code

Until 1960 customary laws governed all personal matters (inheritance, wills, marriage, divorce, property division and child maintenance and custody). These laws found their authority in a variety of sources. Muslims were governed by Sharia, and their disputes were settled in Sharia courts. The Oromos applied the principles of the *gada* system, which sets rules governing the social and economic lives of people. In addition to Sharia, Afaris also applied the *abukratie* or Afar Ada law – an unwritten set of customary laws – in disputes adjudicated by clan elders or leaders.

In 1960 the Civil Code attempted to modernize the legal framework “in order to keep pace with the change circumstances of the modern world” (Proclamation 165: v). It invalidated customary or religious laws concerning personal matters governed by the code: customary laws were relegated to the level of customary practices (WAO undated).

The 1960 Civil Code is still in force. It recognizes two types of property in marriage – personal and common. All property acquired during marriage is deemed to be common, unless one spouse can prove that he or she is the sole owner. No spouse has the right to exempt unilaterally any property deemed to be common property unless by agreement with the other spouse. This gives women a share of all property acquired during the marriage irrespective of whether they contributed financially to its acquisition or not.

It also has many peculiar provisions regarding women which have been justified as reflecting the times of its establishment. But “these laws are still operational and the paradox is some of them are still not applied properly and/or are not known in some parts of the country” (SG-EHRCO 1998: 20). For example:

- Art. 636 The husband is the head of the family and the wife owes him obedience in all lawful things which he orders.
- Art. 641 The common residence shall be chosen by the husband.
- Art. 650 Common property other than the earnings, salaries and incomes of the wife shall be administered by the husband.

Indeed in most cases the husband is the head of household, he administers the household property and the wife is responsible for all household duties. A wife has little or no control over the administration of household property (WAO undated).

Divorce

Divorce can be requested without putting forth any ground or cause. Divorce involves division of community property, custody and maintenance of children. In the absence of any contracts the Civil Code prevails and common property should be divided equally. Each takes their own personal property. Where a spouse can prove that his or her personal property has been alienated and the value has joined that of common property, he or she may withdraw an equivalent value from the common property.

However there are no provisions in the laws where by one ex-spouse can be ordered to pay the maintenance of the other and no indication of how a remedy can be reached. Only children of the marriage are provided for with maintenance (NEWA and EWLA 2003; Woldegiorgis 2005). Further property division “still has its ups and downs in its application” (Woldegiorgis, 2005: 15).

Inheritance

The Civil Code governs matters related to inheritance. They grant full testamentary rights to women however it limits the right of a spouse to transfer personal property by testament to the other spouse. Following traditional practices, the Civil Code maintains that property must pass to blood relatives and a man or woman cannot inherit the property of his or her spouse. The children of the deceased are the first to be called to succession. If the children themselves are deceased, the deceased person’s descendents inherit the shares. If the siblings have no children, the parents of the deceased inherit equally (WAO undated).

Polygamy

The Civil Code recognizes marriages conducted under customary laws but does not recognize polygamy. The Constitution however recognizes marriages concluded under systems of religious or cultural laws, but no enabling legislation has been passed to this effect nor have the provisions of the Civil Code been repealed to reflect this constitutional mandate. “Therefore the status of polygynous marriages remains unchanged, raising a number of issues for wives in polygamous households....Among Muslims, at least the Sharia would recognize subsequent wives as having legal status, resulting in some access to property if the dispute is settled by the Sharia. But among other communities...the second wife is in a very vulnerable legal situation....” (WAO undated: 13).

3.1.5 Land

All land is owned by the state. The Ethiopian Land Reform of 1975 was introduced by the Derg and this has not been changed since then. Recent federal land laws (proclamations) (FRLAUP 1997; 2005) grants all habitants in rural areas a right to access land for livelihood and this is a right that is inherited from the land reform of 1975. Namely these are:

- Federal Rural Land Administration and Utilization Proclamation. FDRE, 89/1997. (Art. 6 requires that regional land administration laws be free from gender discrimination; requiring women to be permitted to hire workers or to cultivate their holdings in the manner that they choose; and requiring that the system of allocating landholding rights be transparent and fair and decision making be participatory).
- Federal Rural Land Administration and Utilization Proclamation. FDRE 456/2005 (which declares the possibility that communal rural land holdings will be converted to private holdings Art 5. No. 3).

Equal access, use, transfer, administration and control to/over land is provided for in the Constitution. Persons who wish to earn their living by farming have the right to use land freely. Pastoralists have the right to free land for grazing and cultivation. This right includes the right to alienate, to bequeath, and where the right of land use expires, to remove property, transfer title or claim compensation for it.

Traditionally the land tenure system in Ethiopia is patrilineal inheritance (from father to son) and virilocal residence (upon marriage the wife moves to her husband's home and lives there). "Bride prices and dowries are commonly used, and girls are seen as the property of the husband and his clan....if the husband dies, his wife is still the property of his clan. Hence a brother of the late husband would then become the new husband of the wife (Holden and Tewodros 2008: 4). As a result women's access to land has been problematic with access denied, inheritance prevented, and cultural taboos preventing them from practicing certain activities. Land has been registered in the name of the husband and women have missed out on land allocations as the men they marry are already in possession of land (NEWA and EWLA 2003).

However, lead by the Ethiopian Constitution and the federal land laws efforts are being carried out to ensure a more equal access to land for both women and men. Under Ethiopia's Constitution (1994) women have an equal right with men to use, transfer, administer and control land. The Federal Rural Land Administration Proclamation No. 89/1997 Article 5(4) states that the land administration law to be issued by regional states should confirm the equal rights of women in respect of the use, administration and control of land as well as in respect of transferring and bequeathing holding rights (NEWA/EWLA, 2003). Indeed, these have been followed by relevant regional land laws, described below. These laws have strengthened inheritance rights within the family, giving equal rights to inheritance for sons and daughters. Further the new laws imply that land should be shared equally between the husband and wife upon divorce and the wife and children should take over the land if the husband/father dies.

Arrangements are also made for polygamous marriages: polygamous wives may live separately and have their own land. While regional land laws first introduced (Oromiya 2002; Afar – not finalised) stated that the husband could have his name on only one certificate, resistance caused a change such that certificates could be issued jointly to the husband and his wives or the husband's name could also be included below the name of the second and later wives while he has name first on the certificate with his first wife (Holden and Tewodros 2008).

Land certification has been implemented since 1998 and over 5 million certificates have been delivered (Holden and Tewodros, 2008). New federal and regional land proclamations have formed the basis of this land reform aiming to increase tenure security and strengthening women's rights to land and ensure more sustainable use of land resources. The 1997 law provided the basis for land registration and certification and the new 2005 proclamation strengthens the basis of upgrading the land administrative system and implementing land use planning and enhancement of sustainable use.

In practice such land laws are being implemented unevenly. For example in some cases of divorce a husband does not share land or other resources with his wife even if these were acquired after marriage, and widows and childless women are still driven off without a sharing of property (SG-EHRCO 1998). In general land is allotted to a household and registered in the name of the head of household – normally the husband – who determines its use. Where women are registered as heads of households, they are entitled to some land, although the parcels always seem to be smaller than those allotted to men. Generally single women have no access to land and divorced women lose their access to land once they cease to become a member of a household, now dependent on either her brother-in-law or her own parents. “Greater fragmentation of land-holdings, inability of women to cultivate land, the tradition that a woman belongs to her husband's family, reluctance of a divorced wife to live among her former husband's clan, and the tradition that wives should have access to land in their villages have justified the exclusion of women from land at different times. Such exclusion has not been tested legally, because *kebele*-level committees allocate land, and their decision can only be overturned by another *kebele*-level committee” (WAO undated: 21).

Pastoral Areas

However though pastoral areas are mentioned in some regional land laws such as that of SNNPR, land reform has not been carried out due to the complicated nature of land, grazing and other resources being common property in many cases. However in time land reform, certification etc. will move forward in some form and it will be important to consider how best women and men can benefit. An understanding of current access arrangements will be needed to ensure that these are taken into account.

3.1.6 Water

Water is a critical livelihoods issue for many Ethiopians: particularly those living in environments with less than 600mm of annual rainfall which includes most of the pastoral areas. It is a health issue for approximately 75% of the population who do not have access to clean potable water and 92% who do not have access to adequate sanitation facilities. Water supply coverage in rural areas is only 19% and about 40% of the existing rural water supply schemes are known to be not functioning at any one time. A lack of proximate available water and poor sanitation results in increased number of sick days meaning a reduction in productivity in general. Additionally it

negatively impacts on the school attendance of children, particularly girls (Shibru Tedla, 2004).

The development of water resources is seen to be vital to the expansion of agriculture. It is anticipated that this will be achieved through a decentralised, participatory and equitable process involving all stakeholders, including women (see Box 3.3).

Box 3.3 Socio-Economic and Gender Elements of the Ethiopian Water Resources Management Policy

The FDRE Ministry of Water Resources' "Ethiopian Water Resources Management Policy" (undated) states:

The objectives (amongst others) are:

- Development of the water resources of the country for the economic and social benefits of the people, on equitable and sustainable basis (pp1).

Fundamental principles include (amongst others):

- As far as conditions permit, every Ethiopian citizen shall have access to sufficient water of acceptable quality, to satisfy human needs.
- Water resources development shall be underpinned on rural centred, decentralized management, participatory approach as well as integrated framework.
- Promotion of the participation of all stakeholders, user communities; particularly women's participation in the relevant aspects of water resources management (pp2).

The policy states (amongst others) that it shall:

- Promote the full involvement of women in the planning, implementation, decision making and training as well as empower them to play a leading role in self-reliance initiatives (pp14).

Specifically in relation to irrigation, the policy objectives include:

- Development and enhancement of small scale irrigated agriculture and grazing lands for food self-sufficiency at the household level.
- Promotion of irrigation study, planning and implementation on economically viable, socially equitable, technically efficient, environmentally sound basis as well as development of sustainable, productive and affordable irrigation farms.
- Promote decentralization and users-based-management of irrigation systems taking account of the special needs of women in particular (pp26-7).

3.1.7 Dissemination of the Laws

Most of the work to disseminate information on women's rights and gender equality has been carried out by civil societies and NGOs. However though there are a number of women-focussed NGOs they tend to be under-funded and lack skills, capacity and power. Further weaknesses include donor dependency; absence of networking among themselves; insufficient access to media; urban concentration or operational areas; lack of organisational and management efficiency; and absence of effort to work for the *political* participation of women.

Most recently the establishment of the Ministry of Women's Affairs, following the national elections in 2005, highlighted support for women's rights within national development. However, there is a lack of capacity to carry commitments through: local administrative units (that is, Women Affairs Offices), in particular, have neither the skills,

the capacity and in some cases the will, whilst the central government lacks knowledge about the constraints and issues at the regional and local levels (Flintan 2006). And in 2003, it was suggested that “the general population is unaware of the reformed laws” (NEWA and EWLA 2003: 32). However, recently the Women’s Affairs Offices have played a more central role (as will be discussed later in this report) and as such awareness of legislation and how it can be applied is growing.

3.1.8 Court System

Regular courts exist at four levels: the Supreme Court in Addis Ababa; High Court sits in all provincial capitals; *awraja* courts at next administrative subdivision; and woreda courts at district level. “The court system in the country is rightly criticized for being too sophisticated, unfriendly and inaccessible to the uneducated and poor women who face marital crisis. To begin with there are [insufficient] number of courts and judges in the country...From experience it has been observed that judges give swift decisions in dissolving the marriage by delay decisions on community partition. In the majority of cases the matrimonial property remains under the control of the husband and often the wife is evicted from the marital property and is left in a precarious situation.....” (NEWA and EWLA 2003: 34).

Another problem is the unfriendly atmosphere of the courts: excessive and unnecessary formalities, harsh expressions, mistreatment of parties and the like. “Some courtrooms give the impression that courts are there to be served rather than to serve the people. Very often women get so frightened in the court room that they never pay attention to the orders passed by the court” (NEWA and EWLA 2003: 34).

3.1.9 Family Arbitration

In Ethiopia most household conflicts are resolved within a community and close to a household through a system of family arbitration. The practice of family arbitration was inspired by the idea that judges who are appointed by the state are not perhaps the best placed and the best qualified to resolve disputes of a family nature. Also, it is a well-established and respectable form of dispute settlement, based on the age-old Ethiopian custom of *shimagale* (wise old man).

This system can provide women with greater access to legal remedies than if their only recourse were to the formal judicial system. It also avoids the need to drag personal matters before an impersonal arbiter. However a number of issues limit the effectiveness of family arbitrators. These include their lack of legal training (particularly relevant given the wide divergence between customary rules and the provisions of the civil code including equitable sharing of common property), their scarcity in urban areas, their lack of power to enforce a decision, and their deliberate postponement of a decision to obtain increased remuneration. Arbitrators are expected to have a vested interest in preserving an image of impartiality and fairness within the community where they live. The thought is that it is likely that decisions will keep the joint interests of both parties in mind, however this is not always the case (WAO undated).

The revised Family Law has allowed some leeway to family arbitration in addition to their conciliation duties. Couples are expected to take all matters of disputes (short of divorce) for example over household expenses, to the family arbitrators for decisions (Art. 118). If one party is displeased with the decision an appeal may be lodged in court. But many women do not want to go to family arbitrators for decisions and besides it needs the consent of both parties. Therefore if a woman wants household expenses from a husband who refuses to go to family arbitrators she has to keep quiet and go hungry with her children or go to court and file for divorce (Woldegiorgis 205).

3.2 Sharia Law

When one is given a woman, servant, or cattle, one should seize its forehead and pray to Allah, Ibn-i-Majah Vol 3, No. 1918, P. 157.

Sharia law is the law defined and followed by Islam, and based on the Qur'an. Sharia (Islamic) law (introduced 1400 years ago) states that after marriage, a woman keeps the money and property she owns. For Muslims it is a husband's primary duty to financially maintain his wife and children, with any contribution the wife makes being voluntary. Further to avoid disputes later on, the wife is given a financial sum (or property) at the time of the marriage, which is written down as a term of the 'Nikah' or marriage contract. The sum is known as the 'Haq Mehr' and is intended to give the wife enough to survive on in the event of divorce or widowhood. In Islam a women's consent has to be obtained for marriage though a man can divorce a woman by uttering a single word three times: "talaq" (Khan 2003). However in Ethiopia this was abolished under the Civil Code of 1960: all divorce should be uniform regardless whether the marriage was civil, religious or customary.

Under Sharia law a wife is a Koranic or Class I heir. However whilst inheritance share due to the wife ranges from one-eighth of the property to one-fourth depending on whether there are children or not, the share of the husband ranges from one-fourth to one-half. Further, one-sixth is given to the man's parents and the remainder is divided among the children, with the male offspring getting twice that of the female (WAO undated; Daniel Haile 1980).

In Ethiopia the Sharia law and its courts were made operational throughout the country by virtue of Proclamation 62 of 1944 (Muhammadan Courts Act). In former days whoever applied first to the courts would have the upper hand. For instance if a Moslem husband goes to the Sharia Court and lodges a suit then the case would proceed there even if the marriage was not concluded under Moslem law. If the wife complains to a regular court, about the case in the Sharia Court it would do nothing, but if the wife goes to a regular court first, the regular court has jurisdiction and would not send her to Sharia Courts. "This first come first served type of proceeding has forced many unwilling women to be under the jurisdiction of Sharia courts and entailed the loss of common property" (SG-EHRCO 1998: 22).

Sharia courts are organized into three levels: *Naiba* Councils serve as courts of the first instance, *Kadis* Councils and intermediate courts; and Court of Sharia is the highest court. Sharia courts have jurisdiction in two kinds of cases. First in marriage, divorce, maintenance, guardianship of minors, and family relationships; provided that the marriage to which the case pertains was concluded under Islamic Law or parties are all Muslims. Second are: cases concerning *waqfs*, gifts, succession or will, provided that the donor is a Muslim or deceased was a Muslim at time of death. However Sharia courts have unclear legal status as the Muhammadan Courts Act 1944 establishing them was never actually repealed and yet the 1960 Civil Code makes no exceptions for Muslims or Muslim personal law. The Court of Sharia continues to sit as a division of the Supreme Court.

All Moslems even if married under civil laws are encouraged to come to the Sharia courts. "When the women say they want to go to the civil courts not only are they denied [doing] so but they are treated as the enemies of Islam. However, deciding to go to the civil courts by Moslem women has no bearing with or does not negatively affect their Moslam religion. Therefore, today a husband can say "I divorce you" three times and that is that. The Sharia courts sanction such divorces with pleasure. The women are not even summoned to the Courts when their destiny is decided" (ibid: 29).

4.0 Regional Policies, Legislation and Laws

Regional governments have taken time to translate federal policies, legislations and laws into implementable packages of programs and projects for regional application and issues into mainstream development plans. In some cases they have failed for example in regionalizing the women's policy. Without such regional plans or strategies regional governments assume that general poverty reduction or development programs will address women's needs (usually not the case). Further women's priorities vary from region to region. Women's access to economic resources is different, sociocultural taboos are different and these differences require strategic planning. As a result development programs and projects that use a country-wide approach often do not reach women and/or benefit them as much as they could.

The following sections provide information available on regional policies and legislation that have made some move to incorporate the needs of women, and specifically women's property rights.

4.1 Afar

The Afar regional state is highly 'underdeveloped' with poor roads, infrastructure and access to social services. The region is also affected by a steady increase of commercial agriculture, non-Afar tribes and populations migrating into the area, and a reduced resource base. Efforts to address such problems have intensified at all levels over recent years (see for example APDA 2005).

4.1.1 Regional Government Policies, Laws and Regulations

It has not been possible to access any relevant regional policies, laws and regulations that highlight property rights. It is believed that these are still in development.

4.1.2 Customary Social Organisation

Afar pastoralists have their own community law ('madqa'/Afar ada) used to administer the Afar themselves and their relations to outsiders. Each pastoralist is a member of a clan and clans have their own and communal resources. Since the area is dry land and resource availability is variable/unpredictable, they have strong and tight relations to solve these resource constraints. When resources became very scarce, simple but violent conflicts may occur.

Afar social structure follows the structure of:

- Mela..... Clan
- Kaidoh..... Local community
- Afa..... Lineage group
- Dahla..... Extended family
- Burra..... Household

(Source: IIRR, 2004)

In order to solve socio-economic problems and to properly guide pastoralists, Afar society have hierarchies of traditional leadership institutions for example:

Sultan.....top with highest power
Makkabuntu.....responsible for their culture (qaada) & law (madqa)
Fiamata abba.....responsible for implementing law & punishment or decisions
Gulbu Abba.....is a head of sub clan
Fiqma Dagen.....Deputy for Fiamata abba
Bura Abba.....Head of household

(Source: Development Status in Afar National Regional State, Ethiopia; APDA).

The *finaa* is the clan defence and community policing institution, grants execution and enforcement duties by elders. The breaking of customary rule results in punishment (advise, penalty or corporal punishment) to maintain the continuity of Afar customary law, community values and respect for the traditional authority of the clan. Reasons for punishment are non-cooperation inter- and intra-clan activities, like the search for a lost camel, but also include adultery, mistreatment of a wife and mismanagement of family stock (Padmanabhan 2008).

4.1.3 Customary Rights to Resources in Afar

Pastoralists have held the rights to their land since time immemorial and consider it as being a free gift of “Allah” to them. The clan is the lowest and *de facto* unit of traditional administration in Afar, although there are smaller social units such as the *dahla* or sub-clan. Each clan has a well-established gerontocracy whereby decision-making power regarding land and other natural resources resides within the clan council, consisting of the clan leader, elders, the *feima* and local wise men. The *feima* is a rule-enforcing authority in Afar traditional administration. It consists of a principal leader (*feima-abba*), a deputy leader (*erenna-abba*) and ordinary members. Each clan manages its resources collectively, based on customary principles. Although each clan member has an inalienable use right over the resources, intra-clan customary laws (or operational rules) regulate these use rights (Bekele Hundie and Padmanabhan 2007). However ordinary clan members also have their own say regarding the use and management of communal resources. Traditional institutions allow two types of resources users: clan member with primary rights and neighbouring pastoralists with secondary rights (Hundie 2008).

The first one, known as *waamo*, defines exclusive and inalienable rights of a member of a specific Afar clan or lineage. *Waamo* rights bestows a given clan or lineage with primary rights to a specified territory. The second type of right, known as *Isso* right, defines secondary rights granted to non-members. *Isso* (literally meaning “lease”) rights are limited in scope and in time. *Isso* imposes certain restrictions on the secondary right holder. For example, the right holder is not allowed to cut down particular trees. *Isso* rights are alienable rights. The right holder is entitled to a defined grazing land for only

specified time period. *Isso* rights are acquired in two supplementary ways. Formal negotiation is one way. Leaders of two or more clans negotiate in order to allow their respective clan members to have access to each other's grazing land and other resources, including the establishment or residence for limited period of time. Access right is gained, among other things, through payment in kind or through provision of services. Besides, formal negotiations, there are informal arrangements implemented by clan elders. These arrangements include cultural ties such as intermarriage and bond-friendships. According to Kassa (2000), such access right is granted during times of shocks such as drought, epidemics, and displacement caused by civil strife.

The Afar are conscious of territorial boundaries (though these are considered flexible) since every tribe and clan has its own clearly demarcated territory that is guarded by scouting parties called *giba*. Grazing land is divided among the clans and sub clans within a tribe in accordance with customary law. One clan is not allowed to use the resource of the other without their knowledge and prior consent. Clan resources are often shared. Resource sharing is the basis of strong traditions of reciprocity among Afar (Flintan & Imeru 2002:280).

The importance of cooperation is underlined by the criteria through which Afars judge wealth: ownership of livestock and giving support to the poor (Davies and Bennett 2007). Camels are perceived as the most prestigious and precious animal and the primary means of transport, praised in songs and fiercely defended against attacks. This symbolic social status also has consequences in the gender division of labour, as camel and cattle herding is restricted to men, while women guard goats and sheep (Padmanabhan 2008).

It is suggested that "women have no ownership rights to land as well as other resources, including livestock. They hold conditional rights and, thus, are only entitled to benefit streams via their husbands. When a woman's husband dies, all jointly owned assets, including livestock, are transferred to her husband's family, and the widow loses control rights over 'her' former resources. As a small compensation, she can indeed maintain control over the livestock given to her as presents by her husband during their marriage" (Bekele and Padmanabhan 2008: 15).

In parts of Afar, khat chewing has become problematic particularly amongst men. Not only does it lead to "waste of money, waste of time and makes people careless and negligent toward their household responsibilities" but it also keeps one away from one's family and causes physical and mental weakness. "It also forces you to beg for money, something strange in the Afar culture" (APDA 2005: 21).

Livestock

In Afar all livestock belongs to the clan who monitor and ensure its productive capacity for the good of the clan. Individuals have user rights to the livestock and responsibility for its well-being and good husbandry. Men tend to take care of all large livestock,

particularly camels, though women can be given livestock as gifts at different times of their lives (see below).

Institutions based on support networks are important for the transfer of livestock and labour resources, and practices of exchange. Redistributive networks of properties offer support in times of need through kinsmen and in-laws. The paternal kin are responsible for legal protection and compensation, the maternal kin for assistance in economic difficulties. Paternal and maternal kin are particularly linked, as patrilineal cross-cousin ties possess claims and rights to each other's stock. The herding units are sub-divided into main settlement-based lactating stock (*homa*) and satellite camp-based dry-herd units (*magida*). Cross-cousin marriage (*absuma*) is common, though outside marriages are increasing for men (Padmanabhan 2008).

The exchange of breeding stock and milk animals (*hantilla*) inhibits the rise of inequality between management units and enables access to food and the use of pastures for all. The transfer practices are based on alliances and voluntary, autonomous and self-selected contracts between households. Each Afar builds and maintains relations in different contexts and for different purposes using these different units, based on shared kinship, descent and residence (ibid).

Marriage, Divorce, Widowhood

In Afar forced marriage is common and often organized without telling the girl involved (APDA 2005). Upon marriage a daughter may take two cows, 10 goats or sheep, and occasionally a male camel. If not enough, she can take additional livestock (not camels). She receives cooking utensils and furniture. Sometimes she takes the house and constructs it in her husband's village. The husband also gives her a *nikah* and some livestock, which is the produce she controls (VAO undated). In the case of polygamous households, the male head can allocate stock to each of his wives, who enjoy the right to use the milk and other products of the stock (Padmanabhan 2008).

It is common for a widow to marry another cousin. Her family will need to return the *nikah*, if she chooses to return to her clan (VAO undated). In northern Afar a woman will be inherited by a husband's brother and be reduced to a significantly lower status than full wives: her children will be treated as a source of unpaid labour (Padmanabhan 2008).

Upon divorce, if it is by agreement, a wife takes property that belongs to her. When divorce is at the woman's request, she takes what she brought with her, she has no right to the *nikah*, and sometimes has to pay a 'moral' payment to her husband that is determined by the Elders (ibid).

Inheritance

Under *Abukratie* law, women have no inheritance rights. Under Sharia law one-eighth of the property is divided among spouses; one-sixth is given to the man's parents and the

remainder is divided among the children, with the male offspring getting twice that of the female (WAO undated).

Household and Money

Within a household women control utensils, furniture, all items related to milk and food, ornaments such as neck and wrist ties, and the house since she collects materials, constructs and dismantles homes (WAO undated).

Increasingly women are having greater access to cash through income generating activities. For example in Barahle woreda, women rent traditional water containers (*saar*) to the camel caravans going to the Assaale salt. These people are highlanders and give to the woman a block of salt in exchange for the rent of the *saar*. These women sell the salt though the reduction of animals during a drought means there is a problem getting hold of the water containers (APDA 2005).

Land

To date there are no laws of land ownership and community members have little concept of the meaning and responsibilities of land ownership (APDA 2005).

In Afar, an increase in subsistence farming has meant the subdivision of communal land on a voluntary basis (Bekele Hundie and Padmanabhan 2008). Further land is given to investors by clan elders and the elite of the Afar (APDA 2005).

The return of land taken for the use of state farms in Afar (e.g. around Awash) has been unfairly subdivided by the benefiting clans: poorer households benefited less, and female-headed households were neither considered when the land was distributed among clan members nor have they been beneficiaries from the leased out land because of customary norms: “women are *de facto* minors in Afar customary laws” (Bekele Hundie and Padmanabhan 2008).

Conflict and Conflict Resolution

Both Afar men and women play a role in conflicts and conflict resolution both voluntarily and involuntarily (Padmanabhan 2008; APDA 2005). Not only do women actively encourage conflict in some circumstances by chiding along male relatives, but also play a central part in peacemaking and conflict resolution. For example in Afar peace negotiations are only valid if the celebrations are attended by women, who also prepare the feast: as such they are seen as symbols of peace (Tafere, 2006). Further pastoral women’s friendships and trade links, particularly across ethnic borders, provide valuable social capital for peace building (Padmanabhan 2008).

Indeed, during times of conflict institutional arrangements and customary rules become flexible and in many cases provide room for substantial variation in gender relations. For example often areas between two conflicting groups are contested preventing the men

from taking livestock, particularly the valuable camels, there. In order to ensure that livestock remain healthy, women take up the role of camel herders and at risk, will take the camels to the contested grazing sites. This change in gender roles is not announced, but just happens. However it can be seen to signify the loss of control by the men who are no longer able to defend themselves and their animals (Padmanabhan 2008). Indeed Padmanabhan (ibid) describes a number of strategies and tactics that women undertake in times of conflict that alters gendered institutions and gendered roles. These offer opportunities for increasing the role of pastoral women in peace efforts.

4.2 OROMIYA

4.2.1 Regional Government Policies, Laws and Regulations

Oromiya Family Law

The Oromiya Family Law of 2002 (1995 E.C.) is based on the Federal Family Law. A regional family law cannot give fewer rights than are embodied in the Constitution and international instruments ratified by Ethiopia. The recognition of religious and customary marriages (Art 34(5) and 78(5)) should be seen in conjunction with Art. 9 and 13 of the Constitution and underlines the fact that any customary marriage will be null and void if it gives fewer rights than the Constitution. This is the law and the principle however, the state of affairs on the ground is not always compatible. For example the Oromiya Family Law allows polygamy, despite it being forbidden in the 1960 Civil Code. Thanks to the Oromiya Elected Women Forum and other stakeholders polygamy is now disallowed by law (enacted as an amendment). However the Oromiya land law still states that a husband when he receives his land's possessory right certificate "must register with his wives" (Woldegiorgis 2005).

Further, marriages are often carried out without the consent of the wife, and include a number of family arrangements that are accepted under customary laws but illegal under the state (ibid).

Land

Oromiya region issued regional land laws in 2002 and 2003 forming the basis for land registration and certification, with detailed implementation rules and regulations:

- Oromiya Rural Land Administration and Use Proclamation 56/2002
- Oromiya Rural Land Administration and Use Regulation 70/2003

A new law strengthening the administrative system and land use planning has not yet been implemented on the ground:

- Proclamation to amend the proclamation No. 56/2002, 70/2003, 103/2005 of Oromiya Rural Land Use and Administration No. 130/2007.

In relation to gender issues, the Oromiya 2002 states that a resident of the Oromiya region who has reached the age of 18 and above is entitled to land. Under article 15(2)

husband and wife who have common land shall receive a title deed document that contains both their names.

In the event of divorce, husband and wife have equal rights to share their holding registered under their name considering the number of children, whom either of them will take care of after divorce. Husband and wife shall be jointly certified to their common holding land. In case of polygamy, a husband is allowed to get a joint certificate with only one wife and the others get one independently. Amendments in 2007 include supporting women to have equal rights with men to possess, use and administer rural land under joint ownership but each is free to have his/her individual land with an independent certificate (Holden and Tewodros, 2008).

Land registration and certification has been implemented in 166 woredas and 5000 kebeles in Oromiya region (ibid). However, largely the pastoral areas have been left out being dominated by common property regimes. To date the federal government does not have a policy for dealing with pastoral areas.

The above laws have improved women's direct access to "an essential resource: land" and the co-registration of land will go a long way in securing land for women upon divorce (NEWA and EWLA 2003). However, it is also suggested that though regulations are gender-sensitive, land is managed and administered at the *kebele* level. This reiterates traditional gender biases in the allocation of land and land-related resources (WAO, undated).

Land dispute and resolution

Land disputes can be resolved by a) local social court, b) appeal to the woreda court, and c) if the two first decisions are different it is possible to appeal to the higher court. Note that mutual agreements and local elders can be used to resolve conflicts. Amendments in 2007 said that land disputes should be solved locally with the help of elders (local conflict mediators selected by each party). If dissatisfied with the case it can go to the woreda court and to higher courts after that.

4.2.2 Customary Social Organisation

Customary social organization in Oromiya is based on the *gada*, a system of generational classes that succeed each other every eight years in assuming political, military and judicial, legislative and ritual responsibilities (described in more detail in Ibrahim 2005). Though in many parts of Oromiya the *gada* system has declined in authority in most rural parts of Borana it is adhered to.

The *gada* leaders have the mandate to maintain peace of the Borana people, the *nagaa* Borana which requires mediating conflicts and punishing wrongdoers based on what is known as the *Aada Seera Borrana* – the custom and law of the Borana. Once every eight years in the middle of the *gada* period, a pan Borana general assembly takes place – the Gumii Assembly. During this assembly customary laws are reviewed, new ones made,

those in power are evaluated and major conflicts that could not be resolved at lower levels of judicial organization are resolved. It is the Gumii – the Assembly – that has the legislative power, not the *gada* leaders (Ibrahim 2005). Today, though some of the traditional Gumii no longer take place, the most senior of all the assemblies, the Gumii Gaayoo Assembly (GGA) is still held, with the most recent gathering occurring in 2004 over one month.

Though today women are allowed to attend some sessions, the Assembly is highly dominated by male elders: it is assumed that women are represented by their husbands and clan councillors. Therefore their physical absence in meeting places is considered not to matter at all. Indeed, in general women are not involved in public decision making processes nor has authority in traditional governance structures. The exclusion of women is depicted in the popular dictum:

Siqee mootii warra isin mootuti bade

“Women’s authority destroys the very people over whom it is exercised”

(Legesse 2000 in Ibrahim 2005).

One Boran elder explains further why women in general do not participate in community meetings. They are not prohibited by law from coming to a meeting but in olden times when Borana women had nothing else to put on but *gorfoo* (a leather cloth made of cattle skin) it was not appropriate to allow men and women to sit together as the cloth can not cover all the private parts of a woman. Besides, women were busy with breast-feeding or unable to attend meetings due to pregnancy induced stresses or menses. When necessary a woman can be called to testify an event. If a woman comes to a meeting place she would be given the chance to speak immediately regardless of the seriousness or urgency of the issue at hand. After speaking she can be excused to go home. She can delegate any elder she likes to pursue her case. By the virtue of being a wife of a member of the clan, the clan councilors both active and retired are duty bound to protect the rights of women and her children. Having said that, Ibrahim (2005) provides an example of the little attention given to one woman’s concern (see Box 4.1).

Box 4.1 Marginalising Women from Decision Making Processes

At the 2004 Gumii Gayyo Assembly I observed the case of a woman who came to a preliminary meeting of the *gada* council under Dhaddacha Gumii. As soon as the woman approached, the conversation was stopped and she was asked to explain why she came to the meeting. A retired clan councilor called Diimaa Areeroo, who had already been informed about her case took her case and let her go. After a brief deliberation on her case, the councilors decided to postpone the case for some other time.

Source: Ibrahim 2005

At a household level there is less perceived division between men and women’s authority. Indeed, though a Boran will say formally that the *abba wara* (male head of the family) or *abba mana* (male head of the household) is in charge of domestic activities this is an empty norm with little relevance to the daily lives of men and their wives. The Boran have no term meaning female head of family, although they do have a term *hati*

mana (female head of household) or more accurately ‘mother of the house’ (Daniel Haile 1980).

Among the sons of a family the *angafa* (eldest) holds a critical position. He inherits the family patrimony. If he has talent, he is also likely to succeed his father in any ritual or political offices or privileges. Within the family he has the authority to redistribute the cattle he inherited among the younger brothers as he sees fit. This gives the first born son considerable power; after the death of the father, the son decides whether his brothers are going to marry, when they will marry, and how many cattle will be made available for their bride wealth payment (Asmerom Legesse 1975 in Daniel Haile 1980).

4.2.3 Customary Laws and Regulations

According to the Boran, wealth, land, water and pasture are all communal. Livestock however is individually held, and considered to be of great value both monetarily and aesthetically.

Livestock

In Oromiya, gift-giving of livestock is common (and will be discussed in more detail in Section 4.0). In general gift-giving results in boys and men receiving livestock however in some cases girls and women receive gifts too. One source of gifts is through having extra-marital sexual relations where a woman’s lover (*jala*) gives gifts to his mistress (*jalto*) (Ibrahim 2005).

Horses belong to the Raaba-Gaada and used in Borana ceremonies. They should be given priority at any water point and there are many customary rules over their use (see Ibrahim 2005: 197).

In Borana, a person who does not have a head of cattle is called ‘qollee’ meaning absolute destitute and such persons are subject to lose their Borana identity (Ibrahim 2005). *Borana Gutu* also called *Gutu Aba Liban* are two terminologies used to describe Borana identity, which is automatically inherited once a person is a member of a Borana clan, by birth or by cattle ownership (owns a head of cattle). A person who has lost his livestock due to ‘natural’ disasters (drought, disease or tribal conflict) must be restocked by other members of his clan. Such a social security network is traditionally known as ‘*bussa-gonofa*’. No Boran must lose his identity from such cases. However a person who has lost his livestock due to mismanagement and careless handling risks losing his identity and becomes *qollee*. Especially these days Borana people do not sympathise with *qollees* – the commonest cause of mismanagement today is selling livestock to purchase alcohol (*farsoo*). Such *qollee* are described as *nyattu* (cattle eaters) (ibid).

Livestock Products

In some areas of Borana until butter is placed in a pot, women control it: when it is put in a pot (i.e. for sale) the men control it.

Land

In many parts of Borana common property rights over natural resources are being replaced by individualization or privatization accompanied by strong government policies of land nationalisation (taking place before economic reforms and market liberalisation) and privatisation (from the 1990s onwards), leading to the transformation of former property systems on rangelands.

As a result of this policy many have adopted crop production in order to acquire private grazing land that otherwise would have been impossible to alienate from the group. A desire for privatised grazing enclosures both at the individual as well as at the community level is related to demographic factors and changing social relations caused by declining social cohesion taking place when the number of community members to use a finite resource base increases. It gets more difficult to enforce existing rules and use regulations and to introduce new ones. This leads to lower management efficiency. Deviations from common resource management practices are increasing and traditional rules, norms and tabus erode. New national policies provide incentives for private investment, for example, in fenced enclosures. The process is facilitated by national sedentisation policies accompanied by a support of cultivation. In allocating resources 'modern' authorities of the civic society, such as peasant associations, dominate. They gradually substitute the former authorities of the eldest which had favoured the continuity of indigenous common property resource management (Kassaw 2000 in unknown).

Water

All water points are communal property; all Borana people have access to well water after meeting the shared responsibilities and understanding with the *abbaa herrega* (well manager). A well owner (*konfi*) can not deny other Borana access to well water (Ibrahim 2005).

Confiscation of Property

Property can be confiscated by the clan elders. For example if a married man has an extramarital sexual relation (called *kara-mata*) he can be punished by confiscating all of his property (Ibrahim 2005).

Gender Equality

Borana leaders and elders reject the assertion by development actors and gender activists that the traditional Borana system does not recognize girls rights to property inheritance, that women are considered inferior to men or do not have equal access to

community resources. Several elders interviewed by Ibrahim Amoe Elemo (2005) argued that women are given more rights and privileges than men in their society, and what is being practiced in some parts of Borana may not reflect actual custom. Ibrahim (ibid) states that the gender perspective is better seen based on the following:

- Girls and women are part and parcel of a family
- Property ownership is collective
- Marriage is indissoluble
- Children, wife and livestock are all the property of the clan to which the husband belongs.

The husband has responsibilities and obligations to consult his wife in all the matters concerning sexual relations and household economy. Unilateral decision concerning the use of livestock assets, cattle gifts to siblings are all considered uncustomary. The Borana say: “*Niitii Gosaa*” meaning “the clan wife” which implies that any wrongdoing against the woman by anyone is considered as an offense against the clan. It is the duty of the clan councilor to take the ultimate responsibility to guarantee justice in cases of maltreatment by the husband. If the husband becomes irresponsible and fails to properly manage his house and property, after failed tries to correct him, the clan councilor can deprive the husband of the right to property use. This is based on the understanding that the wife, the children and the property all belong to the clan not just a single individual. As the clan members are duty bound to support the needy members of the clan, they are also duty bound to safeguard the well being of the clan members (Ibrahim 2005: 98-99).

However others argue that customary norms and laws are unfair to women. For example, Oromo proverbs support community perceptions of women’s role and place. For example:

Harreen moonaan qabdu moonaa loonii galti, beerti da’oon qabdu da’oo dhiiraa gali (Just as donkeys do not have their own kraal and thus sleep in that of cattle, women do not have their own abode and thus dwell in that of men). This dissuades women from claiming equal access to economic resources and other household rights. It disenfranchises women from their entitlement to household decision-making. “More to the point the proverb shows how in a society where one group is dominant and the other is subordinate, language is used to perpetuate subordination” (Hussein 2004).

Marriage, Divorce and Widow Inheritance

Before marriage girls belong to the *luba* of their brothers, are called by their father’s name and belong to the clan of their fathers. But upon marriage immediately they join the clan of their husbands. After formal marriage the woman is called by her husband’s first name.

In Borana “forced marriage out of the consent of the bride is not permissible. All girls have the right to decline marriage to the person whom she does not want. But the norm is that marriage negotiation between the bride’s family and the family of the bridegroom starts with the consent of the families involved. Asking her will is for the

sake of conformity. The family persuades the girl to accept marriage proposal even though the man is not her choice” (Ibrahim 2005: 93).

Upon marriage a woman joins the clan of the husband and the *luba*, the generation class of her husband. Customarily, if her husband dies she will be inherited by her dead husband’s brother (with her willingness). Primarily this is to protect the children of the deceased and keep the woman in the family circle and the clan. Until this time as marriage is indissoluble widowed women are taken care of by their husband’s relatives or other members of the sub-clan as appropriate.

Upon marriage a bride price is paid, mostly in the form of livestock and clothing. Amongst the Gabra of Borana, for example, a girl also receives ETB 200 for cloth and may be given some livestock by her parents. A woman controls any animal or livestock she brings with her upon marriage and utensils, part of the land’s product that her husband allocates to her and any produce from any land that she happens to cultivate (WAO undated).

Divorce is a social vice and hardly possible in Borana and the possibility of a married woman who has given birth getting married for a second time is extremely rare. Instead she can have a regular sexual partner (*jaala*) though this is becoming less acceptable due to the risk of spreading HIV/AIDS. However, even if a woman takes a lover, she will be included in the family of the legal husband. Children always belong to their legal father not their biological father. A married woman who is separated from her legal husband or widowed, can refuse to be inherited and remain alone as head of household. However they are given a derogatory name – ‘*garooba*’. (Ibrahim 2005). In some cases where a divorce is amenable, a woman will receive part of the grain in the granary, part of the cash if the husband has any, and sometimes cattle (WAO undated).

Upon widowhood if she has children, her brother-in-law inherits his brother’s property, wife and children. If she has a grown son, she can keep the land for her son. If she has no children she is expected to return to her village and all her belongings should be returned (given) to her parents. Further there are other rules concerning status of a marriage, separation and properties involved (see Ibrahim 2005: 196).

As a young boy I was in Teltelle, I had seen a very beautiful young girl given to a Konso man with many heads of cattle as a reward for his willingness to marry her when she was pregnant. The lady was a disgrace to her parents and brothers. They could not abandon her; rather they looked for a poor Konso man who volunteered to marry her for the economic benefit.

Source: Ibrahim 2005

Inheritance

It is said that a daughter cannot inherit her parents’ property because her wealth is at her husband’s home. She cannot inherit her husband’s property because it belongs to the clan (WAO undated).

5.0 In Practice: Barriers and Challenges to Women's Property Rights in Afar and Borana

5.1 Introduction

As described in Section 3.0 national laws and legislation exist that could facilitate more equal property rights in rural communities. However, in reality this is not the case: and in many parts of the country in rural areas in particular, women's rights to property are considered to be less than those of men. In this section these barriers and challenges to women's property rights will be considered in relation to societal/institutional, community, relational, individual levels. This information is based on fieldwork carried out in both Afar and Borana (as described in Section 2.0).

5.2 Societal/Institutional Barriers and Challenges

5.2.1 Afar

“Culture” is a primary factor in defining the division of property. Customary rules and regulations control access and ‘ownership’. As one group in Elidar said:

Since the time of Hadalmahis (the ancestor of all Afars) we are guided by the same law and customs. According to our laws men are the leaders and protectors of their family, households, the society itself and its properties. Property is divided up according to the ability and strength to take care of the properties. Men are responsible for the household and are the strongest, facing more hardships. According to our tradition and way of living they take care of livestock in a very harsh and dry condition. Therefore, they are allowed to own almost all big livestock: camels and some cases cattle (ELGA21).

In general access is not restricted by ownership: everyone is able to access much of the property of the others in the household. It is common for one pastoralist to access the property of his friends in the clan. Women can access the property under her husband's control. For example, land is said to be owned, controlled and managed by men despite government regulations/policies stating that women should have equal rights. However if a woman's husband owns farm land she can access the crop, and/or she can access the milk, meat and hide of livestock without ‘owning’ the animal itself (see Table 5.1).

The clan forms the most important political unit within the Afar and as such its existence is a priority. As such ultimately all property is considered to belong to the clan and its protection and replication should be optimized in order that the clan as a whole benefits. It is said that the clan and all Afar pastoralists do not bother who owns a certain type of property but rather that all properties need to be kept safe and for this reason women or men are assigned based on the care that the property needs and the skills/strengths needed.

Table 5.1 Resource Benefit Analysis: Saboure PA, Awash 7 Kilo (AKSB14/GROUP/M; AKSB15/IND/F/ AKSB26/WOMEN/F; AKSB27/IND/F)

Property	Who collects /prepares?	Who controls access?	Who uses it?	Who control the use?	Who controls the money if sold?	How is it inherited?
Goat/Shoat	Women/Both	Men/Both	All	Men/Both	By discussion	For the 1 st son
- Milk	Women	Women	All	Women/Both	By discussion	N/A
- Meat	Women/Men	Women/Men	All	Women/Both	By discussion	N/A
- Butter	Women	Women	All	Women/Both	By discussion	N/A
- Skin	Women	All	Women	Women/Both	Not sold	N/A
Camel	Men	Men	All	Men	Men/Both	For the 1 st son
- Milk	Men	Men	All	Men	Not sold (Men/Both)	N/A
- Meat	Men	Men	All	Men	Not sold (Men)	N/A
Cattle	Men/Women	All	Men (Women)	Men/Women	Men	
- Meat	Women/Men	All	Women	Women	Not sold	
- Milk	Women	All	Women	Women/Both	Women/Both	
- Butter	Women	All	Women	Women	Women	
- Skin	Women/Men depends on use	All	Women	Women	Women	
Land	Men	All	Men	Men	Men	For the 1 st son

The clan can distribute and redistribute property to and between its members, for example if someone has lost all his livestock due to a crisis he will receive some from other members. If somebody from a certain clan has committed a crime or trick, the customary court orders the clan to pay a high amount of money (usually paid in camels or cattle). Every member of the criminal's clan is required to provide part of the payment. The clan will also give the Elders some of the camels. The clan has rights to all livestock found within the clan's domain and anyone in the clan can access milk from their own clan's people. This has fundamental implications on how property is divided and managed, but ultimately is seen to keep every clan member's property safe.

The clan controls access to resources with its' own regulations and laws, and will monitor property. Elders and clan leaders are said to protect properties for both men and women. To dispose of any substantial property a man should tell the clan leader and explain his problem. Further he should also discuss this with his wife. Women can access most properties on agreement with their husband.

It is said that there has been no change in customary regulations and laws:
These laws have been in place since before the time of our grandfathers (AKDE12/GROUP/F).

Table 5.2 Resource Benefit Analysis of Different Livestock from Dupti and Elider Woreda (DUGU17/MEN/M; DUDU20/IND/F; DUGU18/IND/F; ELHG23/MEN/M; ELHG24/IND/F; DUGU28/ELDERS/M; DUDE31/WOMEN/F; ELGE35/WOMEN/F; ELBE38/WOMEN/F)

Type	Who Owns it?	Who Has Access/Use/Takes care of it?	Who Controls Access?	Who Controls Money if Sold?	Who Benefits More?	How does it come into household?	How does it leave household?
Camel	Men	Men/son older than 15	Men	Men	Men	Inherited through men, contribution from the clan, bought, exchanged, gift from friends/family or at birth.	Sold, gift to friends and/or new born relative, contribution to the clan, exchanged for guns, meat for household. Inherited through men.
- Meat	Men	All family	Men/Women	Not sold		From camels	For household use.
- Milk	Men	All family	Men/Women	Both/Women		From camels	For household use. Sold.
- Skin/hide	Men	Community	Men	Men	Men	From camels	
- Transport	Men	All family/society	Men	Men	Men	From camels	
- Social value/mkt	Men	All society	Men	Not sold	Men		
Cattle	Men/Both	Men/son older than 15	Men/Both	Men	Men	Exchanged with shoats, bought and inherited. Inherited from men to men, though sometimes a widow may be able to inherit 1-2 cows.	Sold, gift for friends or to new born relative, contribution to clan, exchanged for guns, meat for household use.
- Milk	Men/Both	Men, sometimes women & children over 15	Women	Women		From cows	Sold. For household use.

- Butter	Women	All family	Women	Women	Women		
- Meat	Men/ Women	All family	Women/ Men	Not sold		From cows	For household use
- Hide	Men/W omen	Men/Guest	Women/ Men	Women/Men		From cows	Sold. For household use. Women can inherit products made from hide.
Shoats	Both/W omen	All family	Both/Wo men	Both	Both, children	Exchanged with cattle, bought, inherited through both, wedding gift from wife's parents, gift on birth of child from relatives.	Sold, gift to friends or to newborn relative, contribution to the clan, exchanged for cattle, meat for household use.
- Milk	Women	All family	Women/ Men	Women	Women	From shoats	Sold. For household use.
- Butter	Women	All family	Women/ Men	Women	Women	From shoats.	
- Meat	Women /Men	All family	Women	Not sold		Men prepare it.	For household use.
- Skin	Women	All family	Women/ Men	Women	Women	Men prepare it.	For household use. Sold.
Donkey	Women	All family	Women	Not sold	Women		
- Transport	Women	All family	Women	-	Women	Bought.	Sold. Not inherited.
Gun	Men	Men	Men	Men	Men		

Notes:

- It was said that women will control money when products are sold for general household items, however men will control the money when there is a problem.

- Though men may control decisions over sale of livestock, it is acceptable for women to make decision on their own in times of emergency.

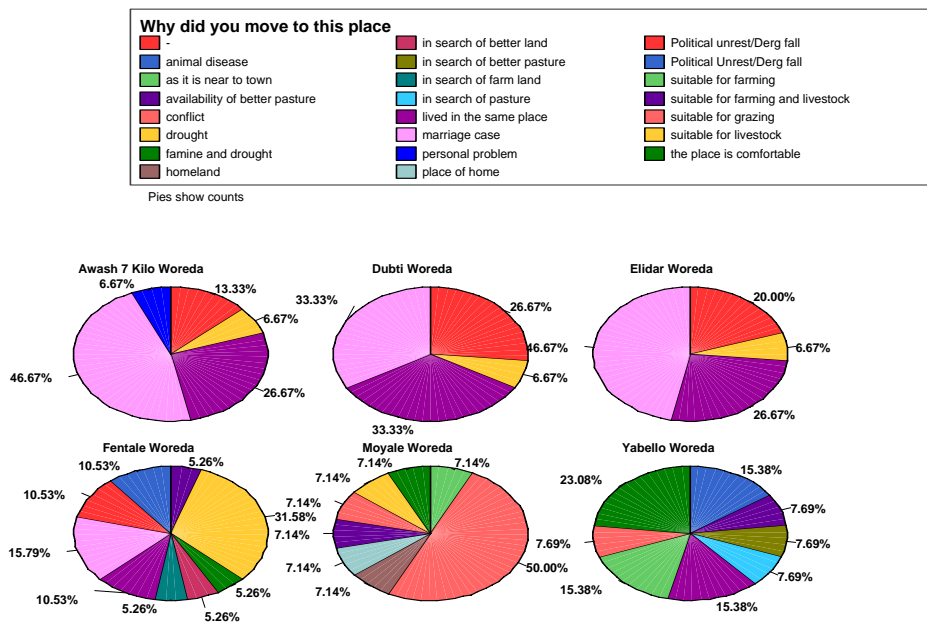
In Afar a number of societal factors facilitate arguments that men should have more ‘ownership’ and control over property. In the past (and to some extent today) “even a woman herself is the property of men” (AK02/WA/M): she is considered no better than other properties of her husband. Indeed, in the wealth ranking carried out in Deho PA, Awash 7 Kilo, the number of wives was given as a criteria (Table 5.3).

Table 5.3 Wealth Ranking in Deho PA, Awash 7 Kilo

Rich	Medium	Poor
>5 ha irrigated land	>2 ha	-
>50 cattle	>10-15	-
>30 camel	>10-15	-
>50 shoats	>20	<10
Camel & donkey for transport	-	-
>2 wives	1 wife	1 wife
Weapon	-	-

Firstly it is argued that a women/wife joins the husband’s household, thus the husband has to acquire more property. Indeed as the questionnaires revealed, particularly in Afar women have moved to the area at the time of marriage to join her husband’s household (see Figure 5.1). The more children he has the more property he will need too: if a wife has no children then he is expected to only give her a little property.

Figure 5.1: Reasons for moving to the area



Secondly, because polygamy is an accepted form of marriage, many men will have several wives. Thus it is argued that a husband needs to be able to support his several wives and property is needed for this. Indeed respondents who were 3rd or 4th wives commented that they had been allocated a certain amount of property by their husband for their use. It is common for a first wife to be left with the household property when her husband takes up his second wife, third wife and so on.

Thirdly some property is simply seen as male or female domains (with associated gift/inheritance arrangements).

Fourthly it is argued that the husband takes the risk and responsibility of household life and pastoral livelihoods thus he should possess most of the properties.

Acquiring and Removal of Property

In general it is easier for men rather than women to acquire property. Women can access livestock from her husband's family, from her father, from her mother and other relatives (as gifts such as at marriage) and use these to rear further animals.

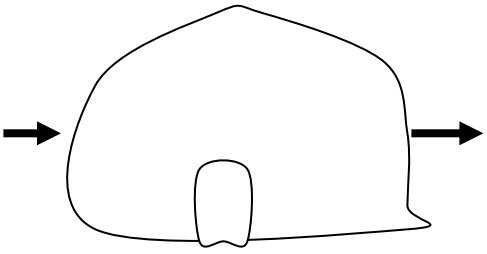
It is considered to be a crime for a man to take or sell his wife's property (including livestock given to her at marriage):

Ekoyta kee modina agle male (No one can dispose of somebody else's property)
(DUGU17/MEN/M).

Indeed most respondents said that a husband and wife would discuss the sale of property before any action was taken, though the husband's decision may be final: some argued that the 'owner' of the property controlled its sale.

Table 5.4 Flow Diagram from Afar (AKDE24/WOMEN/F; AKSB26/WOMEN/F; DUGU18/IND/F; DUDU19/IND/F; DUGU28/ELDERS/M; DUDE31/WOMEN/F; ELGE35/WOMEN/F; ELBE38/WOMEN/F)

How properties join the household	Properties in the household and who owns	How properties leave the household
<ul style="list-style-type: none"> - Purchase from market or shops - Gift at marriage from relatives - Contribution from the clan - Assistance from government & NGOs - Social requirement - Selling properties –fuel wood, charcoal –will bring money to home - Buying other livestock (female) after selling other properties 	<ul style="list-style-type: none"> - Butter – Both - Camel – Men but some said women own those camels used for transport - Cattle – Both (women) - Shoats – Both (women) - Donkey – Women - Household utensil – Women - House – Women if traditional, movable hut (less expensive) than sedentary house - Farm land – Both but in name of men - Weapons - Men - Car/minibus – there are 6 pastoralists in Halebaire and Debele PA for example who have a car. - Salt 	<ul style="list-style-type: none"> - Selling properties (Shoats, cattle, milk, camel) to earn money - Exchanged for livestock - Gift at marriage - When a husband marries another wife, he will give properties to her - Various expenses for local ceremonies (slaughtering livestock for circumcision) - Contribution to the clan - Theft - Drought - Animal disease

(livestock) - Exchanged with/for livestock - Assistance from Associations (loan) - Livestock rearing - Produce from farmland - Handicrafts made by the family		- Replacement for property damaged by conflict - Through allocation to new wives - For education and other household expenses
Notes: - Mostly the movement of properties in and out of the household is governed by discussion by the husband and wife. - Local rule: Heifer (cow that has not yet given birth) should not be sold. After giving birth the 1 st calf should not be sold. - See that goods/livestock can be exchanged i.e. money does not have to change hands. - In Elidar (Gemiri PA) it was said that there are no more resources left in the area and they rely on Allah for their future.		

Inheritance

There are different customary arrangements for inheritance depending on the property, but in general property is handed down through men. The amount of property available for inheritance will depend on the wealth and status of the family/clan. Men tend to inherit the major properties. Women do not benefit from inheritance as do men.

A woman can sometimes inherit certain properties including material to build the mobile pastoral hut, handicrafts and cultural items, household property and a few shoats or cattle from her mother or father, or on the death of her husband, though his family will have to agree to this. It can be common for a woman to have rights to one quarter of the property. In general, the eldest son will inherit the remainder from his father and lead the family. A daughter can inherit her mother's personal property.

A woman cannot inherit from her father but a widow can inherit from her husband in different ways:

1. If she does not marry again and she has grown-up sons (above 16 years) from the marriage to her dead husband, her children inherit all the properties their father used to own though she will take over control of them until the children get married.
2. If she is going to an "inheritance" marriage, she will be allowed to keep a few shoats and a camel for transportation. Others suggest that if a woman agrees to such a marriage, she has the right to inherit all the livestock of her deceased husband.
3. Sometimes a woman can inherit one or two cows and 12 shoats.

If a woman has no children then most property will be inherited by her husband's family. The clan leader can select a male from the dead man's family (e.g. brother or son) and give ownership of possessions to him. In some cases the dead man's brother will marry the widow and take possession of property though this is becoming less common.

In all cases any properties which were given to her as wedding gifts from her parents will stay her property after the death of her husband.

If a wife dies, the husband will replace her with another wife. The clan of the deceased however, will take a share of the property left by her.

In general most community members in Afar said that they follow customary laws of inheritance, though some mentioned 'sharia'

5.2.2 Oromiya: Fentale and Borana

In Oromiya too, 'tradition' and culture' or *ada* is seen as the main reason for property division. This tradition protects the assets of the clan first and foremost therefore property division is made with this in mind For example:

- Men stay within the clan when they marry, however women are likely to marry outside the clan. Therefore it is better for men to own the properties, so that they stay within the clan.
- Men control "the most important properties" – that is livestock (YAAR01/MEN/M). This is because men were given many of these livestock as children by their parents: these have reproduced over time.
- Further "because these properties are inherited through men, they need to be controlled by men" (YAAR01/MEN/M).

In Fentale the clan is seen as the protector of property. The clan protects and guides the whole clan family including their property. Likewise they protect both men and women as is seen to be fair. And as one group of Elders put it:

Our cultural law does not ignore women's rights but it does not control them: it is up to men and women to decide on property.

Women also feel protected by the clan as one woman said:

The clan leader protects women: if my husband goes to a far area they keep me from the enemy (MTHK09/IND/F).

In Fentale it was said that "this is our custom" or "this is our culture: we accept it from our grandfathers". Other justifications include:

Children take on their father's name, so too should property be in the name of the father (MTGO20/ELDERS/M).

Ownership for most of properties is under control of men, i.e. he can decide anything about the resource. But the other family members (including women) can access the property and participate in discussions concerning property. Women can use and access resources, but not sell them without agreement. But one woman said: "even if women own property her husband can try to take it over" (MTGO22/IND/F). Livestock (generally cattle) is given by a groom to the parents of the bride. Once a man transfers cattle to his future wife's family as bride price, he considers himself to be the owner of his wife and all the property of the household.

Table 5.5 Resource Benefit Analysis: Fentale (MTGO11/IND/F; MTGO10/MEN/M; MTHK08/MEN/M; MTHK19/IND/F; MTGO21/GO/F; MTGO22/IND/F)

Part or use of the camel	Who accesses it?	Who controls access?	Who uses it?	Who controls its use?	Who control the money if sold?	How is it inherited
Camel: live	Men	Men	All	Men	Men	For the 1 st son
- Meat	Men	Women	All	All	Not sold	N/A
- Milk	Men	Women/Men	All	Women	Not sold	N/A
- Skin	Men	Men/Women	All	Men	Not sold	N/A
Cow: live	Men	Men	All	Men	Men	For the 1 st son
- Meat	Men/Women	Men/All	All	Women/Both	Women/Both	N/A
- Milk	Women	Women	All	Women	Women	N/A
- Skin	Men/Women	Men/Women	All	Women/Men	Women	N/A
- Butter	Women/Both	Women/Both	All	Women/Both	Men/Both	N/A
- Cheese	Women	Women	All	Women	Not sold	N/A
Oxen - live	Men	Men	All	Men	Men	For the 1 st son
Skin	Women/Men	Women/Men	All	Men	Not sold	N/A
Meat	Men	Men	All	Men	Not sold	N/A
Plough	Men	Men	Men/son	Men	Not sold	N/A
Shoat – live	Women	Women	All	Women	Women	For the 1 st son
- Milk	Women	Women	All	Women	Women	N/A
- Meat	Both	Both	All	Both	Not sold	N/A
- Skin	Women	Women	All	Women	Women/Any	N/A
- Butter	Women	Women/Both	All	Men	Men	N/A
House	Men/Women	Men/Women	All	Men	Men	N/A
Land	Men	Men	All	Men	Men	For the 1 st son
Crops	Both	Men	All	Men	Men	N/A
Enclosure	Men make fence, women guard and control	Women	All	Women	Not sold	N/A

Notes:

- Crops mentioned were maize, teff and 'boleka'
- It was said when livestock products such as skins/hides become commercially attractive then men are more interested in taking control
- Men tend to control the butter when in large quantity
- Men make hide available and women process it.

Table 5.6 Resource Benefit Analysis for Borana

Part or use of the camel	Who accesses it?	Who controls access?	Who uses it?	Who controls its use?	Who control the money if sold?	How is it inherited
Camel	Men	Men/Women	All	Men/Women	Men/Women	Father to son
Milk	Both	Men	All	Women/Men	Women/Men	-
Meat (slaughtered - ceremony)	Women	Men	All	Women	-	-
Cattle	Men	Men/Women	All	Men/Women	Men/Women	Father to son
Milk	Women	Men/Women	All	Women/Men	Women/Men	-
Butter	Women	Men/Women	All	Women	Women	-
Meat	Women	Men/Women	All	Women	Women	-
Hide	Women	Men/Women	All	Women	Women	-
Oxen	Men	Men	All	Men	Men	Father to son
Plough	Men	Men	All	Men	Men	
Meat	Women	Men	All	Women	-	
Hide	Women	Women	All	Women	-	
Shoats	Men	Men/Women	All	Men/Women	Men/Women	Father to son
Milk/Butter	Women	Women	All	Women	Women	N/A
Meat	Men	Men/Women	All	Women	Women/Men	N/A
Blood	Men	Men	All	Women	Not sold	N/A
Donkey	Men	Men	All	Men	Men	-
Transport	Women	Men/Women	All	-	-	-
Land	Both	Both	All	Men	Men	Through eldest son

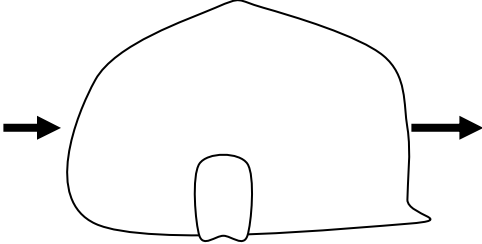
Source: YADE30/GROUP/F; YAAR29/IND/F; YAAR28/GROUP/F; MOKE32/GROUP/F; MOBO37/GROUP/F; MOBO38/GROUP/F; MOKE05/MEN/M; MOKE06/IND/F; YAAR01/MEN/M; YAAR01/IND/F; YADH04/IND/F)

Notes:

- Camel hide is used for making bag for transporting water, cultural items, rope, sleeping material etc.
- Butter is made from the fat of the meat of the camel. This is a special product of the area.

Acquiring and Disposal of Property

Table 5.7 Flow Diagram for a household in Fentale (MTHK18/WOMEN/F; MTHK19/IND/F; MTGO21/GO/F; MTGO22/IND/F)

How properties join the household	Properties in the household and who owns	How properties leave the household
<ul style="list-style-type: none"> - Purchase (food, clothing, medicine, etc). More men do this now as more costly - Rearing of livestock - Harvesting (onion, maize, tomato) - If they have no milk, they can get from neighbour who have livestock - Selling properties – livestock will bring money to home - Gifts from family, clan, relatives - Have been given wheat by government in the past - Those near town can benefit from Idir – self help group 	<ul style="list-style-type: none"> - Camel –men - Cattle – men - Shoats – men - Household utensil – women - Most of the gifts (cow, ornament, etc) – women - Clothes – individual - Money – mostly men though women get money from charcoal and fuelwood - Butter – stored in large jar – men - Gun, 'gil', axe etc. - men <div style="text-align: center;">  </div>	<ul style="list-style-type: none"> - Selling properties (mostly goat - both men & women can sell, secondly cattle, and finally camel - by men only) to earn money - Gift at marriage (camel, shoats, money, ornament, etc) - Money & food gift when a person dies (as there is no Idir, there is a local group for social cooperation—they contribute chiko (food) and money husband and wife separately). - Money (buying household utensils, transport, money gift, etc. by women) - Money used for buying fodder, human food, agricultural activities, education) - Other property gifts for one's family or clan e.g. at marriage, loaning, local ceremonies, assistance to clan - Paying taxes
<p>Notes:</p> <ul style="list-style-type: none"> - Community says that the first calf (birth given by the animal) should not be sold. - The household together decides on the flow in and out of the property and its management, though the man 'controls' it 		

In Fentale women access livestock through:

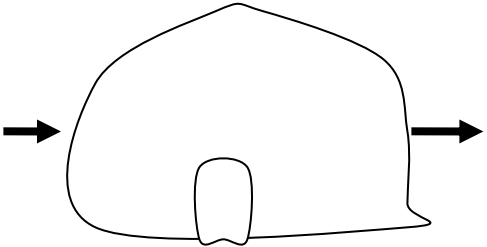
- Gifts given on marriage
- Through rearing them
- Purchasing them from a market

Table 5.8 Flow Diagrams for Borana

Into Household	Property	Out From Household
Comes from farm, market, relatives and bartered with livestock	Crops (M,F)	Through household consumption, sold, gave for relatives, seed
Born, inherited, gift*, bought from market, bartered with crops and camel, dowry, 'busa gonofa'	Cattle (M,F)	Sold, given***, died (natural), died due to drought, killed by wild animals, theft, bartered, bride price, raid selling, offerings, death, 'compensation', 'handurra', 'gumataa' and 'dabbree,' 'busa gonofa'
Born, bought, inherited, bartered with cattle, 'busa gonofa'	Camel (M)	Sold, killed, death, eaten by wild animals, given, bartered for cattle, stolen, lost, raid, 'busa gonofa'
Born, bought, gift inherited	Shoats (M,F)	Sold, death, lost, slaughtered, stolen,
From livestock, gift	Milk (F)	Drunk, sold, given
Sale of animals, loan, gift, remittance, house rent, fuelwood and charcoal sale, trading, labour, wage, selling of livestock, remittance,	Cash (M,F)	Buy animals, lend, gift, buy crops, different items for household consumption, tax, punishment, invitation, losing it, purchasing goods e.g. tobacco, clothes, coffee, soap; transport, medical expenses
'Dabberee', bride price, 'gumataa'	Donkey (M/F)	Selling, death, gift, eaten by wild animals
Grown, bought, aid	Grain (F)	Eaten, sold, given
Bought from market or shop	Foodstuff (F)	Consumed, given
Collected from field	Fuelwood (F)	Sold
Bought from market	Household equipment (F/M)	Broken, worn out

Notes:

- 'Gumatta' – money paid as form of compensation
- 'Dabare' – usage right upon cattle and it also includes ownership when the calf is male

How properties join the household	Properties in the household and who owns	How properties leave the household
<ul style="list-style-type: none"> - Shopping items will bring them to home - Gifts - Exchanging properties - Farm produces - Rearing - Assistance (livestock and money assistance form government and NGOs) - Trade - At 'jilla' ceremony provides 'gubisa' (gift when a male child is born from family, tribe, relative) Family assistance Money received through sales, destocking etc. 	<ul style="list-style-type: none"> - Cattle –Men - Shoats –Men - Camel –Men - Horse –Men - Land –Men - Hen –Women - Human --Both - Household utensil –Women - House –Women, but if iron roof, then men - Donkey/mule –Women - Money –Men (if large amount, if small then women can control) <div style="text-align: center;">  </div>	<ul style="list-style-type: none"> - Selling properties (Shoats) to earn money - Gift - Replacement for conflict damage mad by family/clan member - Drought - Conflict (property will be destroyed) - Money (for various expenses) - Contribution to the clan - When trading is not successful - Unnecessary wastage of money - Differrent ceremonies ('jilla' or marriage)
<p>They solve in and out of properties by discussion.</p>		

Source: YADE29/ELDERS/M; YADE30/GROUP/F; MOKE32/GROUP/F; MOBO38/GROUP/F; MOKE05/MEN/M; MOKE06/IND/F; MOBO07/MEN/M; MOBO08/IND/F; YAAR02/IND/F; YADH03/MEN/M)

In Borana a woman can receive livestock through:

- Women are allocated a number of livestock including cattle, by their husband for their use. This is called their 'nika'. If their husband touches their *nika* without discussing with them first then there is likely to be conflict between them and compensation may need to be paid (MOBO07/MEN/M).
- Through raising cash and purchasing animal, for example by selling fuelwood.
- On marriage – see below.

Resource disposal is determined according to the ownership rights. Those resources that are controlled by men can be disposed of by men with little consultation of women. In most cases, women have control over the disposal of livestock products (milk, meat, butter, blood) and food. Further the majority of women interviewed in this study said that they maintained control over the money from the sale of such products too (see Figure 5.2).

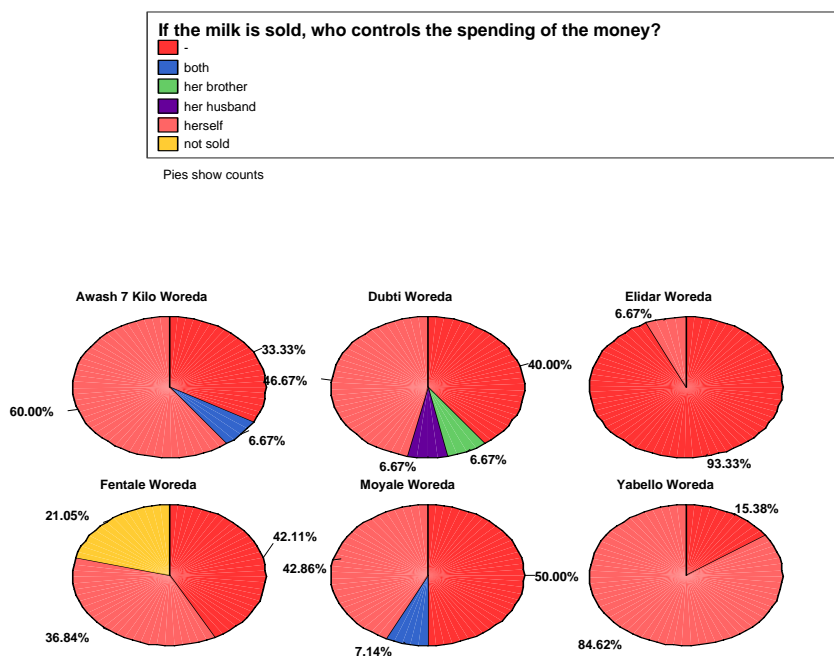


Figure 5.2 Control Over Milk

Men have dominant control over live animals. However, usually men and women will discuss about decisions related to livestock, and though the final decision is seen to be made by the men, women’s agreements are vital. Social contributions such as “busa-gonofa” (see below), gifts to relatives and bride price, are considered to be a man’s concern and women will have limited input. However if an animal is going to be killed for consumption or sale of meat then men and women will discuss. And women have the right to disagree with men’s decision over very important property.

Box 5.1 Gift-Giving of Livestock

In Borana, gift-giving of livestock is common. This takes the form of different types:

I. Gift-giving to children

Boys only are given cattle from their parents at birth. This first ‘gift of livestock’ is known as “haandhura” meaning natal (umbilical cord). A male child is given a female calf of heifer when his umbilical cord is cut, and when it is dried and dropped from his body that part of his umbilical cord is tied onto the given female animal. Any offspring from that animal belongs to the child. When he grows up and gets married, he will take all the animals from the “haandhura” with him. Once a father gives his son a “haandhura”, he cannot sell or change these animals that now belong to the son without his permission. Some people call “haandhura” life inheritance. Sometimes if a father has many male children, most of his herd is owned by the children.

Another form of gift-giving is “gubbissa.” “Gubbissaa” means naming ceremony. When the first-born male child reaches the age of seven, his father prepares “gubbissa.” Here a child’s father, uncles and other relatives give him animals (usually another heifer) which he adds to his “haandhura.”

If a boy is second-born or other than first-born, rather than receiving gifts through “gubbissa” he will receive gifts through “mogaasa” (meaning name giving).

Another form of gift-giving is in the form of a prize. When a male child is successful in different games, competitions and hunting exercises, his father will give him some animals as a form of reward and to motivate him.

On marriage

Fathers give their children gifts at the time of their wedding ceremony. A son will be given cattle to sustain his family.

When the bride comes to her husband’s parent’s house she is given a female animal as a form of gift. This culture is called “archumme daawadhu” meaning ‘watch out a stick’.

Such gift-giving is an important “tradition’ protected by customary law. As such it confirms men’s access to and domination over livestock and access to it. The amount of gift given depends on the wealth of the family, the number of children as well as the economic strength of the clan the giver/receiver belong to.

2. Gift-giving Between Adults

The main form of gift-giving between adults is “busaa gonofa”. This is a form of social contribution and restocking mechanism. When one family has some social cost such as a wedding ceremony, the community supports him to share his costs through “busaa” meaning ‘contribution.’ “Busaa” can be in the form of money, goods (butter, crops or milk) and live animals. Further when a certain household loses its livestock due to an animal raid, severe drought or other catastrophes, the clan to which that household belongs to restocks it. Any clan member, who is capable of contributing livestock, has a social obligation to give live animal as “busaa gonofa”. As such it is form of social insurance providing economic security for the Boran people. However, today the practice of ‘gonofa’ has eroded and exists only in a few parts of Borana.

Inheritance

In Oromiya, as pastoral property, particularly livestock is seen to be the property of the clan and “the culture” it is seen to be best protected by being passed down through men “for safe transfer of properties between generations” (MTHK19/IND/F). As such property is inherited by men, but under the control of clan leaders. Most livestock is passed down through the paternal line of descent, father to eldest son. If a man does not have a son on his death, the property is inherited by the clan. The clan protects his property but it is usual that his wife will be given control over and access to that property. Normally the wife will marry again (which can be to the dead man’s father or

brother) and if a son is born, he will gain full rights to inherit the property. In general, a woman cannot live alone and cannot chose to marry another man.

If both parents die, sons will inherit rather than daughters. However, though in the past girls would not inherit anything, today often a girl will be allowed to inherit one or two livestock. For example if there are 20 camels and 10 cattle and there are two boys and one girl, most of the livestock will be given to the boys and the girl may get one cow, goat or sheep. Additionally a daughter will inherit cloth and jewellery from their sister(s) or mother. Further there are some limited properties that a woman/wife transfers to her daughter on marriage including a cow, cultural items such as milk carrying containers and movable pastoral home/materials used for construction.

Women never inherit their husband or their father's property, the existing cultural practices siding with males. Women's rights are not protected by this law.

Once a man transfers cattle to his future wife's family as bride price, he considers himself to be the owner of his wife and all the property of the household. Once a woman becomes a man's wife, she leaves her parents, joins her husband's family, and is now considered to be an outsider by her parents so is not to receive any of their property through inheritance (YADH03/MEN/M).

It was said that sharia law provides more room for women to inherit than customary law, for both women and her children. According to one group of male respondents:

Women must be treated as the 'Holy Koran' (MOBO07/MEN/M).

The Gada System

The *gada* system institutionalizes this system of property rights. In the *gada* system men and women are said to be equal. The importance of women is recognized for example the *gada* leader/elder (*jarsa*) should be married. All property is equal by community law (*gada*). The *gada* system protects the property of men under customary regulations fairly, like that of women. The local court (*haya*) makes decisions in disputes.

There was some disagreement within men's groups about the rules over disposal of property: some said that women are protected by the *gada* system through their husbands, others argued that the *gada* system is a male-dominated system that offers no protection over property for women. It was concluded that women have the right to disagree with men's decision over very important property. For example women's agreement on decisions such as the selling of animals is vital – unless they agree with men's decisions most sales would not take place.

5.3 Community Barriers and Challenges

At a community level there are a number of barriers and challenges to women's more equitable access to property, based on practical factors such as division of work and ability to look after property.

5.3.1 Afar

In Afar, property is said to be divided based on work division (how men and women use properties), contact with the property and physical strength and ability to look after the property. Some properties need specific skills/strengths and have been divided up to reflect this (see Table 5.9). As one group of Elders said:

Women can not take care of many livestock, can not go far distances, guard them from hyena and even she needs to be kept (ELGE34/ELDERS/M).

For example a camel is owned, controlled and looked after entirely by men. In a female headed-household a woman's sons will look after the camels rather than herself. Further, as detailed above land is owned by men as it is argued that it is mainly men who work on the land and know how to manage it.

According to Afar customary regulation women have the rights to own, sell/exchange and control shoats and donkeys (used for transporting large quantities of water over long distances). Recently however water points have been constructed in some PAs (such as in Gurmuidale PA), so everyone can fetch water themselves (men/women). This has decreased the need for women to own donkeys.

Table 5.9 Different properties owned by men and women in Afar

Women	Men
Cattle	Cattle
(Donkey)	Camel
Shoats	Shoats
House ('Dibola')	Sheep
(Land)	Land
Traditional bed and mattress	Weapon, gun, 'gil' (traditional knife)
Household utensils	Bible
Milking equipment	Milking equipment of camel
Milk	Wife/wives
Butter	Palm
Cloth	Salt
Jewellery	

Notes:

- Precious properties which need to be hidden can be kept in a traditional safe box made from hide called a 'bulo'

Livestock is considered to be the most important property for communities in Afar. And the most important livestock is considered to be camels. Rich Afar households can own up to 60 camel, 100 cattle and 80 shoats (see wealth ranking).

Table 5.10 Wealth Ranking in Dubti Woreda: Geidero and Gurmudale PA

Rich	Medium	Poor
>60 camel	>10-20	<5
>100 cattle	>30	<12
>80 shoats	>50	<20

Note: In this kebele number of wives did not show as a wealth. However it was discussed when a 'poor' person marries say 4 wives, the clan will give properties (livestock) to his wives.

Communally 'owned' properties are available for the use of both men and women. These include mosques, schools and water pumps. However often men's access to these properties is greater than women's. For example in Deho PA, Awash Kilo, in the Mosque there is a limited area provided for women so most of the time only men participate. Additionally though boys and girls are supposed to have equal access to the school, some families still do not send their girls.

Though livestock was highlighted as the most highly valued asset for a household, it was suggested that natural resources too made important contributions to wealth including salt and palm trees. Salt collection and sale tends to be controlled by men, whereas both men and women may be involved in collecting and selling palm products for example. Access to grazing land is controlled by men.

5.3.2 Oromiya: Fentale and Borana

Physical demands and work responsibilities are once again given as a reason for property division. Men are seen as the 'natural' caretakers of livestock. It is said that a woman will always need to be assisted with looking after livestock: if not by her husband then by elder sons or male relatives. A woman can not own a camel for example.

Further it is argued that men own properties before marriage, whereas women do not. Therefore men should be able to keep these properties as their own (YAAR27/ELDERS/M). As one group of men put it: "women do not bring any productive assets to the household: they contribute nothing" (MOBO07/MEN/M).

Table 5.10 Division of Property in Fentale

Women	Men
House	Camel
Butter storage	Cattle
Cooking equipment	Sheep
Drinking equipment	Gun, 'gil' (knife) etc.
Donkey (also said to be owned by men)	Goat
'Walu' - Hide	Shoats
Properties given as gift (at marriage) – ornaments, cultural items,	Ox
	Land
	Horse driven vehicle
	'Boratie' – head rest

Notes:

- Though it may be said that women may own household utensils, those of higher value are considered the property of men
- Even women can be considered to be the property of men by some

Table 5.11 Division of property in Yabello and Moyale

Women	Men	Both
Chickens	Camel	Money (though women manage lesser amounts)
Milk	Cattle	Household items
Milking equipment	Sheep	
Household utensils	Firearms	
Donkey (also said to be owned by men)	Clearing equipment	

	Shoats (also said to owned by women)	
	Blood and meat	
Properties given as gift (at marriage) – ornaments, cultural items,	House	
Fuelwood and charcoal (sometimes men too)	Land	

Notes:

- Though cattle, camel and shoats are described as the property of men, women can access for their products.
- Men control access to blood and meat, but women control their use once access has been given.
- Though men may control large amounts of money, women can control small amounts.

Women own household equipment such as milk collection vessels and butter making equipment. They may have made this equipment themselves, bought it or be given it by relatives such as their mother or inherited it from their husband’s mother. Further in general women have access to livestock products and in many cases “ownership,” plus crops for household consumption. Additionally cooked food and uncooked food items are considered to be under women’s control. As one male respondent said:

I have access to some things but not their ownership. For example, milk, cooked food and uncooked items such as meat and eggs (YAYA10/WR/M).

In Fentale it was said that both men and women can access community held natural resources and services equally. Ownership of land is with men though women can access. Increasingly access to natural resources is becoming more individualistic for example individual crop harvest stores to store grain grown on an individual basis, with some irrigation.

Religious Bodies

There is a lack of funds for supporting women’s rights as well as an absence of support from government or NGOs. Despite this Sharia law is becoming stronger and increasingly accepted in both Afar and Borana. However this has caused some conflict at the community level between customary bodies and the Sharia court/representatives particularly when a ruling has been given in favour of a woman and her husband disagrees (complaining to his clan of unfair treatment). In these cases the government will not assist the Sharia representatives: if more support was given by the government it is felt that more equal property rights would be promoted.

In some PAs, such as Beza PA, Elidar woreda, Afar there is no Sharia court, and “no educated people in the kebele” (ELBE37/ELDERS/M). As a result, women have no where to go if they disagree with decisions made by the customary institutions: “she will be separated without resources”. In special cases some women travel the difficult journey to Elidar where there are Sharia representatives to try to find a solution.

In more urbanized areas such as around Moyale, Borana, there has been greater influence of religious (Sharia) and government rules and legislation over division of property (as discussed further elsewhere).

Education

It is believed by some that women’s lack of education is a dominant factor contributing to their lack of rights to property (MTGO04/RELIG/M).

4.4 Relational and Household Barriers and Challenges

4.4.1 Afar

Though households may try to have separate areas within a hut (*ari*), the hut is small so this can be difficult, so mainly space is shared excluding areas to keep the weapons/gun and place for women to give birth. The hut and household properties are divided according to the different work of men and women and tend to be divided for sleeping, cooking and storing the household equipment. Clothes and weapons are individually held. A woman owns the house (if it is the traditional movable type) – a gift from her mother – and household utensils. The area inside the house tends to be under the control of women (where one will find household equipment) and outside the house is for men (cattle, goat, sheep). In the PAs near to towns people are building modern wooden houses. As a result women become the owners of quite expensive properties, though in some cases when housing becomes more expensive men take over ‘ownership’.

Both men and women are increasingly investing in businesses as a livelihood diversification. For example in Deho PA a husband and wife owned one of the local shops and worked together to manage it. Another shop was owned by a woman’s group: the shop had been given to them by an NGO.

In Debel kebele, Dupiti woreda women are able to work as daily labourers on state farms and are able to buy livestock (normally shoats) with the money raised. Some women are able to save more money than their husbands. However a group of men discussing the issue said that this was not good because women are away from the home for long periods of time out of her husband’s control. As a result many household conflicts occur because of this.

Conflicts

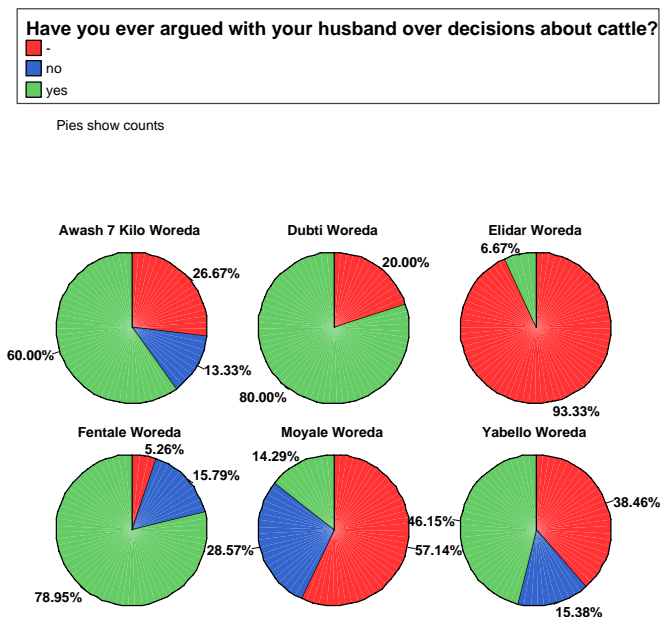
Conflicts are most common at the household level (see Figure 5.3). An example of conflict has been given above where women's income opportunities are said to conflict with their household duties. Most commonly conflicts can occur if a husband sells property without consulting his wife, particularly that which had been given to her from her family at different times (including their young). For example, a representative from the government law court, described:

There was a husband and wife. She was a merchant and he had 5 camels. They lived together but he sold 3 camels without discussing with her first. She said as you have done this the remaining 2 camels are mine and you cannot sell them. They came to the government court and the court decided in favour of her (AK05/LAWCT/F).

Further a number of women mentioned conflicts due to her husband marrying additional wives, which has an impact on property relations with some property being unfairly given to the new wife.

Though most respondents commented that they did not feel that conflicts were a problem, one group of Elders described a woman who disagreed with her husband over property, found no solution and ended up separating from him without any resources (not even her clothes).

Figure 5.3 Conflicts Over Cattle



5.4.2 Oromiya: Fentale and Borana

Polygamy is accepted and first wives tend to have greater ownership and access rights to such as livestock, than later wives (Hussein 2004).

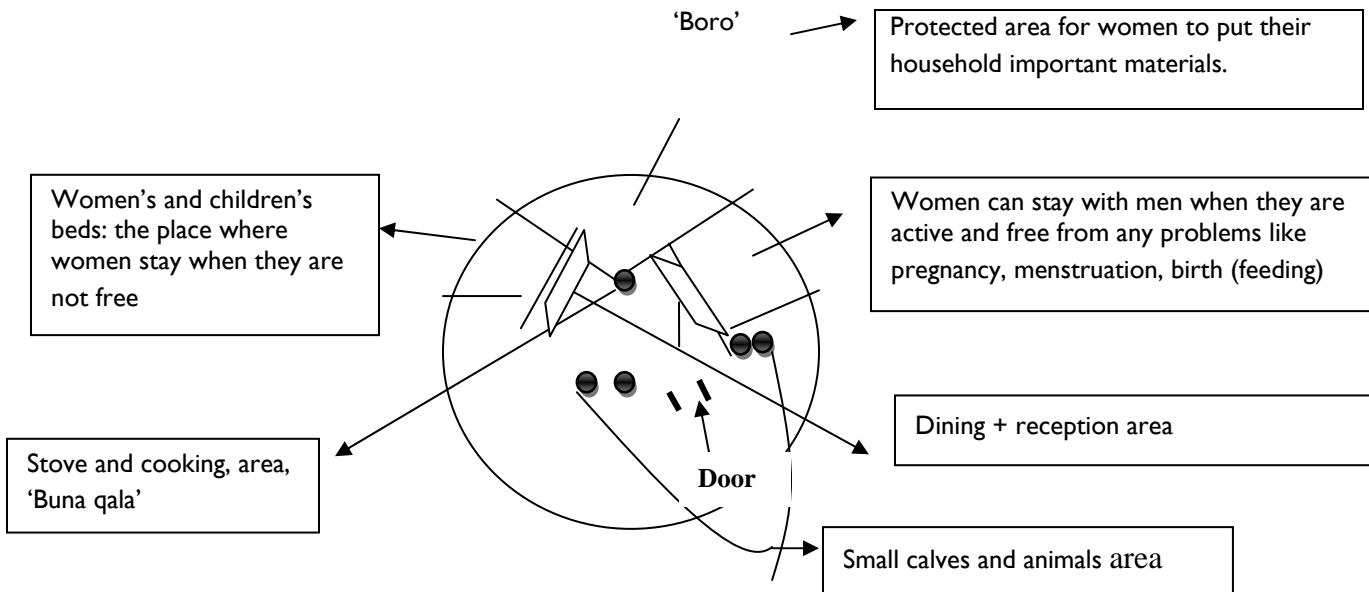
In Fentale, as in Afar, there is no strict division of property within a hut/house. The inside of the hut is seen as the woman's domain and the property and activities outside is the men's domain.

However in the more traditional areas of Borana such as in Yabello woreda a traditional hut is divided into female and male domains, together with communal areas (see Figures 5.1 and 5.2). The woman is responsible for her part of the hut, and the man for his. The "dinga" or "dinka" is a woman's secret place and men should not enter this place. Here a woman keeps her home materials such as cloth, milk collection vessels and butter making equipment: a man should never open a women's milking equipment or vessel. She will also use a place called the "meno" for beautification using smoke as perfume. Sometimes a man will give a woman some properties to keep safe in her *dinga*. The "gorfa" is where the stored milk is kept and can be accessed by husband and wife but not by children.

Men keep their weapons, knives and other valuable items under or near the bed in a box. No one else is permitted to touch these. Usually everything kept in the man's area belongs to a man, however there may also be household items such as clearing tools.

The 'boro' is the place where a husband and wife live. It has three sub areas: the 'dibu bita' – left bed area for the wife (and sometimes children), the 'dibu mirga' – right bed area where the husband's bed is found and the main 'boro' where household utensils and cultural items are kept, and there is a hole which is used to fumigate clothes in order for women to smell nice. In the rest of the hut are found the children's beds and a reception and dining area (in the central part of the hut). The front part of the hut is used for multipurpose activities including meal preparation, and sometimes the keeping of small livestock. The area surrounding the hut is also organized with specific areas reserved for cattle to stay in overnight. There can also be a chicken house, crop store and/or a toilet.

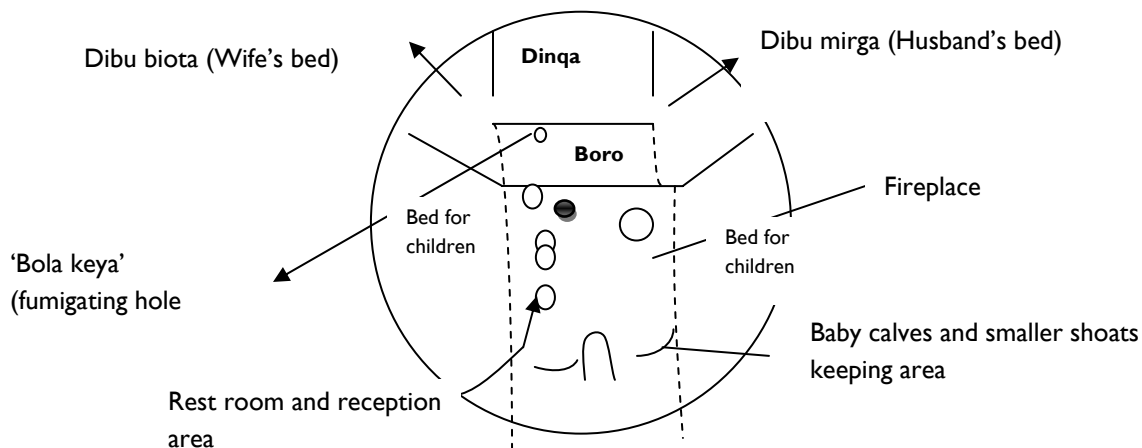
5.1 Typical Borana Hut and Its Surroundings: Male and Female Domains (YAAR01/IND/F)



Notes:

- There is big barn to the right side of the house (adjacent side of men's corner) for large animals.
- There is a small house at the back side of the house for larger calves and shoats (separated). Some households make a second outer fence to protect their animals from wild animals. Those households who engage in crop farming may have small huts for storing crops outside their house.

5.2 Household Mapping (YADH04/IND/F)



In Moyale woreda, those interviewed lived in less traditional houses and less divisions are found with more open ‘general use’ areas. Box 5.2 describes one respondent’s house.

Box 5.2 A Borana House

Habiba Duba is 23 and lives in Bokola PA, Moyale woreda. Habiba’s house is designed differently from the traditional Borana houses. It is made of a wooden wall and has a corrugated aluminum roof. It has two separate rooms. The first is used as a bedroom with the bed in one corner. In another corner Habiba keeps the household and cooking utensils including a box and tape recorder. In the second room – the day-to-day living area, a mattress is kept to rest on during the day, and could be used for friends or relatives who stayed overnight. The kitchen is outside the house, with a latrine behind the kitchen and a barn to the side. There are no separate areas for men and women and property is kept in common with her husband, though she knows that this is different to other households. The house was designed by seeing other houses in the town set up in the same way. Her husband is a government employee and his salary pays for most expenditures.

Further in Moyale, the house and type of house featured highly as a criteria in the wealth ranking (see below).

Wealth ranking (MOKE3 I/ELDERS/M)

Rich	Medium	Poor
>20 cattle	>2-5	-
>20 camel	-	-
Home costing 20,000 birr	Local pastoral house with grass roof	Local pastoral house bamboo made with plastic cover
>5-10,000 birr in cash, iron roof	At subsistence level. Daily labor work for income. Have 1 donkey which is very important resource for this category. Local skilled people are here: handicraft makers, local healers, etc.	Mostly their main income is from daily labor work. Fuel wood selling is one source of income.

Note: The area is with poor pastoralists

Divorce

Though not common, divorce is increasing. In Fentale a group talked about a woman who was divorced and was not working on the land to raise money to buy property such as a grain store. It was said that the community supported her and her endeavours.

However in general, women lose out in divorce and are only able to take a minimal amount of property with them. In some cases they must leave with nothing not even their clothes.

Conflicts

Conflicts over property are said to be few in Moyale. One reason given for this was that:

Women are expected to obey 'tradition' (MOKE05/MEN/M). However in Fentale and Yabello they appeared to be more common (see Figure 5.3 above). And it would appear that in houses with greater access to income, conflicts also appeared greater: as illustrated by the comment that more comments occurred in "iron roof homes".

Though conflicts may be few, examples (non-violent in nature) were given by respondents. Indeed, the head of the Women's Affairs Office in Yabello said:

I am responsible for women's rights, there are so many cases come to my office every day. Most of the conflicts are concerning misuse of property by men without paying any attention to women and their children (YAYA09/WA/F).

One group from Moyale said that conflict will occur if a husband touches (disposes of) the animals that have been allocated to his wife – that is her *nika*. If this happens there is bound to be conflict and women are likely to go first to their fathers and complain. If the husband is found guilty of mismanaging property, he can be asked to pay some sort of compensation to his wife either 'in kind' or as money. This is called '*gumata*'.

The problems and conflicts arising from the sale of livestock for purchase of alcohol have been highlighted at the highest level in Borana, being discussed at the Gumii Gayo Assembly in 2004 (Ibrahim 2005).

5.5 Individual Barriers and Challenges

5.5.1 Afar

For many Afar men and women the division in property is seen to be fair:

Property right should be under the control of men; women cannot carry the responsibility of ownership of the property (AK06/RELIG/M).

As one woman put it:

I think the property is divided equally. We are fine – it is enough. What we are obliged to own under customary laws are enough. We Afar women are strong even if we are poor – we can feed our family and struggle to prevent our livestock from dying of hunger (DUGUI8/IND/F).

And as one group of Elders argued:

Women have less skill to lead and manage resources. So it is difficult to give/provide them with more resources and let them manage them. But men naturally can manage even if not trained. Woman is created from part of man's body and can not do all that men can do, but rather fill the gaps. For example, there was one administrator whose wife took over his position when his term had finished. Her position and authority changed her attitude and eventually she declared that she did not want to live with him any more. The sharia court took up the case and she decided to change her mind. This shows that her leadership ability/skill is not strong or fair (AKSB26/ELDERS/M).

Indeed several women agreed saying that they did not have the ability/skills/strength or 'natural capacity' to manage some pastoral resources such as camels.

Others argued that it is not fair and correct: women cannot inherit starting from their childhood (except some gifts at marriage and local home construction material), and she is not entitled to any property when she gets divorced: women's property rights are not respected. Some women argued that they are strong in managing money and rearing livestock, therefore they are capable of protecting property, thus should have stronger rights.

Further there is disagreement over whether women should have more access and 'ownership' over property. Some suggest that women should have more access to property as they manage well and show improvement with the little they have. More equal rights are seen to be good but women should understand their obligations.

Others say that men should continue to administer properties and have more wives: "women should not be allowed to have more resources" (AKDE23/ELDERS/M). For example one group of elders said:

We have heard that government laws and regulations protect the rights of men and women to property equally but we didn't either practice it or see it implemented. Some of us do not accept it at this time....The government people say that we don't know how to deal with such issues properly and when to do so. As far as we are concerned women in our community are doing fine with what they have on their hands and we do not think it needs any improvement (DUGUI7/MEN/M)

Women's own attitudes also act as a barrier to their 'empowerment'. As a representative from a Women's Affairs Office in Elidar said:

The society have accepted it this way, lived with it for a long period of time and adapted to it: now it would be difficult to change and it will not happen in one moon (ELHG25/IND/F).

Government offices have said that women are still nervous to come to their offices for assistance.

However it is said that attitudes are changing and there is more discussion over women's property rights. Further some women commented that their husbands were gentler with them, sides with and supports them. Women felt that if they became more sedentarised then they would gain more property and other rights.

5.5.2 Oromiya: Fentale and Borana

Gender sensitization starts from birth: when a child is born there will be a larger celebration with more gifts provided. As children, boys and girls know what property they will have in the future being told by one or other of their parents: gender divisions are introduced early and so become 'the norm.'

In Fentale and Borana some said that property division was fair, others said that it was not fair. Nevertheless it is accepted as a law that has been in place since the time of their grandfathers:

As women we accept these laws (MTGO I I/IND/F).

It was said that today there is less support for community/clan needs and more emphasis on individual needs. This is likely to have a fundamental impact on how property is managed in the future.

6.0 Knowledge and Skill Gaps for Implementing Programs for Women's Empowerment

6.1 Elders and Clan Leaders

To date the Elders and Clan leaders remain the most influential bodies in local pastoral communities, thus their backing for women's empowerment is vital. To date however though they agree that women work harder, can contribute to the household economy, experience much hardship etc. they do not yet see 'gender equity' as a problem.

Indeed rather it is believed that the clan and customary institutions in general benefit and protect both men and women and therefore there is no need for change. The clan's survival is the utmost priority and both men and women are expected to contribute to its survival in the best way that they can. Currently this is understood to be achieved through the division of gendered roles and 'ownership' of resources to ensure their protection. That is men 'own' and look after all camels (in the majority of cases) that need to be taken to distant pastures and water, whilst women 'own' and look after small stock that is managed close to the home.

Clan and elders are not overly obstructive to the idea of gender equity, but to date the divisions that have existed between men and women are seen to have been based on common sense and in order for pastoralists and the pastoral system to survive. However they do recognize that there is a need for change, and though not seen as a priority (considering the many other challenges and problems that pastoralists are facing), they are willing to work with NGO and government actors to facilitate better conditions and rights for women. Indeed, elders and clan leaders understand that government regulations state that men and women should have equal rights and access to property and resources as well as opportunities to earn a living. Indeed, the government is said to "intervene in every pastoral life (including property welfare) through its representative bodies such as the kebele".

Further, information is often readily and routinely shared. In Fentale for example it was said that it is usual that clan leaders will share and exchange any information that they acquire to all clan members. Some women commented that they had received information on government laws and regulations concerning property rights from their clan elders.

But there is room for improvement in their knowledge, not only of government legislation, but also in how to initiate change within their communities. NGOs and government can assist elders and clan leaders through discussion, trainings, and support to initiate change. Indeed it was suggested that the government and some NGOs are teaching the community on these issues and have tried to convince *gada* officials to ensure women's rights of ownership over property. This is changing men's attitudes and they are becoming open to women being more involved in decision making and even owning livestock. As one individual commented (YADH04/IND/F):

If these continue and more people get awareness, equality of women can be attained. Further, our female children are learning. When they grow up, they will bring many positive changes including property rights.

6.2 Amongst Government Offices

In general Women’s Affairs Offices as well as woreda Administration Offices have good knowledge of government laws and regulations. However their understanding of customary laws, institutions and ways of working are somewhat simplified and often miss the intricacies of and complex reasoning of many situations and circumstances. As such, their knowledge on local and customary ways need to be built up, and preferably through ongoing in-the-field exposure and experience gaining. NGOs such as CARE can facilitate this through including local government staff on project teams carrying out activities with local communities, and/or assessments/research. Further government offices need to feel that they are full partners in project and programme development and should be included from the very first planning processes.

Often staff from district offices are employed from outside the local area, change regularly, and have little motivation to learn and solve local problems. Having said that, there are a number of very motivated and committed people working including in the PLI/ENABLE intervention areas. These people need to be fully identified and supported as allies if change is going to be achieved. Often such staff may not only have gaps in their knowledge but also in skills appropriate for working with communities. Education in Ethiopia is provided in a very top-down schoolmaster-pupil way and people tend to reflect this in the way that they work i.e. with local communities. However if communities are also to be brought on board as full partners, if not leaders, in their development then government and NGO staff need to work with them in a fully participatory manner, that is not only through consultation but at the very least in a ‘functional’ and ‘interactive’ manner (see Box 6.1).

Box 6.1 A CONTINUUM OF PARTICIPATION

<u>Passive</u>	<u>Information giving</u>	<u>Consultation</u>	<u>Functional</u>	<u>Interactive</u>	<u>Self mobilisation</u>
<u>Passive participation</u>	Decisions made by powerful ‘external’ stakeholders only; communities participate by being told what is going to happen or has already happened.				
<u>Participation by information giving</u>	Communities participate by answering questions posed by external stakeholders or project staff; they do not have opportunity to influence decision making as findings are not shared.				
<u>Participation by consultation</u>	Communities participate by being consulted, and external stakeholders consider their knowledge and interests; outsiders define both problems and solutions but may modify these based on local people’s responses; process does not concede any share in decision-making and outsiders are under no obligation to take on board local people’s views.				
<u>Functional</u>	Communities participate by forming groups to meet pre-determined objectives of a				

<u>participation</u>	programme driven by external stakeholders; such involvement does not tend to be at the planning stage but after major decisions have been made; such institutions may be dependent on external initiators but can also become self-dependent.
<u>Interactive participation</u>	Communities participate in joint analysis, leading to action, formation of new local groups or strengthening of existing ones; local stakeholders take control over local decisions, giving them an incentive in maintaining structures or practices.
<u>Self-mobilisation</u>	Communities participate by taking initiatives independent of external institutions to change systems; external agents may play a facilitating or catalytic role.
(Adapted from “A typology of participation” in Pimbert and Pretty, 1996, <i>Parks, People and Professionals</i> . UNRISD, Switzerland).	

6.3 Amongst NGOs

Much the same (as section 6.2) is also true for NGO representatives. Those NGO representatives interviewed did not appear to understand the intricacies and complexities of property rights including women’s property rights. In Borana it was said that all livestock belonged to men, even though women said that they do have a reasonable degree of ownership and access (YAB/NGO/002) and as has been illustrated by this report.

Further it is true to say that still many NGO and government representatives view problems and challenges in pastoral communities as a result of pastoralists not having the appropriate education, skills and knowledge to do otherwise. If only they were given the *right* education, skills and knowledge then the problems and challenges would be solved. This is exemplified in the comment from one NGO project officer in Yabello:
Equity is possible if the culture is improved (YAB/NGO/001).

Such a paternalistic viewpoint completely masks and inhibits the very positive nature and potential contribution of pastoral systems for successful and productive rangeland management and livestock-based livelihoods. Whilst also failing to recognize, take account of and address the true influencing factors and causes of problems and challenges, which are a range of external and internal factors of a political (including geo-political in some cases), socio-economic, and environmental nature.

NGO representatives need to spend more time reflecting amongst themselves what it is that they really want to achieve and how, together with what impact their programs and projects are having on these goals and how they can be ‘improved’. During such reflection, time should be given to assessing knowledge and skills gaps, and how these can be addressed.

In reference to gender in particular, NGO staff are certainly aware of basic gender sensitive principles, however they still struggle to identify the best way to address them from a practical and applied perspective. Trainings in gender tend to be provided in a similar manner often focusing more on theoretical aspects rather than identifying appropriate and contextual application. As such it is not surprising that NGO staff still

struggle with application and what is needed is more applied training and support that assists staff in applying gender principles to their work and activities taking into account the specific nature of the work and its context.

6.4 Amongst Women Themselves

It would seem that many women know about their rights under government laws and regulations. They have heard about them from trainings and workshops, and discussed amongst themselves. As one woman said:

Under government regulations we are equal and have equal property rights (AKSBI4/IND/F) and another:

We can get our rights under government law and regulation (AK07/WA/F).

However it is still true that some women know little about government legislation:

I heard about equality of sex in property ownership in women's association. People said there is a constitution that protects this equality (YAAR02/IND/F).

Others said that they knew that government legislation and the constitution says that property belongs to both man and woman (husband and wife) and they have equal rights to control the property they have. Further there is an understanding that there are changes in the family law.

In general most respondents had a good knowledge of *customary* laws. Knowledge of customary laws is gained by the passing of information between fathers and sons, and between mothers and daughters, as well as between siblings. Customary laws have not changed over time. A woman from the Women's Affairs Office in Yabello said that she thought that customary laws will not change, and certainly not soon:

As such we should be looking to replace these laws altogether with government legislation (YAYA09/WA/F).

Some women have attended workshops that have disseminated information on women's rights and others have heard information on the radio. One woman from Bokola PA, Moyale, said that her husband who is a government employee had taught her a lot:

I know about equality of gender, government's protection on women's rights and if women's rights are violated we have the right to struggle for legal solutions. I feel a lucky woman to have this knowledge (MOBO08/IND/F).

Indeed Bokola PA, Moyale, used to be administered with a semi-urban PA called Tuka. As a result, community members including women, have been exposed to new ideas of women's rights and access to education. This has started to raise some fundamental questions concerning ownership of property. Further if there is a disagreement over property, many women will have no hesitation in going to the government offices so as to protect their property.

However there is still room for improvement and increased gender awareness raising on rights, laws, legislation and how to access them and resolve conflicts etc. Further

open discussion amongst women (and men) needs to be facilitated e.g. by an NGO, to give space and time to reflect on changes occurring and potential change in the future. Communities need to be capacitated to lead their own development and change, and this would be one first step towards it.

7.0 Issues for Advocacy to Support More Equal Rights To Property

Lobbying and advocacy is seen to be an important route for change (YAB/NGO/001). The following are some key issues that CARE Ethiopia could include in a program of advocacy in order to assist women in realizing fairer property rights.

Although Ethiopia's women have some legal and constitutional rights, such as, to divorce and alimony; to own land and inherit property; to be free from forced marriage, rape, beating and genital mutilation; and to equal treatment before the law; it would seem that little has been done to institutionalise these legal rights as bases for collective practice and intervention. The multiple levels of government are in themselves obstacles to an effective implementation of the government's policy on women, given that local administrative units have neither the will nor the capacity to carry it out, whilst the central government lacks knowledge about the constraints and issues at the regional levels.

7.1 Updating Laws, Codes and Regulations

Though the federal government has achieved much in updating and introducing laws and regulations that support women and their equality of rights, there are also a number that remain outdated and unjust. An example is the Civil Code (1960) (see Section 3.4.1). Change and updating of these outdated laws, codes and regulations should be advocated.

7.2 Practicing Written Law

As detailed in Section 3.0 there is the Federal Constitution together with policies, laws and regulations that can provide protection for women, their equality of rights including to property. However the written law and reality still fail to match and as described in this report in both Afar and Oromiya regions (as well as elsewhere) customary and even regional laws do not provide women with the same rights that they are entitled to under federal law.

As such there is a need for ensuring that regional laws and regulations reflect and abide by federal law, and are put into practice. Regional and local governments should be the ones responsible for respecting and implementing the laws. However NGOs can assist them to do so by providing resources, support and advocating for change. CARE should lobby regional governments to ensure the enforcement of supportive legislation that exists.

7.3 Improved Legal Services and Revised System of Family Arbitration

Support can be provided by advocating for better legal provisions. This includes a better knowledge of customary laws and their conflict and/or synthesis with government laws.

This includes the fact that many women remain unaware of the superior economic rights provided to them under the civil code. Indeed some of the problem lies with the system of family arbitration relied upon in most rural areas (described in Section 3.1.9). Though the system provides a dispute-settlement system that is relatively more accessible to poor women in Ethiopia than in countries where the only recourse is the formal judicial system, and it is a culturally acceptable mode of dispute settlement, it needs revision so that it does not compromise its advantages and is more gender sensitive.

As WAO (undated) suggests, one “may wish to consider (a) widening the scope for court review of an arbitrator’s decision; (b) casting a legal obligation on an arbitrator to explain the rights of each party to the dispute; and (c) declaring an arbitral award irregular when a woman claims that her consent to the application of customary law was not voluntary.”

7.4 Raising Awareness Amongst Women and Men

If it is thought that customary practices do restrict women’s access to such as property, awareness on women’s legal rights can be strengthened through region-specific information, education, and communication campaigns, bearing in mind that women have little time for leisure (or meetings) and that the majority are illiterate. Though disputants need to consent to the application of customary laws, women are often unaware of their rights so few object to the application of customary laws. “Even women who are legally literate must fight the largely conservative and older leadership in their communities to exercise their rights. This can and often leads to ostracism. As described, for women who are willing to bear social sanction, disputes are still settled by male and legally untrained family arbitrators who are likely to apply customary rules and practices” (WAO undated: 18). Women can appeal to the regular civil courts but usually they have no access to financial resources or legal aid to enforce their civil rights.

Both men and women need to be made more aware of current legislation and laws (both governmental and customary) and how best their interests can be represented. An effective campaign should build on positive customary traditions and practices.

7.5 Strengthening of Customary Institutions and Forums for Women’s Representation

Indeed customary institutions have seen somewhat of a ‘renaissance’ in recent years (Padmanabhan 2008). Supported by many NGOs, customary institutions have increasingly filled the space left, or never filled, by state bureaucracy. Customary leaders are taken as representing community interests and civil society, and at the same time having the ability to enforce decisions. “This is a window of opportunity for all women’s networks and interests” (ibid: 262) including opportunities for continuing to influence decisions made in the ‘public’ domain and to ensure the survival of cultural and livelihood systems.

Though there is room for change and improved gender 'equitable' social, economic and political customary systems and institutions, such systems and institutions still provide the best means of ensuring the continuation of the pastoral way of life (albeit adapting to modern influences). As such the further strengthening of customary institutions should be advocated and they should be given a more central place in regional, if not national, decision making processes. However in many cases, rather than trying to make customary institutions more equitable, it has been advised that alternative, parallel and/or linked institutions and organisations developed for women's representation and input into decision making processes (Muir 2007).

7.6 Abolishing Bride Price

The system of paying a bride price causes problems and challenges for both men and women, and their families (as described in Section 3.0). Though it means that a wife and/or her family receive payment of goods from the husband-to-be, it results in the wife having little or no further access to her husband's property once they are married. Men themselves have said that if women were given greater property rights then the system of bride price should be abolished.

7.7 Equitable Land Distribution and Reform

Increasingly pastoral communities are becoming more sedentarised and thus need access to land. There is greater consensus on public policy in this area (at least in non-pastoral areas): the principles of equitable land reform have been stated in the Constitution, and a land policy has been articulated with a following land distribution bill. Also resistance to gender-sensitive legal reform is not based on traditional or religious beliefs, but mainly on grounds of land fragmentation or fear that land will remain uncultivated (WAO undated). Therefore it may be easier to advocate for change including greater equity of access, than for properties more tied up with cultural constraints and traditions. As land policies for pastoral areas are discussed in future it will be important to advocate for gender equitable access and security.

7.8 Advocating for Better Regional and Local Government Support

Regional governments should play a more central role in the provision of information on women's rights and ensuring its practice. For example, "regional governments should guide *kebeles* to interpret land regulations and administer them in a gender-sensitive fashion as well as regulate access to natural resources...." (WAO undated). Further regional governments and NGOs should sensitize community leaders and family arbitrators to the *de jure* civil code provisions.

The technical capacity and gender sensitivity of regional and local government bureaux and partners needs to be strengthened including in the production of gender sensitive plans and policies. During this research both woreda Administration and Women's Affairs offices said they would like to know more about legislation and civil codes (YAYA09/WA/F; YAYA10/WR/M).

I have personally participated in different capacity building workshops, trainings and experience sharing visits concerning women's rights. But, I personally want to upgrade my knowledge over the family law and all civil codes on women's rights in general (YAYA09/WA/F).

The civil service curriculum should be revised to encourage attitudinal change and increase sensitivity to gender-related issues among civil servants (WOA undated). And the Women's Affairs Bureau should be provided with necessary powers and responsibilities they need to implement their mandate and to participate in a meaningful way in the formulation of a region's development plans.

8.0 Formal and Non-formal Leadership Structures That Carry Influence and Power

8.1 Elders and Clan Leaders

8.1.1 Afar

Elders have started using government law and regulations with customary laws. Further they are working with Sharia religious leaders, as religious law has become more influential. However government bodies have complained that it is difficult to work with clan elders.

The clan is still seen to be the most important unit for the survival of Afar pastoralists. All property belongs to the clan and the clan takes on the responsibility of protecting all property for the good of all clan members. One group of clan elders argued that a greater equality can be provided for women if it can be shown that by doing so the clan will benefit. For example the assigning of property should be related to activities and responsibilities of both/either men and women and their ability to take care of it, develop it and gain the most mutual/social benefit. Therefore women should be able to control 'own' more property that they can manage effectively around the house such as shoats, shops, and farmland (DUGU28/ELDERS/M).

Elders discuss and debate on many issues within themselves and with the community: they are open to change. They act as gatekeepers to the society for much of the information that enters the community. Particular communication networks and processes such as *dagu* facilitate a quick and efficient movement of information between people.

8.1.2 Oromiya: Fentale and Borana

In Fentale it was said that though no specific changes have been seen in the *gada* system in relation to women's property rights, there has been a trend towards more gender equality overall. For example the *gada* discuss relevant issues and are increasing people's awareness.

Community members responding to questions from a study carried out in 1997 said that *gada* principles strictly control men's behaviour towards women. For example a man who practices violence against his wife could be flogged, or a rapist could be required to sit naked on an open ant hill. However, women stated that they had never seen such punishments, at least, in their lifetimes (WAO undated).

Nevertheless it would appear that the *gada* are indeed open to change, and willing to see women gain more property rights as long as it does not undermine pastoral society or systems. As such women's valuable contribution to pastoral society and systems

should be the starting point for discussions on changes in relation to property in the future.

8.2 Local Government

8.2.1 Afar

Local communities believe that regional and local government is giving more attention to women: now they are more concerned with women's rights. Government policies and strategies are more supportive than ever before, however government bodies could be more proactive in supporting women's rights:

Government policy and strategies can guide the community towards development without difference between the sexes. Women are not using opportunities to equally participate in development activities. The administration can then engage in assisting and supporting women to gain equal rights of ownership on property (AK08/WRAD/M).

More women are asking for their property rights under government law and regulation. Increasingly women are going to local government law courts and/or government offices such as Women's Affairs.

The Women's Affairs Office works at different levels with community leaders, religious organisations and community associations to raise awareness on gender issues and women's rights.

Women's involvement in income generation, and savings and credit activities can be seen to have strengthened their rights and access to resources. Not only has such activities increased their economic power but also provided opportunities for the fulfillment of strategic needs including participation, self-worth, confidence building etc. As such the cooperative and women's affairs offices can continue to support such endeavours and assist women to access resources for the economic and social empowerment.

Grouping women as an association strengthens their financial status and has more impact on their properties and awareness (AKSB27/IND/F).

Future work of government agents:

- We will work more on the equality of men and women (AK01/PRES/M).
- Assist women with their problems (AK02/WA/M;)
- Give training about government law and regulations (AK05/LAWCT/F).
- Struggle for women's rights (AK07/WA/F)
- Increase capacity of women through different trainings (AK08/WRAD/M;)
- Support women's groups and associations (AK08/WRAD/M;)
- Support individual working women assisting them to become economically independent (AK08/WRAD/M;)
- We will work more on the equality of men and women (AK01/PRES/M).
- Assist women to ask for the property rights (AK05/LAWCT/F).

- Assist them with their problems (AK07/WA/F)

8.2.2 Oromiya: Fentale and Borana

In Fentale changes have been seen: women are getting more information on their rights supported by local government bodies. Indeed, it was suggested that the presence of both NGOs and GOs and information sharing between them is having a positive impact. Not only is this on women's rights but providing opportunities for women in general such as credit and education. Training tends to be more general in nature rather than focusing on property rights. Further it can focus on effective use of property rather than ensuring rights over: for example, livestock fattening, though this has led to increased animal activities and increased access/ownership of properties.

Increasingly government departments are working together. For example, the Women's Affairs Office in Yabello works hand-in-hand with the woreda Administration Office to ensure that cases are brought in front of the police and public prosecution office quickly. The woreda administration also works with local leaders and Elders to reach reconciliations (YAYA10/WR/M).

One male group interviewed, after much discussion, agreed that the federal and regional constitutions provided better protection for women over property rights and it could be of benefit for women to have this type of protection. They agreed that the division of property rights currently is uneven. They suggested that in the future as girls have greater access to education and job and income generating opportunities it could be possible to make property rights equitable for both men & women. In the meantime government, NGOs and the *gada* officials should teach the community about greater gender equality across social, political and economic sectors. The father-son property inheritance should be stopped and female children should be allowed to inherit from their parents (YADH03/IND/M).

It is said that local government is working more closely with customary institutions (YAAR27/ELDERS/M). However many community members complained that local government needs to do more to apply the laws and regulations that exist:

Women's rights can be protected if the government law and regulations, and religious laws are applied (MTGO11/IND/F).

8.3 Local Law Courts

8.3.1 Afar

Local law courts are working to increase awareness amongst women of their rights, for example when they come to the court for assistance and/or a resolution to their problems. Further they disseminate information to the community to further increase awareness.

8.3.2 Oromiya: Fentale and Borana

In Fentale it was suggested that the courts have assigned more properties to women than before and women are beginning to feel more responsible over property.

One justice expert from Yabello, said: “The changes seen are not that much: the traditional property ownership system still persists. However, the trend of presenting successful hunters with livestock is decreasing...” (YAYA10/WR/M). Despite this women are more aware of their rights, and though most disagreements seem to be solved at community level there is significant increase in the number of cases taken to government court: “...about 80% of civil cases in Yabello currently being handled by the court are related to property use and ownership” (ibid).

8.4 Education and Schools

Pastoralists use education like other resources and capital, as a safety net and a way of strengthening the pastoral enterprise. Education is seen as a way of accessing resources outside the pastoral circuit (mainly financial and social capital), particularly sought after by the growing number of households whose entitlements within the pastoral settings have been eroded for various reasons. It is suggested (Kratli 2001:4) that “the decision to send one child to school and keep another at home is not based on any consideration about individual development, the choice is not perceived by the parents or by children as favouring one party at the expense of another”, but rather as a contribution to the survival of the pastoral household/unit as a whole. “In particular this should never be forgotten when looking at the reasons for the enrolment of girls in formal education. In general, within the logic of the pastoral enterprise it makes more sense to invest in the education of a boy (whose only economic values come from labour and the volatile venture of raiding), rather than risking the otherwise guaranteed asset attached to a girl: livestock and, above all, the crucial social capital gained when she gets married.” Further education is a way to increase social networks: pastoral homesteads may use the very process of schooling as an opportunity for expanding the family’s social network in order to include supporters from the outside world, particularly as a channel into the ‘powerful’ world of NGOs, churches and other development agencies (ibid).

In Borana for example, education is seen to improve capacity and confidence to argue for greater access to and ‘ownership’ over property. Education helps women’s lives in general to improve, including property ownership. Further communities have recognized that female education can have positive impacts: female children have access to education and “are changing many things through their struggle” (YAAR02/IND/F).

Before education interventions are planned or designed a careful and thorough needs assessment of the potential learners/students and their contexts should be carried out. Any learning and education programmes designed should reflect and be rooted in the local cultural, socio-economic and political environments. Development actors are increasingly recognizing that formal education may only offer the means and benefits for a small number of pastoralists who are able to access and use it. However for many not

only is it unattainable, but also for many it is unsuitable. As a result effort is being placed in making schools and the lessons taught more accessible and suitable through such as the provision of mobile schools, boarding schools, community facilitators, and a reformed curriculum.

Some suggest that formal education itself does not provide pastoralists with the skills and education that they really need. Instead these needs can be fulfilled by informal education, as a replacement or a supplement. Non-formal education has proved particularly useful for providing adults who had not received schooling previously, in obtaining the necessary skills for such as livelihood planning, business development, health and nutrition promotion and NRM. Tools such as radio broadcasts and adult learning techniques have been used. Radio is particularly useful for increasing the reach of the programme. A particularly successful non-formal education programme has proved to be REFLECT, promoted by GOAL-Ethiopia in Borana.

8.5 Sharia Law and Courts

8.5.1 Afar

Sharia law is becoming increasingly influential and representatives are found at kebele level. It is said that customary laws have changed and 'improved' as clan elders work with Sharia leaders. Increasingly women (and men) are going to Sharia leaders if they feel that a conflict over property can not be resolved with the clan leaders. It is suggested that today women believe that the Sharia court and laws will provide a better resolution to their problems than the clan elders and be fairer towards them. In a Sharia court one defends oneself rather than through a lawyer. Sharia law is expected to give women more property rights than customary law. One Sharia representative explained one case recently presented to the Sharia court:

A husband and wife separated but could not agree upon who should look after the children. One reason was that the wife was saying that the kebele was too hot for the children and wanted to take them elsewhere. However if the court ruled that she was responsible for the separation then she would be forced to replace the value of the nikah – gifts given to her at marriage. The sharia court considered the case and said that it was possible for her to live in Logia with the children and all necessary expenses covered by her husband through a monthly payment.

Religious leaders said that in the future they would:

- Develop sense of ownership for women and struggle for the equal rights of women and men (AK06/RELIG/M).
- Assist women in realizing a sense of 'ownership' (AK06/RELIG/M)
- Motivate them to participate in development activities (AK06/RELIG/M; AK08/WRAD/M).

8.5.2 Oromiya: Fentale and Borana

In Fentale there was less mention of the use of the Sharia leaders or courts to resolve problems. This is despite the fact that religious leaders say that they are giving training on equality of women and men in relation to property rights, amongst other gender issues. Further there appeared to be much greater knowledge and usage of Sharia law in Moyale than in Yabello.

At the 38th Gumii Gaayo Assembly it was announced that it was up to an individual Borana to choose any religion he/she likes. However the Gumii condemned the acts of those who contravene exogamy rules and generation-set rules and establish marriage in the name of Islam or Christianity. This is *haramuu-kobuu* and should be discouraged. Borana Muslims should respect the Borana custom and which is their identity. The Gumii said being a Muslim alone could not be an identity (Ibrahim 2005).

8.6 NGOs

Training of women is seen to improve capacity, skills and confidence of women. Further women's inclusion in meetings, forums and organisations such as women's associations and savings and credit schemes are all having benefits. AFD in Borana for example is carrying out awareness raising, training (on gender, family law, education etc.), film making and establishing a network. Though change has not been dramatic, gradual change has been seen: now women are participating in meetings and taking up leadership positions. Resistance to change has been high and to ameliorate this, discussions have been facilitated when traditional leaders have met for an event or ceremony. Further, NGOs are supporting women's empowerment through income generation activities. And as one director of a women's focused NGO believes: *greater equity will be achieved through women's economic empowerment* (AD39/NGO/F).

Even this study itself was seen as an opportunity for women, as one respondent said:

This interview/study today has provided a great opportunity for me and if this type of participation continues then change will happen (MTGO22/IND/F).

A development conference held in Afar in late 2004, attended by community members and development actors, highlighted a number of issues that needed to be changed in order to move towards a greater degree of gender equality. This included a banning of forced marriage and a call for women to have money and property of their own (APDA 2005).

Addis-based NGOs are also playing a role through advocacy for further policy and legislative change, information provision and lobbying for a safeguarding of women's rights. Further if a woman's rights are violated EWLA (Ethiopian Women's Lawyer's Association) for example, will try to overturn any unfair decisions and achieve justice. Through branch offices (albeit mainly in highland areas to date) they try to reach out to women and provide a sanctuary for them where they can discuss their rights and problems (AD39/NGO/F).

Women felt that government and NGOs were having an influence by giving due attention to equality between men and women. Women's Affairs Offices have carried out many trainings for communities on gender equality, women's rights and the economic benefits of women's empowerment. As "an executive agency of the government's policies it is our responsibility to convince communities to change" said one head of a WA Office (YAYA09/WA/F). Many NGOs are working with Women's Affairs Offices to bring about change:

These interventions have already started to change the outlook of the community on property rights and have brought significant impact (ibid).

8.7 Community Groups

Further the introduction and support of schemes such as savings and credit groups, has meant that:

Some women are able to have their own goats and rear them from the money they saved from the savings and credit group. This is helping to change the attitude of men and women to greater equity for women (MOBO08/IND/F).

Indeed, in Yabello there are approximately 37 women's Savings and Credit groups and cooperatives led by women who are becoming strong and capable leaders. They mobilize other women and help them be organized and successful in their activities, solving economic and social problems together.

As a result many women have been able to develop their own businesses and acquired their own assets to ensure their economic empowerment (YAYA09/WA/F).

8.8 Women Themselves

8.8.1 Afar

It was suggested by a representative from a law court that "most women know their property rights now". More women are asking for their property rights under government law and regulation. Increasingly women are going to local government law courts and/or government offices such as Women's Affairs.

Women's personal effort has been highlighted as a primary factor in the positive changes seen towards gender equity and such as property rights. Women's strength has been seen to increase through participation in different income generation activities; participating in different meetings and trainings; greater involvement in markets and marketing; increased education and schooling; and the taking up of leadership positions. Women's cooperatives and groups have been seen to provide strength through 'group power'. Women are working collectively towards a common goal, building solidarity and support networks that support their endeavours.

Many strong women were identified through this research, their names are listed in the appendices. The main strengths identified were:

- Naturally strong
- A gift from Allah
- Leadership
- Accomplishes all her tasks as a leader
- Participates in different forums
- Speaks her mind and explains her ideas freely
- Strong in speaking
- Motivates others to get involved in IGA.

8.8.2 Oromiya: Fentale and Borana

Though women are asking for their rights, and both men and women agree that women are capable and able to look after property, little has moved on the ground. Further though women have a greater degree of mobility and freedom, participation in meetings etc. there have been no direct impacts on property rights to benefit women. It was believed amongst community members including women themselves that in the future women will have greater rights.

In general men accepted the idea that women should have more equitable rights over property. However as one group concluded, this would only be through “hard work” (MOBO07/MEN/M). It has been shown that women are gaining strength and access to resources through working together in a group and/or association. Many of the women highlighted as leaders in the community were those who lead a group and/or mobilised women into one. The benefits of group power have been understood. One group of women said that if this continues then equity will be in their grasp (YADE30/GROUP/F).

Change is also coming through the examples of women and couples themselves. As one woman explained:

My husband gave me full rights of property ownership and I think this is very good thing. We never have a disagreement. Some other husbands in our village have started to give ownership right for their woman after seeing our case as positive (MOBO08/IND/F).

Most resistance to change comes from the older men (YAYA09/WA/F).

In Fentale and Borana the strengths of individual women were highlighted as:

- Been a good leader (e.g. of savings and credit)
- Being able to explain oneself freely
- Asking questions of the PA without fear
- Replying to any kind of question
- Participating equally with men
- Joining male friends
- Assisting other women with their problems
- Motivating the community to send some of their children to school
- Motivating women to take part in different trainings and explain about their problems

- Advising friends and other women
- Having received training to improve her skills and ability to be a leader
- Naturally gifted
- Organised other women
- Educated other women
- Encouraged other women to be active in struggling for their rights.
- Tried to convince men to support their women.
- Strengthened women's associations.
- Can solve difficult problems.
- Can administer the home.
- Strong in social administration and mobilizing people.
- Approaching an NGO and getting assistance.

Further it was said that most strong women are household heads without husbands. When a woman is married her husband can suppress her and prevent her from speaking her mind.

One woman said that they are seeing minor changes for example, previously women were considered to be a man's property. However today, women are questioning this and their own lack of rights to property. New property, such as chickens, tends to be uncontested and open to more equal ownership. Further some women have started to own more valuable properties:

On my part, I do have a donkey now. I purchased it through selling fuelwood. I use it to fetch water and collect fuelwood. I believe this is good (MOKE06/IND/F).

And the head of Yabello Women's Affairs office said:

Some strong women have ensured their property rights through using their constitutional rights. I think this is very good thing. Although there is resistance from some men groups in the community, a remarkable number of men accepted the idea and have already confirmed that their wives and they have common property rights over resources (YAYA09/WA/F).

8.9 Conflict Resolution

In general Ethiopians continue to apply customary laws to their economic and social relationships including conflict and dispute resolution. The Civil Code has been described in Section 3.0, however it has "little or no impact on the lives of most rural households...the civil code is weakly enforced in personal matters" (WAO undated: 14). This is possible because disputes related to personal matters tend to be resolved through an out-of-court process of family arbitration (as described) where family members or people selected by the disputants acts as arbitrators. They are rarely trained in the law, and most continue to apply customary rules: an application rarely challenged by women.

In the case of Muslim communities, disputes tend to be settled by the Sharia courts. This could raise jurisdictional issues, but an unwritten understanding has been reached

between the civil and Sharia courts that the court first receiving the application exercises jurisdiction over the matter (ibid).

8.9.1 Afar

Indeed in Afar, if a woman disagrees with her husband it is likely that she will first go to her relatives (father, then to her brother and aunt) to try and resolve the conflict. She will also talk to her husband's family. If they cannot solve the problem she will go to the elders or clan leader. Beyond this she could go to the traditional court and her complaint will be judged according to Afar customary law. If she does not get a resolution here then she will go to the Sharia representative at *kebelle* level or the government offices (Administration Office or Office for Women's Affairs). It is suggested that today many women believe that the Sharia court can provide a better resolution to their problems than the clan elders and be fairer towards them.

However others suggest that women are slow to go the government court and rather have problems resolved within the clan. Further it is suggested that most of the women cannot question property rights. Some argue that though in the past women did not go to government courts because it was culturally unacceptable, now they do.

8.9.2 Oromiya: Fentale and Borana

In Fentale there was little mention of conflicts. The clan protects the property of a household. For example: if a husband sells any property (such as cattle) 'unnecessarily' without consulting his wife, "the clan leader will take his money and punish him" (MTGO21/FEMALE/F). However one woman complained that her husband had sold much of their livestock without consulting her. She went to her brother to complain about this and he "sorted everything out" (MTGO22/IND/F).

Indeed, it is said that in Fentale most problems are solved within the household by the family. However if it is not resolved here a woman will go to the cultural resolver (*demina*) – the *demina* gives the solution. The *demina* is the head of approximately 50 households. If he is not able to solve the situation she may then go to the clan elders or religious leaders. If it cannot be resolved here then she may go to the local government such as the *kebele*/PA administrator or to the women's affairs office.

However it was also suggested that if a husband knows he is guilty then he will take action against her. If he is not guilty and knows this, then he will not care and he will let her go and talk to whom she likes (YADE29/ELDERS/M).

A group of elders cited one woman who insisted on going to the *kebele* administrator to resolve a problem, despite both her husband and the elders discussing with her. She did not believe that the elders had her best interests at heart (MTGO20/ELDERS/M).

In Borana if a woman disagrees with the decisions made by her husband, and their family is not able to resolve the matter, then she will first go to the elders for a solution and

then the clan leaders. They will try to resolve the situation, accompanied by someone who knows the family well such as the sheik who would have attended their marriage ceremony. If she is not satisfied with the decision of the Elders or the clan leaders then she can go to government offices such as the court house and the Women Affairs offices to try and find justice. However though community members said it is unusual for a disagreement to be passed to the government bodies a representative from the Yabello Women's Affairs Office said that women are increasingly doing so, and will have their complaints resolved (YAYA09/WA/F). Indeed a representative from the Yabello woreda Administration confirmed this saying that:

About 40% of cases are resolved by community leaders, the rest (60%) go to government offices including the police, Women's Affairs and local administration offices.

Further women were more likely to go the government if they felt that the situation had not been resolved by the elders:

I will go to the Elders first and then to the local government if unresolved. He will accept the decision to made by the local government whether the decision favours me or not. (MOKE06/IND/F).

It was said that a situation is more difficult when a man and woman come from different clans. Then a third clan will need to be involved to resolve the situation.

If a woman complains about the misuse of property and mistreatment by her husband and discloses him to the community elders or higher *gada* officials it is very shameful for him. If a woman or a girl is asked to tell the truth by a jury of elders, her words are accepted without further evidence. Such privileges are not given to men under normal circumstances. As such men do not want to argue with women and thus try to resolve conflicts at home. However, if a woman does take a complaint to the elders and the husband indeed feels shamed, this may not benefit the woman entirely. Sometimes, even if a particular woman wins the argument with the help of the elders, her husband may further mistreat her including physical punishment as a form of disciplinary measure for bringing the shame upon him.

In Moyale, rather than Yabello, there appeared to be more conflicts within households over property for example over the husband selling livestock (considered as household property) and spending the money. Indeed, one group suggested that most conflicts are related to the "iron roof home" implying those who are able to afford a better house have more conflicts.

8.10 Working Together

It has been stressed that all groups and organisations should work together if there is to be more gender equity and positive change. In particular it was suggested that traditional institutions and government bodies should collaborate.

9.0 CONCLUSIONS

9.1 The Current Situation

9.1.1 In Communities

Though much of the documentation suggests that “women do not own property in their own right” (WAO undated: 14), as described in this report: in reality it is much more complicated than this and in fact women do have strong ownership rights over some property and access rights to others. Further as in Afar for example, even men themselves can not sell their livestock without permission from clan leaders.

Indeed, though there are customary rules and regulations that govern access and ‘ownership’ in both Afar and Oromiya (see Sections 4.0 and 5.0), it is often up to households to apply these on a day-to-day basis and so much variation exists. This variation may be difficult to fully understand as often what is described in public may not fully reflect a situation in the home. For example, this research revealed that though men may initially state that they ‘own’ most livestock, after discussion it became clear that women themselves ‘own’ livestock too (albeit be of a lesser quantity). This situation may be influenced by the need to have a public ‘face’ highlighting control and power, when in reality (and behind the public domain) such control and power may not be as strong and/or important as it is suggested.

Further, the majority of respondents justified current customary rules and regulations as being there for protecting the assets of ‘the clan’. These are based on the view that the survival of the clan is the most important objective of pastoral society: all property ultimately belongs to the clan, and decisions pertaining to it reflect the development of benefits for the clan. In communities, property is said to be divided according to ‘custom’ and the ability of an individual to look after and manage it. In general access is not restricted by ownership: everyone is able to access much of the property of the others in the household and indeed within the clan. It is common for one pastoralist to access the property of another and it is unlikely that anyone within the clan (and indeed outside the clan) will be denied access to resources in time of genuine need.

Indeed, the clan forms the most important political unit within Afar and Borana and as such its existence is a priority. As such ultimately all property is considered to belong to the clan and its protection and replication should be optimized in order that the clan as a whole benefits. It is said that the clan and all pastoralists do not bother who owns a certain type of property but rather that all properties need to be kept safe and for this reason women or men are assigned based on the care that the property needs and the skills/strengths needed. Ibrahim (2005) states that the gender perspective is better seen based on the following:

- Girls and women are part and parcel of a family;
- Property ownership is collective;
- Marriage is indissoluble; and

- Children, wife and livestock are all the property of the clan to which the husband belongs.

Elders argue that women's rights to property are protected by the clan, as are those of men. The husband has responsibilities and obligations to consult his wife in all the matters concerning the household economy. Unilateral decisions concerning the use of livestock assets, cattle gifts to siblings are all considered uncustomary. The Borana say: "*Niitii Gosaa*" meaning "the clan wife" which implies that any wrongdoing against the woman by anyone is considered as an offense against the clan (Ibrahim 2005).

As such in general, community members (elders, men and women) appear reasonably happy with the division of property, access to it and its protection. Though women in particular are gaining more information on government legislation and regulations concerning property rights, and are glad to know this, they do little to bring about change unless a conflict or argument over property arises. Then, they may well use this new information with the help of government offices to try to result in a more beneficial solution. Otherwise they have more immediate and important problems to consider such as dealing with water or food shortages.

9.1.2 Government Legislation and Regulations

Improvements in such as the Family Law 2000 have strengthened women's access to and rights over property at a legislative level. Others such as the Civil Code of 1960 need revision. For example it still limits inheritance to parents and children and does not support inheritance between husband and wife. Thus if a man should die, his wife can be left without property and/or access to it (particularly if she has no children). Additionally the practice of 'family' arbitration over conflicts at the household level (described in 3.1.9) can lead to unfair and unsatisfactory conclusions due to bias, and poorly skilled arbiters. Where laws exist in property such as land they are being implemented unevenly. And the court system is said to be unfriendly and inaccessible (Section 3.1.8).

Further there are contradictions between different legislations. For example the Civil Code forbids polygamy however the Constitution recognizes marriages conducted under systems of religious or cultural laws. Additionally, under the Constitution disputes over property can be adjudicated by customary or religious law as long as they do not violate the Constitution. However cultural and traditional behaviours that clearly violate the constitutional guarantee are widely practiced throughout the country. As such there are not only contradictions between government laws and legislation themselves, but there are contradictions in how they are implemented and applied.

Regional governments have taken time to translate federal policies, legislations and laws into implementable packages of programs and projects for regional application and issues into mainstream development plans. Indeed, in Afar, it was not possible to access any relevant regional policies, laws and regulations that highlight property rights for this study. It is believed that these are still in development.

9.1.3 NGOs

Most of the work to disseminate information on women's rights and gender equality has been carried out by civil societies and NGOs. However though there are a number of women-focussed NGOs they tend to be under-funded and lack skills, capacity and power. Further weaknesses include donor dependency; absence of networking among themselves; insufficient access to media; urban concentration or operational areas; lack of organisational and management efficiency; and absence of effort to work for the *political* participation of women.

Further, those NGO representatives interviewed did not appear to understand the intricacies and complexities of property rights including women's property rights. Additionally it is true to say that still many NGO and government representatives view problems and challenges in pastoral communities as a result of being 'pastoralists' and for example, not having the appropriate education, skills and knowledge to be or do otherwise. If only they were given the *right* education, skills and knowledge then the problems and challenges would be solved.

CARE International and CARE Ethiopia both have a commitment to promoting a rights-based approach. A focus on improving women's property rights fits with this commitment. However to date, achievements on the ground have been slow due to a lack of understanding of rights issues in pastoral communities and the best way to address problems, challenges and constraints. It is anticipated that this report will assist CARE in moving forward with moves to strengthen women's rights to property and other resources.

9.1.4 Women Themselves

Women's personal effort has been highlighted as a primary factor in the positive changes seen towards gender equity and such as property rights. Women's strength has been seen to increase through participation in different income generation activities; participating in different meetings and trainings; greater involvement in markets and marketing; increased education and schooling; and the taking up of leadership positions. Women's cooperatives and groups have been seen to provide strength through 'group power'. Women are working collectively towards a common goal, building solidarity and support networks that support their endeavours. Both men and women have recognized the strengths of women and are willing to support them as leaders and participants in different activities: as a result women are increasingly taking part in community and public forum, though the very traditional forum (such as the *gada*) remain male-controlled.

9.2 Changes Occurring

As described in this report changes are occurring to improve women's access to property and security over it. In general, this is happening at a pace that community members are able to keep up with. There have been few direct interventions that have

tried to make political changes at the local level either in improving women's representation in local political forums and/or aggressively pushing for changes in women's rights. This seems to have been beneficial, as it appeared that both men and women were happy to talk about property rights and potential changes in the future without feeling pressurized by 'outsiders'. As such it would seem that change will continue to happen as women strengthen their knowledge, become more economically empowered, and men understand that change is imminent, necessary and beneficial both to the household and to 'the clan'. This can be supported by government and NGOs as will be highlighted below.

Indeed, clan leaders and elders are not overly obstructive to the idea of gender equity, but to date the divisions that have existed between men and women are seen to have been based on common sense and in order for pastoralists and the pastoral system to survive. However they do recognize that there is a need for change, and though not seen as a priority (considering the many other challenges and problems that pastoralists are facing), they are willing to work with NGO and government actors to facilitate better conditions and rights for women. Indeed, elders and clan leaders understand that government regulations state that men and women should have equal rights and access to property and resources as well as opportunities to earn a living.

But there is room for improvement in their knowledge, not only of government legislation, but also in how to initiate change within their communities. NGOs and government can assist elders and clan leaders through discussion, trainings, and support to initiate change.

As a result of change, in some areas conflicts are occurring. However these should not necessarily be seen as solely negative. In any times of change it is likely that conflict will occur, and such conflict should be viewed as enabling and means identified to transform such conflict into *positive* change. For example it was suggested that there are more conflicts in "iron roof homes" suggesting that those households who have had greater exposure to and opportunity to gain from 'development' are more likely to argue over property. As long as these arguments do not become violent, then they can provide a space for women to push for more control and a renegotiation of household power structures. Providing women with information and encouraging such as solidarity from/with other women, can assist them.

There are a number of changes occurring across the country that have increased opportunities for a strengthening of women's rights over property. For example, recent land certification has given opportunities for women to have more secure rights through being listed as a land 'owner'. However though pastoral areas are mentioned in some regional land laws such as that of SNNPR, land reform has not been carried out in most pastoral regions due to the complicated nature of land, grazing and other resources being common property in many cases. However in time land reform, certification etc. will move forward in some form and it will be important to consider how best women and men can benefit. An understanding of current access arrangements will be needed to ensure that these are taken into account.

Further it would appear that there is less conflict and contestation over 'new' properties. Not only land (i.e. land holdings for agriculture), but other properties that are relatively new to the pastoral context such as chickens are not as highly contested as 'traditional' ones such as cattle. These 'new' properties therefore can offer better opportunities for women to have control, particularly where their administration is not yet decided.

Most recently the establishment of the Ministry of Women's Affairs, following the national elections in 2005, highlighted support for women's rights within national development. However, there is a lack of capacity to carry commitments through: local administrative units (that is, Women Affairs Offices), in particular, have neither the skills, the capacity and in some cases the will, whilst the central government lacks knowledge about the constraints and issues at the regional and local levels. Assistance is required to provide them with relevant resources and skills required.

It was stressed that in some parts of the country Islamic principles and Sharia laws have become stronger. Though in some cases this might have negative impacts on women (e.g. making divorce easier and/or restricting mobility), Sharia law can offer more secure property rights for women than many customary laws. Increasingly women (and men) are going to Sharia leaders if they feel that a conflict over property can not be resolved with the clan leaders. It is suggested that today women believe that the Sharia court and laws will provide a better resolution to their problems than the clan elders and be fairer towards them. As such in the future working with religious elders is important to ensure that application of Sharia law (Section 3.2) remains favourable to women. Further work will be required to ensure that Sharia and customary law find some space to work together: at the moment they can be conflictual and as such problems have occurred.

9.3 Ways Forward

The different roles in and ways that CARE Ethiopia and its partners can contribute to positive change for women's property rights have been highlighted in the final sections of this report. This includes a role in advocacy (see Section 7.0) highlighted as:

- Updating federal and regional laws and regulations;
- Practicing of written law;
- Improved legal services and revised system of family arbitration;
- Raising awareness amongst men and women;
- Strengthening of customary institutions and parallel forums for women's representation;
- Abolishing of bride price;
- Equitable land distribution and reform; and
- Better regional and local government support.

However, a starting point for this should be ensuring that all staff and representatives better understand property rights at the federal, regional and local levels – how they are institutionalized and how they are applied on the ground. As discussed these can be complex and dynamic and therefore it is important to ensure that the local context is fully included in any understanding.

In reference to gender in particular, NGO staff are certainly aware of basic gender sensitive principles, however they still struggle to identify the best way to address them from a practical and applied perspective. Trainings in gender tend to be provided in a similar manner often focusing more on theoretical aspects rather than identifying appropriate and contextual application. As such it is not surprising that NGO staff still struggle with application and what is needed is more applied training and support that assists staff in applying gender principles to their work and activities taking into account the specific nature of the work and its context.

This report has suggested that development interventions of NGOs, including CARE, are having a large impact on women's access to and control over property already, even without necessarily targeting women's rights. For example opportunities that NGOs and governments have provided for women to take part in income generation activities have not only increased their access to monetary benefits but also enabled many to become strong leaders and increased their confidence and empowerment. As a result women have not only increased access to property bought through their income generation activities, but have proved themselves to be good managers of property and capable of looking after 'household' (or 'clan') properties too. As such the NGOs, cooperative and women's affairs offices can continue to support such endeavours and assist women to access resources for their economic and social empowerment.

Additionally it has been shown that education is seen to improve capacity and confidence to argue for greater access to and 'ownership' over property. Education helps women's lives in general to improve, including property ownership. Further communities have recognized that female education can have positive impacts: female children have access to education and "are changing many things through their struggle". Before education interventions are planned or designed a careful and thorough needs assessment of the potential learners/students and their contexts should be carried out. Any learning and education programmes designed should reflect and be rooted in the local cultural, socio-economic and political environments. Development actors are increasingly recognizing that formal education may only offer the means and benefits for a small number of pastoralists who are able to access and use it. However for many not only is it unattainable, but also for many it is unsuitable. As a result effort is being placed in making schools and the lessons taught more accessible and suitable through such as the provision of mobile schools, boarding schools, community facilitators, and a reformed curriculum.

Indeed, NGO representatives need to work with both government, religious and customary institutions (and other community representatives) to try to define positive working relationships and ways forward that benefit both pastoral systems and the

pastoral unit as a whole, as well as pastoral women. Often NGOs can play a more neutral facilitating role, and in these times of change this can be highly important. However, CARE may feel that rather than being a neutral player it would like to push a particular agenda: if this is the case this needs to be carefully thought through and ways identified that do not threaten the pastoral system and its objectives.

In general Women's Affairs Offices as well as woreda administration offices have good knowledge of government laws and regulations. However their understanding of customary laws, institutions and ways of working are somewhat simplified and often miss the intricacies of and complex reasoning of many situations and circumstances. As such, their knowledge on local and customary ways need to be built up, and preferably through ongoing in-the-field exposure and experience gaining. NGOs such as CARE can facilitate this through including local government staff on project teams carrying out activities with local communities, and/or assessments/research. Further government offices need to feel that they are full partners in project and programme development and should be included from the very first planning processes. Further it would be of an advantage to work with such women-focused NGOs as EWLA, who until now have mainly targeted their activities to highland areas and need assistance to replicate their great work in pastoralist areas.

It has been said that in pastoral communities today there is less support for community/clan needs and more emphasis on individual needs. This is likely to have a fundamental impact on how property is managed in the future in pastoral societies and development actors can play a role in assisting communities to mitigate negative impacts and strengthen positive ones. Open discussion and debate is needed to ensure that an understanding of the impacts of such change is understood and positive ways forward promoted. It may be that customary and communal controls and authority need to be strengthened if it is thought that too much individualism will have a negative impact on the community and the pastoral system as a whole.

Further it is clear that though clan leaders and elders might not see changes in property rights to be a priority they are open to change and willing to see women gain more property rights as long as it does not undermine pastoral society or systems. As such women's valuable contribution to pastoral society and systems should be the starting point for discussions on changes in relation to property in the future. Though an understanding of gender 'equity' principles is good amongst communities, there is still room for improvement and increased gender awareness raising on rights, laws, legislation and how to access them and resolve conflicts etc. can be facilitated. Further open discussion amongst women (and men) needs to be encouraged to give space and time to reflect on changes occurring and potential change in the future. Communities need to be capacitated to lead their own development and change, and this would be one first step towards it.

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