

# Land tenure security: ensuring no one is left behind

## INTRODUCTION

Secure access to land in Ethiopia is fundamental to the livelihoods of rural households as it provides a source of food and income through agricultural production, as well as shelter, and reduces vulnerability to hunger and poverty. Above all, land is a source of identity and dignity in rural societies. However, many vulnerable groups lack the ability to fully utilise their land rights and access their land.

Vulnerable groups face a myriad of barriers to protecting their land rights. These stem from interrelated factors such as cultural norms and perceptions, low levels of literacy and awareness of their rights, and weak standing in power dynamics with elites who use fraud and deceptive practices to undermine their access to and control over land. As a result, vulnerable groups suffer from land rights violations such as border encroachment, illegal occupancy, denial of inheritance, manipulation of rental and share cropping arrangements, and illegal transfer through sale and gifting.

Securing land rights for vulnerable groups supports the realisation of fundamental human rights, promotes social and economic stability and reduces rural poverty. An inclusive land certification process is a key element in safeguarding the rights of vulnerable groups in Ethiopia.

This policy brief aims to create awareness among policymakers and practitioners in the rural land sector of the complex and interrelated challenges that vulnerable groups face in land rights security, how this affects their inclusion in land tenure programmes, and approaches to overcoming these challenges and ensuring inclusiveness in programme delivery.

## WHO ARE THE VULNERABLE?

Landholders may be vulnerable due to the actual and perceived challenges they face in land rights security in

contrast to their more powerful counterparts. They are a diverse group of individuals and include women in male-headed households, polygamous wives, female-headed households, orphaned children, the elderly, people living with disabilities, resource-poor households headed by men, minority groups (ethnicity, religion etc.), people affected by any form of addiction, and temporarily absent landholders such as migrant workers and prisoners.

## WHAT CHALLENGES DO THEY FACE?

### **Cultural norms and perceptions**

Ownership and access to land in most customary systems is largely vested in male members of family lineages, clans and families. Except in a few communities where inheritance passes through the mother, land rights are typically only inherited by sons. This customary system regards men as farmers and women as homemakers, and therefore women are secondary rights holders as they do not need as much land as men. Because of this patriarchal attitude towards them, women can lose their land use rights in marriage, divorce and widowhood. Cultural norms not only define a woman's position within the household and access to land but also within the community, as it is culturally inappropriate for women to speak in public let alone to challenge authority.

### **Literacy and legal awareness**

Vulnerable groups are heavily disadvantaged by illiteracy and low awareness of the land law, as legal terms are difficult to understand and the procedures for filing a case to resolve a land dispute are complex. Many are unaware of the implications of failing to pursue their holding rights; some women perceive following land cases as unnecessary. Without the necessary knowledge, vulnerable groups are insufficiently equipped to deal with influential claimants or go through a lengthy and costly legal procedure, and it is therefore perceived as an unnecessary waste of time.

**Access to services**

Although public services are free, the travelling distance between the woreda (district) centre and kebele (ward), which could involve substantial time and money, puts a burden on vulnerable groups who have meagre resources. Therefore, this lack of awareness and interpretation of the law (e.g. Period of Limitation) has resulted in vulnerable groups wrongly losing their land to powerful individuals.

**Powerlessness**

Powerlessness due to social, economic and political poverty makes vulnerable groups easy targets of land rights violations. These include long-term tenants claiming land owned by vulnerable smallholders, encroaching on their land, illegally occupying their land or denying them their inheritance. Recognising that they have no social and economic resources to mobilise nor political connection to confront violators, some may decide to give up and believe that retribution will be made later in life or beyond.

**Access to information**

Vulnerable groups, especially orphans, the elderly and persons with disabilities, face constraints accessing information. Women in most cases do not attend public

meetings, and even when they attend, they do not speak in public and their needs and interests remain marginal to the agenda. From the service delivery side, there is no tailor-made approach to reach women and vulnerable groups with timely and accurate information. In situations where there is multilingual communication, women commonly speak only their ethnic group’s language and thus need reliable translation, and orphans and people with disabilities rely heavily on caregivers to gain access to information and relay this to them. But often caregivers have a vested interest in their dependents’ land and may not be a trusted source of information.

**HOW THESE CHALLENGES CREATE BARRIERS AND INHIBIT INCLUSIVE LAND TENURE PROGRAMMES**

The barriers that vulnerable groups face in securing their land rights pose a challenge to the delivery and inclusiveness of land certification programmes. They also have a long-term impact on efforts to bring vulnerable or disadvantaged groups out of poverty by ensuring land tenure security through Second Level Land Certification (SLLC).

SLLC stage	Activities conducted	Barriers faced by vulnerable groups (VGs)
Public awareness	Public meetings are organised to inform landholders about the benefits of SLLC and the demarcation process so that they are present when field teams visit their land parcels for demarcation.	<ul style="list-style-type: none"> <li>■ Cultural norm of land being a man’s issue results in women not attending public meetings and not becoming aware of the benefits of land demarcation.</li> <li>■ Access to information is restricted due to a lack of targeted messaging to women and VGs on the benefits of land certification, which reinforces their low participation and lack of proper representation throughout the land demarcation process.</li> <li>■ Cultural norm of women not speaking in public means they can’t voice concerns at mixed-gender meetings.</li> </ul>
Demarcation and adjudication	Field teams visit each parcel, walk the boundary of the parcel with neighbours, mark the parcel’s boundary on an aerial photograph of the area (spatial data) and record personal details of the landholders (textual data) for inclusion on the land certificate. During the activity any land disputes are resolved by the local elders and if this cannot be done they are recorded as ‘Dispute’ and left for the disputants’ discretion.	<ul style="list-style-type: none"> <li>■ Lack of knowledge of land rights due to low engagement at the public awareness stage, and time constraints on the field teams to complete demarcation, means that VGs are not provided with the necessary support and guidance to assist them during the certification process, thus compromising their land rights.</li> <li>■ A power imbalance allows influential people to use falsified documents to abuse a person’s land rights and influence adjudication during the demarcation process. This results in the tenure rights of VGs being compromised in several ways, such as women not being named as joint landholders because their husbands omit naming them as joint holders during the certification process, or caregivers’ registration of their dependents’ land as their own.</li> <li>■ Cultural norm of women using their husband’s surname instead of their maiden name.</li> </ul>

SLLC stage	Activities conducted	Barriers faced by vulnerable groups (VGs)
Public display	Demarcated parcels are publicly displayed so that landholders can review and confirm that the details of the parcel boundaries and landholder(s) are correct and can be printed.	<ul style="list-style-type: none"> <li>■ Cultural norm of land being a man's issue results in women not attending public displays and therefore being unaware of whether they have or have not been listed as joint landholders and the holdings of their households. Other VGs may miss public display events because of physical inability, lack of information or being absent from the area.</li> <li>■ Access to information is restricted for people with disabilities and orphans, who may not be able to attend public display events and therefore are susceptible to guardians/caretakers filtering information and claiming ownership of their land.</li> </ul>
Certificate collection	Landholders attend public certificate distribution events to collect their land certificate.	<ul style="list-style-type: none"> <li>■ Cultural norms result in women not attending certificate distribution events and therefore being unable to check their registration status. Even when women do attend, it is usually the man's name that is read out.</li> <li>■ For other VGs with mobility problems, either their caregivers do not collect the certificate in time or they may not pass it to the right holder.</li> </ul>

## HOW TO ENSURE VULNERABLE GROUPS ARE INCLUDED IN LAND TENURE PROGRAMMES

For the Land Investment for Transformation (LIFT) programme, these barriers presented a challenge to create measures to ensure that no one is left behind and that the gender gap and vulnerability among different social and economic groups is reduced. In response,

LIFT established the position of Social Development Officer (SDO), who is responsible for ensuring the participation of women and vulnerable groups in the second level land certification (SLLC) process and that their land rights are protected. This entails (1) galvanising support from and coordination between kebele and woreda leadership, the woreda good governance task force, (2) deepening the reach of public awareness interventions and (3) providing targeted assistance to vulnerable groups through the following approach:

SLLC stage	Inclusive actions
Pre-SLLC stakeholder engagement	SDOs organise sensitisation training for field teams and the kebele and woreda leadership, to effectively work with them and make them aware of the additional support and needs that vulnerable groups require during the demarcation process.
Public awareness	Prior to starting field activities, SDOs organise sub-kebele level public awareness meetings and facilitate focused group dialogues with women to ensure information reaches them and that their concerns are heard.
VG mapping	SDOs conduct vulnerable group (VG) mapping, which entails identifying those with land rights issues and needing assistance, in collaboration with sub-kebele level leadership, the kebele land administration office/committee and the kebele administration.
Informing field team	Data on vulnerable groups and their locations are passed on to the field teams to alert them to specific individuals who will need attention during the demarcation process and the public display event.
Adjudication	Disputes that are not resolved by the field teams are reported back to the SDO for required follow-up with the land administration office and the woreda good governance task force (GGTF).
Public display	Wives must attend public display events with their spouse, and if they do not then the husband is requested to return with their wife.
Certificate collection	Both the husband and wife's names must be called out during certificate collection events so that the wife is aware of which certificates she is listed on as a landholder.

### IMPACT

The deployment of SDOs has shown positive results. Visibility and participation of women and vulnerable groups has greatly improved. Between June 2017 and May 2019 the SDOs assisted 1,010 members of vulnerable groups (64% female) to restore 1,854 parcels of land, with 67% of the parcels belonging to females classified as vulnerable.

### RECOMMENDATIONS

#### Ensuring women and vulnerable groups are included in land demarcation

- Land registration programmes that aim to promote gender equality and social inclusion through land governance need to consider putting strong institutional measures and standard procedures in place to defend the rights of women and other vulnerable groups during the process. LIFT's decision to create the SDO position at the woreda level was instrumental for the programme in terms of gender inclusivity and effectiveness. This model needs to be adopted by the government.
- Continue sensitisation training focusing on the land rights of women and vulnerable groups at the woreda and kebele levels. Woreda land administration offices and other sectors, kebele administration, kebele land administration committees and community level institutions need to be sensitised to the issues that vulnerable groups face in securing their land rights.
- Building the capacity of judges and prosecutors for land proclamations is vital. Effective training interventions can lead to active engagement of government offices and community level committees and institutions, ensuring good land governance.
- Continue awareness raising at the community level including targeted activities for women and vulnerable groups. Land rights and legal literacy should be among the key topics. Coordination of awareness activities by different woreda sector offices improves quality and accessibility, particularly for marginalised groups.

#### Ensuring longer-term security of tenure after demarcation

- Advocates for orphans, the elderly and persons with disabilities should be suitably trained and formally recognised representatives. While it is essential to ensure that information is accessible to orphans, the elderly and persons with disabilities, it is equally important to ensure that those representing

them are officially recognised and that they too are given awareness training of their responsibilities as guardians or caregivers.

- Improve collaboration among donor-funded land projects. Projects can learn from each other and contribute to institutional development in the land sector. There are several pathways for collaboration which can have positive impacts in efforts to protect the land rights of women and girls during and beyond systematic registration. A forum could be established where organisations engaged in land registration systems can learn from each other.

#### CASE STUDY 1

Ato Tekle-haimanot is a 76-year-old man resident in Mojana Woreda (Amhara). He was apportioned land during the 1997 regional land redistribution process. Due to his age, coupled with his blindness, he was forced to sharecrop his land with a neighbouring landholder. At the end of the sharecropping agreement, Ato Tekle-haimanot asked his neighbour to vacate his parcel as per the agreement, but found that his neighbour had taken advantage of his situation, merged the rented land with his own and registered it all under his name, and he refused to leave the land. Having unlawfully lost his landholding rights and after being intimidated, Ato Tekle-haimanot ended up begging near a local church and was dependent solely on donations from people attending the church.

During the SLLC adjudication and demarcation process, the field demarcation team were informed of Ato Tekle-haimanot's situation and that his land had been forcefully annexed by his neighbour. After a verification process was undertaken by a committee comprised of the kebele leadership, kebele land administration committee and SDOs, Ato Tekle-haimanot regained his land, which was registered and certified in his name.

#### CASE STUDY 2

Meselech Bayisa Gurara is a 55-year-old woman from Dendi Woreda (Oromia) and is in a polygamous marriage with a man with two wives and seven parcels of land. During the adjudication and demarcation process, Meselech was sick and admitted to hospital. Taking this opportunity, her husband registered five of the parcels with his other wife as a joint holder and the remaining two in his name, claiming he had inherited the parcels from his parents.

Meselech's family reported the case and LIFT's field team registered all the parcels as disputed. When Meselech was released from hospital she approached the woreda land administration and use office and LIFT's SDO for help. She was advised to report her case to the woreda women and children affairs (WCA) office and through the facilitative role of the SDO, WCA and justice office, the woreda good governance task force resolved the case and decided that the husband and two wives be joint holders of all seven parcels.