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Implementing the Ethiopian National Policy for Women

Institutional and Regulatory Issues

THE WOMEN'S AFFAIRS OFFICE,
FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

THE WORLD BANK



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The Women's Affairs Office,
Federal Democratic Republic of Ethiopia
and
The World Bank

The World Bank
Washington, D.C

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Lucy, alias Dinkesh (literally "you are lovely"), is the first woman in Ethiopian history, indeed in the history of the world. She was a dainty little person, an intrepid walker who came down from the trees some 3 million years ago in the Afar region of eastern Ethiopia. . . The extent of her influence or power will forever remain a mystery.

*Whereas Lucy's fossilized bones are real, nothing is known of her story. But when it comes to the Queen of Sheba, there is a great story, yet no concrete evidence to support it. Do not deny her existence in Ethiopia, however. According to the Ethiopian national epic, *Kabra Negast*, compiled in the fourteenth century, *Makeda, the Queen of Sheba who visited King Solomon in the Old Testament times, came from Tigre in Northern Ethiopia. . . . In Ethiopia, it was considered quite natural that a woman should have held supreme power.**

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Abbreviations, Acronyms, and Foreign Words

<i>Abukratie</i>	Afar Ada law, an unwritten set of customary laws
BOPED	Bureau of Planning and Economic Development
<i>Debo</i>	A labor-sharing arrangement in which a gathering of people are willing to plow one man's land
<i>Ejmensha</i>	Cash for an engagement
<i>Enset</i>	A plant that can be used as food or for baking bread
<i>Feteha-Negast</i>	Law of kings
<i>Gada</i>	Rules governing the socioeconomic lives of the Oromiyas
GDP	Gross domestic product
<i>Idirs</i>	Indigenous savings schemes to help families with money and funeral procedures
<i>Ikubs</i>	Group credit and savings scheme
<i>Injera</i>	A type of bread made out of <i>teff</i>
<i>Kadi</i>	Muslim religious leader
<i>Kebele</i>	Village
<i>Macha</i>	Wedding gift
NGO	Nongovernmental organization
<i>Nikah</i>	Agreed payment to the wife made at the time of marriage among the Muslims
<i>Sharia</i>	Customary law of Muslims
<i>Shimagale</i>	Wise old man
<i>Teff</i>	Cereal
<i>Wereda</i>	District

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Foreword

This report is a reflection not only of government commitment to gender-sensitive and equitable development, but also of the seriousness on the part of the World Bank and other donors to support the Government of Ethiopia in the planning and implementation of gender-sensitive development interventions. In its regional focus, the report is also a growing recognition that national solutions and single answers are not possible in Ethiopia in addressing issues related to gender. It emphasizes the need to ensure participation in finding solutions to pressing needs and constraints facing gender-equitable development. We see this report as leading to a number of useful and substantive activities in the area of gender, some of which are already under discussion between the donors and the government.

Regionalization and the consequent devolution of authority and responsibility to the regional governments can facilitate this process; and regional governments have shown initial commitment and support. At the same time, in the new regionalized framework, gender issues can get marginalized in the process of addressing other priority issues. The report cautions against this.

Stakeholder consultation has been a priority in the preparation of this report. The Concept Paper for the report was prepared jointly with the Women's Affairs Office and discussed at a workshop attended by representatives of the gender departments of government ministries, heads of women's regional bureaus, some NGOs, and some donors, after which it was revised.

Twenty-three background reports were prepared by 21 national consultants; information from these reports has provided a significant input into this report. To ensure that the voices of grassroots women were heard, Participatory Rural Appraisals were conducted in many regions; these have been critical in arriving at the findings.

The report is also a result of coordination between the Government, the World Bank and other donors in Ethiopia. While this report has been prepared under the guidance of both the Women's Affairs Office, Government of Ethiopia, and the World Bank management, it reflects cooperation and consultation with a number of donors who have helped in the preparation of this report. In particular, we mention the Government of Canada, which co-financed the training of the Ethiopian team in Participatory Rural Appraisals. In addition, the governments of Italy, the Netherlands, Norway, and Switzerland, contributed to the preparation of the background reports and in conducting the Participatory Rural Appraisals.

In conclusion, we hope all development planners will find this report useful and that it will further facilitate coordinated activity in the area of gender, leading to sustainable development in Ethiopia.

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Summary

With the announcement of the National Policy on Women in 1993 (referred to as the women's policy) and promulgation of the new constitution in 1995, the Federal Democratic Republic of Ethiopia declared its unequivocal commitment to the equitable socioeconomic development of women. The women's policy aims to institutionalize the political, economic, and social rights of women by creating appropriate structures in government offices and institutions so that public policies and interventions are gender-sensitive and can ensure equitable development for all Ethiopians. Article 25 of the new constitution guarantees all persons equality before the law and prohibits any discrimination on grounds of gender. In addition, article 35 reiterates the principle of equality of access to economic opportunities, including the right to equality in employment-related matters.

These impressive central-level pronouncements generated high expectations, but implementation of the women's policy is proving to be a challenging and formidable task. Partly, this difficulty can be attributed to the process of regionalization, which transferred responsibility for the implementation of policies to regional governments. Specifically, regionalization devolved powers from the federal government to regional governments and decentralized powers within regions. Although a welcome move toward a more participatory form of governance, the legislative and organizational dispersion of

powers, duties, and responsibilities—often to entities not adequately prepared for the tasks—meant that the women's policy was implemented slowly and in an atmosphere of flux and change. Also, variation in the regional contexts within which the women's policy would be implemented increased the complexity of designing and implementing gender-sensitive development interventions.

Therefore, after discussions with relevant stakeholders, the Ethiopian government and the World Bank agreed to review the institutional and regulatory constraints on implementing the women's policy at the regional level. Admittedly, regulatory and institutional constraints are only two facets of the challenge facing gender-sensitive development planners. Other constraints—social, economic, political, and environmental—are perhaps more critical. However, given the findings of several internal documents prepared by the World Bank and the government of Ethiopia and the information generated by the poverty assessment prepared simultaneously with this report, it was felt that further study was necessary on the institutional and regulatory constraints, which were much less understood. This is particularly so because the customary laws, which form part of the broader regulatory framework within which women operate, vary from region to region and have a direct and not fully recognized impact on the planning and delivery of development interventions.

Main Findings

Despite the commitment to equitable public policy, which is reflected in the national enactments and the organizational arrangements established by regional governments for implementing the women's policy, regional development plans are, for the most part, gender-neutral (except in certain welfare-oriented areas like health and education). Interventions for women largely consist of a number of ad hoc and unconnected self-standing projects, with standard processes for the delivery of services. If this persists, mainstream development plans will remain gender-neutral and ineffective in delivering benefits to women, marginalizing women's concerns even further. Development interventions will then not be sustainable in the long term.

The lack of institutional capacity at the sub-regional levels, particularly at the *wereda* (district) and *kebele* (village) levels, poses one of the biggest challenges to the effective implementation of the women's policy. Also, capacity varies among regions, and, if ignored, this variation could deepen the disparities. The quality and efficiency of the organizational structures encounter many bottlenecks in remote areas and at lower administrative levels. As a result, grassroots beneficiaries play little or no role in the preparation of development plans and thus are unable to influence the delivery of services. Women are even more constrained. Formal institutions like cooperatives and *kebeles* are the most popular vehicles for delivering development assistance (such as extension services, distribution of seeds and fertilizers, credit, and training). Women do not participate in such institutions, particularly in rural areas. Women do, however, participate in grassroots and indigenous entities, like *idirs*, *iqubs*, and other groups, but these are rarely involved in the delivery of assistance. Thus top-down activities do not reach women effectively, given their lack of participation in formal institutions, and the existing women's grassroots groups are unable to participate in development opportunities. Together, this results in women being disconnected from all development interventions to address their needs and ensure equitable delivery of services to them.

Despite regionalization, and the consequent decentralization within regions, development interventions have been adopting a supply-based approach without adequate consideration of demand-side factors. This has resulted in development plans for women that are similar across regions, with emphasis on infrastructure, mainly in education, health, and water supply. This supply-side response has failed to recognize the substantial variations across areas and has perhaps weakened women's commitment to interventions.

Legal and Regulatory Issues

- *Applicability of customary laws.* Formal legislative provisions by and large allocate economic resources equitably within the household. However, in rural areas, customary laws and practices apply to all personal matters. These laws and practices are patriarchal and significantly constrain women's access to resources both within and outside the home.
- *Labor.* The legal framework does not facilitate or support the entry of poor women into the agricultural and informal labor markets, which, given their skills and capacity, are the only viable sources of income outside the household.
- *Land.* Although the 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.
- *Literacy.* Legal illiteracy is widespread. This is not surprising because illiteracy rates for women are as high as 75 percent nationally and as high as 94 percent in Afar. Contending inequitable practices becomes a challenging task.
- *Biases of the family arbitration system.* The family arbitration system (the process of settling disputes related to personal relationships) is conducted by older and respected men within the community, who are not trained in the law and who apply customarily accepted practices. In the process, women's access to resources is subject to the customarily established rights of men.
- *Absence of legal aid.* Women have no access to legal aid and are severely constrained in

seeking remedies from civil courts, even when they are aware of their formal rights.

- *Inadequate framework for women's groups.* The agricultural cooperatives proclamation permits the establishment of grassroots organizations. However, no regional regulations establish the procedures and competencies necessary to form small, legally recognized organizations capable of facilitating women's participation in development activities.

Institutional Issues

- *Inadequate powers and duties.* The responsibilities and roles of women's affairs offices are unclear and inadequate, making them unable to fulfill their mandates as stated in the women's policy. Each office or focal point is developing its own role. Although this provides flexibility, it also marginalizes many of these entities.
- *Lack of institutional capacity.* The responsibility for implementing development policies has shifted to regional governments, which are not fully prepared to assume the new tasks and do not yet have requisite institutional capacity. In Amhara, Oromiya, and the southern regions, this arises partly out of the inability to retain and motivate skilled staff; in Gambella and Afar, the lack of skilled personnel is a critical constraint.
- *Lack of capital budget.* Available resources are being allocated to staffing and other recurrent expenses of the extensive organizational arrangements established at the regional levels to implement the women's policy. Women's offices are dependent on donors or nongovernmental organizations (NGO) for capital and project financing.

Preparation and Implementation of Development Plans

- *Lack of gender-disaggregated data.* Regions do not have access to gender-disaggregated data, limiting the formulation of gender-sensitive development interventions and responses.
- *Absence of women's groups.* Participation of women in formal grassroots organizations

is almost nonexistent, due to both past experience under the earlier regime and cultural taboos. A number of indigenous self-help groups exist among women, but their potential to participate in the development process is untapped.

- *Weak collaboration with nongovernmental or private entities.* Barring development associations in a few regions, NGOs are not involved in planning or implementing development. Also, NGOs are concentrated in urban and periurban areas, and few or no NGOs are operating in remote regions, where their collaboration is urgently needed.

Recommendations

The legal and institutional framework can support and facilitate gender-sensitive development planning and implementation only if a number of critical steps are taken. The key recommendations follow.

Consistent Public Policy

- *Strengthen government commitment and clarify public policy.* Government's commitment to gender equity should be strengthened and public policy clarified by amending discriminatory provisions in the civil code that reiterate the traditional gender-based division of labor within households and confer managerial responsibility for the household's economic resources on the male spouse.

Mitigation of the Impact of Inequitable Customary Laws

- *Examine the applicability of customary laws.* Under the constitution, enabling legislation may permit the application of customary laws to disputes, if the parties agree to such application. Ethiopian lawmakers need to grapple with the issue of uninformed consent from women, who are unaware of the superior economic rights conferred on them by the civil code. They 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.

- *Strengthen awareness of women's role and rights.* The first step should be to build consensus against customary practices that restrict women's access to economic resources through a rights awareness campaign targeting both men and women. Region-specific information, education, and communication campaigns on women's legal rights should be developed, bearing in mind that women have little time for leisure and that the majority are illiterate. An effective campaign should focus on women's legal rights within a context that builds on positive customary traditions and practices.

Increased Access of Women to Economic and Productive Resources

- *Increase women's access to land and natural resources.* 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, with sensitivity to the impact on the poor and on women.
- *Facilitate the entry of poor women into labor markets.* In regulating the access to credit and to licensing for small microenterprises and trading places, regional governments should study the gender-disaggregated impact of proposed regulations and revise them as necessary to facilitate the entry of women into informal labor markets.

Better Access to Legal Remedies

- *Sensitize the leadership on legal issues.* Regional governments and nongovernmental organizations should sensitize community leaders and family arbitrators to the de jure civil code provisions.
- *Train women and establish a legal aid fund.* The regional government in Addis Ababa should develop and implement a pilot program to train women family arbitrators

and establish a small legal aid fund for poor women willing to use the services of this panel of arbitrators.

Increased Participation of Women

- *Facilitate the formation of grassroots groups.* Regional governments should issue regulations to facilitate the formation of small grassroots groups. The procedural requirements should be minimal, and registration should be required only at the *kebele* level, so as to ensure the formation of women's groups with minimal effort.
- *Examine need for affirmative action for women.* Regional governments should consider affirmative action measures to increase the participation of women in the civil service and *kebele* councils.

Enhanced Capacity at the Regional Level

- *Strengthen the technical capacity of regional bureaus and partners.* Strengthen technical capacity, in particular of subregional entities, in the preparation of participatory gender-responsive plans and policies. Capacity-building initiatives should start with those institutions currently involved in formulating development plans.
- *Strengthen the gender sensitivity of regional bureaus and partners.* The federal government should formulate programs to increase the awareness of and sensitivity to gender issues at higher echelons of regional government. Also, the civil service curriculum should be revised to encourage attitudinal change and increase sensitivity to gender-related issues among civil servants.

Improved Development Planning Processes

- *Institute participatory gender-sensitive development planning.* Regional planning bureaus should issue planning guidelines that mandate the formulation of a gender-sensitive development plan in a participatory manner and with monitorable performance and impact indicators at the different levels of policy formulation and project planning and implementation. Clearance from women's

affairs bureaus should be required for the finalization of such plans.

- *Provide financial incentives.* Regional governments should provide financial incentives to sectoral and other bureaus to prepare and implement gender-responsive development plans. For example, regional governments could provide matching funds to bureaus that undertake priority activities for women or could provide them with additional capital budget on confirmation that they have undertaken activities for women.
- *Provide Women's Affairs Bureaus (WABs) and Women's Affairs Departments (WADs) with necessary powers and responsibilities.* Regional governments should provide these agencies with the powers and responsibilities they need to implement their mandate and to participate in a meaningful way in the formulation of the region's development plan. Their role in the development planning process should be strengthened, and linkages with other bureaus should be clarified. Civil service regulations should be reviewed to eliminate existing constraints and develop suitable incentives for staff electing to work in women's offices. If not, regional governments should provide women's offices with training budgets.
- *Establish monitoring and evaluation systems.* The federal government should assist the regional planning bureau to establish monitoring and evaluation systems for collecting and generating gender-disaggregated data. Resources for this task are available under the Ethiopian Social Rehabilitation and Development Fund Project financed by the International Development Association.

Implications for Donors

What do these findings and recommendations imply for donor assistance in this area? The answer is simple. All donor-financed projects or programs must be gender-sensitive not only in design but also in impact. This will often require building capacity at the regional level or increasing the gender-sensitivity of regional staff. In evaluating these programs, donors must not shy away from looking at these issues with the same

vigor accorded to other technical issues, and they should design projects that mitigate some of the current institutional and regulatory constraints on women's development.

The World Bank should ensure not only that currently proposed donor-supported government interventions in health, education, rural water supply, energy, and roads are gender-sensitive but also that interventions focus on four specific areas:

- *Capacity building.* Capacity-building interventions need to focus at the subregional level and should include training in the identification, design, and implementation of gender-sensitive development interventions. These include simple management techniques focusing on the economic and efficient use of funds, book-keeping, evaluation and monitoring, and group formation and organization. They should target not only *wereda* and *kebele* officials but also poor communities, informal women's groups, and small indigenous NGOs or associations that work with communities.
- *Literacy, family planning, and early childhood interventions.* The participatory rural appraisal reiterates the critical importance for women of interventions in the areas of literacy, family planning, and early childhood interventions, and donors should support programs or projects in any of these areas.
- *Women's microenterprises.* Donors should support interventions that provide technical, financial, and other support for poor women microentrepreneurs. In addition, a number of women have gained ownership of land (for example, in Amhara). Such women should be supported in efforts to use their landholdings productively.
- *Legal and institutional reform.* Donors should support government activities that will result in the gender-sensitive reform of the existing legislative and institutional framework for development planning and implementation as well as for increasing women's access to economic resources. An effective information, education, and communication program is also essential and deserves immediate support from donors.

1 *Introduction and Background*

Optimism over Ethiopia's economic future is widespread. The government's economic recovery and reconstruction program, implemented after the end of the civil war, is gradually paying dividends. With an annual gross domestic product (GDP) growing at 8 percent (fiscal 1993–96), and inflation under control at 2.3 percent (fiscal 1994–97), Ethiopia is expected to experience rapid expansion and increasing economic opportunities during the next few years. To maximize the returns to these investments and ensure sustained economic growth, it is essential that human resources be deployed and used effectively. Therefore, the government is vigorously pursuing a policy of investment in human capital to ensure that both men and women have opportunities to participate in, and gain access to, the expanded development opportunities. This is not an easy task. With a per capita income of \$110 in 1996, literacy rates of 35 percent for men and 25 percent for women, and, in 1995, a gross enrollment rate of 33 percent for boys and 24 percent for girls, the challenge is daunting (Central Statistical Authority 1994).

The challenge also has a significant gender aspect that cannot be ignored if growth is to be sustainable and equitable in the long term. Women disproportionately bear the burden of poverty in Ethiopia. This is mainly a result of the gender-based division of labor, which is not only prescribed by tradition and culture but reiterated in law.¹ Women are responsible for all household chores, in addition to their support

for agriculture and livestock. The state of the environment and the lack of appropriate technology increase the burden of these chores.² Only 19 percent of the population have access to clean water, and fuelwood or cow dung remain the main source of domestic energy for 95 percent of the Ethiopian population. Women, therefore, spend a large part of their day searching for fuelwood and collecting water. The lack of appropriate technology results in the daily pounding and grinding of grain, a laborious task that consumes a large part of a woman's day. Together with the other activities they perform, rural women work 15–18 hours a day (Women's Affairs Office 1992; UNICEF 1991). Women have little or no time to access training or skill-enhancement opportunities and are unable to increase their subsistence-level lives by earning better income. To assist them in their arduous activities, women keep their children, in particular girls, from school, perpetuating the vicious cycle of poverty for women.

In a socioeconomic context where the burden of poverty is disproportionately borne by women (see table 1.1), experience indicates that gender-neutral development interventions affect men and women differently. Being more disadvantaged in skills, availability of time, and access to economic resources and subject to greater cultural taboos and restrictions than men, women are unable to access or receive equal benefits from an expanding economy. This further exacerbates gender differentials, increasing the burden of poverty on women. A classic case is

Table 1.1. Select Social Indicators in Ethiopia, by Region and Gender, 1994

Region	Number of women per 100 men	Life expectancy at birth		Illiteracy rates		Assisted births (percent)	Gross enrollment rate ^a (percent)	
		Men	Women	Men	Women		Boys	Girls
Afar	75	53	47	91	94	0.5	10.0	6.8
Amhara	97	50	52	77	87	4.2	18.9	16.8
Gambella	95	54	55	61	80	10.5	67.8	38.2
Oromiya	99	49	52	70	84	5.3	27.2	14.9
South	101	48	50	65	84	4.8	39.5	17.4

a. Number of pupils in grades 1 to 8 divided by total population of age 7 to 14.

Source: Central Statistical Authority 1994.

the introduction of agricultural technology, which affects the competitiveness of activities that women continue to perform manually. Thus, to sustain continued and rapid development, constraints relating to women should be addressed, and this can only be achieved through development interventions that are planned and implemented with a full understanding of gender issues and with attention to the priorities and needs of women themselves.

To its credit, the government has recognized this dilemma and manifested its commitment to the equitable socioeconomic development of women by announcing the National Policy on Women in 1993 (the women's policy) and the promulgation, in 1994, of a new constitution (enacted on December 8, 1994, the constitution became effective on August 21, 1995). The women's policy aims to encourage the equitable participation of women in the political, social, and economic life of the country and outlines the government's strategy for addressing existing economic and social constraints. It aims to institutionalize the political, economic, and social rights of women by creating appropriate structures in government offices and institutions so that public policies and interventions are gender-sensitive and can ensure equitable development for all Ethiopians. Article 25 of the constitution guarantees all persons equality before the law. It prohibits, *inter alia*, any discrimination on grounds of gender. In addition, article 35 reiterates the principle of gender equality of access to economic opportunities, including the right to equality in employment, promotion, pay, and transfer of pension entitlements.

Improving women's human capital assets and strengthening their participation in economic

and social opportunities is also a commitment of the World Bank and an objective of its proposed portfolio (internal Bank document, August 1997). Implementation of the women's policy is, therefore, a goal that the Bank would strongly support through its proposed country assistance strategy.

Objectives

Although the impressive central-level pronouncements generated expectations, implementation of the women's policy has been slow. Partly, this can be attributed to the regionalization process. Since the early 1990s, Ethiopia has witnessed far-reaching and dramatic changes in intergovernmental arrangements. In the past few years, Ethiopia launched an ambitious political, administrative, and fiscal regionalization program that devolved power and responsibility from the federal government to the regional and subregional governments (see annex C). Although regionalization was a welcome move toward a more participatory form of governance, it changed the nature of the challenge facing development planners wishing to implement the women's policy. The legislative and organizational dispersion of powers, duties, and responsibilities slowed implementation of the women's policy in the regions, which were in an atmosphere of flux and change. The overall framework, the roles and responsibilities of the regional units, and their potential for planning and implementing gender-sensitive development interventions were evolving and needed further investigation. Also, the legal and customary framework varied significantly from region to region and develop-

ment projects designed without an understanding of these region-specific constraints were not reaching women effectively. This report recognizes that the issues confronting Ethiopian women cannot be solved at the national level. The solutions lie with the communities in different regions, and these communities need to be involved in finding appropriate solutions to their problems (see box 1.1).

Admittedly, regulatory and institutional constraints are only two facets of the challenge facing gender-sensitive development planners. Other constraints—social, economic, political and environmental—are perhaps more critical. However, given the findings of reports prepared by the World Bank and the government of Ethiopia, it was felt that further study was necessary on the institutional and regulatory constraints that are much less understood and have a direct and poorly recognized impact on the planning and delivery of development interventions (UNICEF 1991).

The goals of this report are, therefore, limited and clear:

- Assist regional governments in their effort to improve the institutional and regulatory framework for implementing the women's policy
- Provide the basis for the Bank's support to the government of Ethiopia for implementing the women's policy and the Bank's policy dialogue with Ethiopia.

The report should lead to two specific outputs:

- Region-specific data that will assist in the gender-sensitive design and implementation of development projects
- Recommendations for gender-sensitive revision of the institutional and legislative framework affecting women's access to economic resources.

Scope

This report examines and identifies institutional, legal, and regulatory constraints on the expeditious and effective implementation of the women's policy in five regions of Ethiopia: Afar, Amhara, Gambella, Oromiya, and the southern region. Together, these regions contain about 84 percent of the total population.

Afar, in the northeast, is different in that 98 percent of its inhabitants are seminomadic, belonging predominantly to the Cushtic group. Constraints in Afar may resemble those in Somali, which also consists of largely seminomadic populations, more than those in other regions of Ethiopia. Amhara is a predominantly Christian region, reflecting the problems of women in the highland regions and in regions affected by the civil war. Gambella represents remote regions, the other one being Beninshanghul, in the western part of Ethiopia. Oromiya is the largest region, consisting of more than one-third of the total population. The southern region, consisting of zones 7–11 grouped together for administrative purposes, was selected

Box 1.1 Ethiopia: Land of Diversity

Ethiopia, the second largest country in Africa, is a land of geographical and cultural contrasts. Its high mountain ranges of more than 4,600 meters stand in stark contrast to the Afar depression, which is below sea level. The country has a wide range of climate: the cold climates of the highlands (where the majority of the people are settled) and some of the hottest places in the world, resulting in lush forests in the west and dry desert conditions in the lowlands. Added to these geographical contrasts are its vastly different ethnic groups: Semitic in the north; Cushtic, mainly in the south, but with pockets in the north; Omotic in the southwest; and Nilo-Saharan in the far west, near the Sudan border. Orthodox Christianity dominates the northern and

central highlands; Islam dominates the lowlands, with Harar in the south being the fourth most important holy town for Muslims. Large numbers of people in the southwest follow their own traditional faiths. Despite the passage of time and the unification of Ethiopia, sociocultural differences are clearly discernible from region to region and, often, within regions as well. Understanding this diversity is critical to development planners who constantly need to remind themselves that there is no one answer in dealing with developmental issues in Ethiopia and that each region, and if necessary each community, must be studied for itself.

Source: Pankhurst 1992.

for its different ethnic groups and diversity of culture. Together, it is hoped that the report will be useful to all regional governments.

This report is based on top-down studies of the formal legal framework, prepared by local Ethiopian consultants, and supplemented by participatory rural appraisals conducted in five regions. The participatory rural appraisals helped to verify the impact of legislation on the daily lives of the rural population as well as to understand the customary rules and traditions being practiced in rural households. Similar appraisals are also being conducted in the remaining regions (Beninshanghul, Somali, Addis Ababa, and selected urban areas), and the findings will be published separately. Region 1 (Tigray) is left out, because it reportedly has made significant progress in the area of women's development and has unique organizational arrangements at the grassroots level, a spillover from the civil war days.

Organization

After this brief introduction, Chapter 2 focuses on the economic rights of women and the legal impediments to improving the economic participation of women. Key areas analyzed include the economic rights of women within a household; their access to productive resources, in particular land and other natural resources; gender issues related to labor; rights of organization; and mechanisms for enforcing rights or methods of settling disputes. Other social, political, and civil rights are not examined here. Chapter 3 focuses on the institutional arrangements for gender-sensitive planning at the regional levels. It studies five regions to understand the constraints to the effective planning, implementation, and delivery of services. It looks at the role, mandate, and responsibilities

of women's offices; the process for development planning and implementation; and the effectiveness of women's offices in ensuring a gender-sensitive development plan. It examines women's participation in such planning and focuses, briefly, on the role of representative organizations like nongovernmental organizations, village governments, and cooperatives. Against this background, Chapter 4 offers priority recommendations to address key issues. A list of references follows.

The text is followed by annexes providing summarized information. Annex A describes the women's policy. Annex B summarizes region-specific information on the socioeconomic practices of rural communities, mainly obtained from participatory rural appraisals conducted in the five regions. Annex C briefly describes the institutional arrangements for development planning in the selected regions. Annex D explains the participatory process through which this report was produced. Annex E provides a bibliography, as well as a list of the relevant background papers prepared for this report and available in World Bank project files. A detailed bibliography is available in project files.

Notes

1. The civil code of Ethiopia (1960) states that the husband is the head of the household and that the wife is responsible for all household duties where the husband cannot afford domestic help. This article owes its origins to a similar clause in the *Feteha-Negest*, the laws governing Christians, and is traced back to the scriptures (see Pankhurst 1992, p. 69).

2. Forest cover is down to 3 percent of total land area, and the lack of appropriate technology to prepare food, in particular *injera* (a type of bread and the staple food), the lack of appropriate cooking stoves, and the lack of accessible grinding mills are just some of the problems faced in day-to-day life.

2 Legal Constraints to Implementation of the Women's Policy

Legislation, and consequent regulations, are a critical element of the public policy framework of any government and an invaluable asset in the design and implementation of development interventions. Admittedly, by itself, legislation cannot ensure women's access to, or control over, economic resources, but appropriate legal frameworks can catalyze the equitable economic and social development of women. If the framework is inequitable or inappropriate, even gender-sensitive interventions cannot be sustainable in the long term, however positive the short-term impact. Also, an equitable legal framework both reflects public policy and reiterates the government's commitment.

The constitution of the Federal Democratic Republic of Ethiopia, ratified on December 8, 1994, unequivocally guarantees gender equality in social and economic matters (see box 2.1). It also incorporates international agreements ratified by Ethiopia.¹ Article 13 of the constitution requires all government organs to comply with and interpret the provisions "in conformity" with international human rights conventions to which Ethiopia is a party. Regional governments also need to ensure that their laws conform with the constitution and do not discriminate on grounds of gender. In Ethiopia, therefore, the broad legal framework within which legislation or regulations may be issued is clear: discrimination on the basis of gender is unconstitutional.

Box 2.1 Gender Equality and the 1995 Ethiopian Constitution

Article 35 of the 1995 Constitution of Ethiopia, entitled Women's Rights, consists of nine subprovisions. It accords women equal rights to all rights guaranteed by the constitution. The following provisions relate to women's economic status:

Employment. Article 35 requires equality in all matters related to employment. Article 42.1(d) supports the right of female workers to equal pay for comparable work.

Property. Women are accorded equality in acquisition and management of property, including land, and equal participation in policy decision-making.

Health. Special attention is given to maternity rights by guaranteeing women the right to plan families and by requiring the provision of maternity leave.

Customary practices. The state is obliged to prohibit laws or customary practices that harm women.

Affirmative action. Article 35(3) permits affirmative and remedial measures to rectify the consequences of historical discrimination against Ethiopian women.

Within the context of these recently granted constitutional rights, this chapter identifies and analyzes the legislative provisions that have a direct impact on women's access to economic resources or that affect their participation in development activities.

Five broad areas of legal constraints are critical in designing and implementing development interventions. Each involves a different set of socioeconomic considerations and competing interests that must be examined. Understanding the differences between them helps to clarify the nature of the responses necessary in each case. These constraints fall under the following themes:

- Access to economic resources within the home
- Access to economic resources outside the home through participation in the informal labor market
- Access to land and other natural resources
- Rights to organize into groups for participation in development activities and
- Access to dispute settlement remedies.

Economic Resources within the Home

Women, given their relatively low educational status and lack of skills, normally find that their best access to economic resources is through the household. They may inherit resources upon birth, receive gifts upon marriage, or acquire control of household property as wives or daughters or through the division of property upon divorce. However, women's access to economic resources in rural Ethiopia is complex: *de jure* laws have little or no impact on the majority of rural households that continue to apply customary, religious, and traditional practices in personal relationships. Moreover, customary practices vary from region to region, further increasing the complexity of understanding women's economic status within rural households. This section examines the economic rights of rural women, analyzing the formal legislative framework, examining its impact, and describing the *de facto* situation on the ground.

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 the *sharia*, and their disputes were settled in *sharia* courts. Among Christians, customary practices were codified in the *Feteha-Negast* and were applied by family arbitrators (the *Feteha-Negast* is the traditional legal code, or the law of kings, which bases the divine right of kings on the

scriptures; see Pankhurst 1992: 23). The Oromos applied the principles of the *gada* system, which sets rules governing the social and economic lives of people. In addition to the *sharia*, the Afaris also applied the *abukratie* or Afar Ada law—an unwritten set of customary laws—in disputes adjudicated by clan leaders or elders.

In 1960 the civil code attempted to modernize the legal framework governing social structures and relationships “in order to keep pace with the changing circumstances of the world” (proclamation 165: v). It invalidated customary or religious laws concerning personal matters governed by the code (article 3347[i]). Customary laws lost their status as law and were relegated to the level of customary practices. Along with this, a number of provisions that discriminated against women lost their status as law. Therefore, the civil code, which was enacted before the 1995 constitution, governs all personal matters, including marriage, divorce, division of household property, maintenance and custody, and inheritance.

Property during Marriage

The civil code recognizes two types of properties in marriage—personal and common. Common property includes property acquired during the marriage or the income of either spouse during the marriage, and all property is deemed to be common, unless one spouse proves that he or she is the sole owner (article 635[i]). No spouse has the right to exempt unilaterally any property deemed to be common property, unless by agreement with the other spouse.²

The recognition of common or matrimonial property in marriage is a valuable right for women. It gives them a share of all property acquired during the marriage irrespective of whether they contributed financially to its acquisition or not. Take two poor households, one in Ethiopia and one in a legal regime that does not recognize common property. Assume that both households receive a piece of land under a resettlement program and that, as is the practice, the land is registered in the name of the head of the household—the husband. In Ethiopia, half of the land would be held by the wife, because it is part of the common property of the household (article 652). Moreover, as long as it is common

property, the husband may not alienate it, without his wife's consent (article 658). In the other legal regime, the property belongs to the person in whose name it is registered, in this case, the husband. He may sell it, give it to his friends, or waste it; the wife has no rights over the property because it is part of the husband's personal holding.

In Ethiopia, salaries are also presumed to be part of the household's common property, even though it is under the control of the wage earner, and each spouse has a right to receive proper accounts on its use (article 654). The inclusion of the salary of either spouse in the common property of a household is also useful to women. Usually, such income would belong to the wage-earning spouse, typically the husband, and the wife would have no control over the husband's income. In Ethiopia, the wife may equally share the income of her husband, even if she does not bring any resources to the family. By law, therefore, the wife has much greater access to property acquired during marriage than before it.

The civil code, however, discriminates against the wife by unilaterally declaring the husband to be the head of household.³ It states that unless otherwise provided by this code, "the wife owes him obedience in all lawful things which he orders," although it requires that both spouses owe each other respect, support, and assistance (articles 635 and 636). It also states that unless the husband is in a position to provide his wife with servants, she is bound to attend to household duties (article 646). Unless the contract of marriage states otherwise, the husband is deemed to be the administrator of household resources (article 646 in conjunction with article 626). Although the husband is expected to act judiciously and cannot alienate property except under certain conditions (article 658), the law presumes that he has a superior hand in managing the financial resources of the household.

It has been argued that this authority must be read in the light of the general provision that recognizes the right of spouses to work out their financial arrangements and to enter into valid contracts, as witnessed by family arbitrators or by the court (article 650). The civil code appropriately leaves the allocation of household wealth in the hands of the persons most affected,

permitting them to bargain and to determine the obligations of each spouse. However, in a situation where women inevitably bargain from a weaker position, freedom to make enforceable contracts could work against them. This is particularly true in rural Ethiopia where it would be natural for communities to protect patriarchal property rights through validly witnessed contracts.⁴ But, in most cases, the contract of marriage is silent, and the position is then unequivocal: the husband is the head of household, he administers the household property, and the wife is responsible for all household duties (articles 629 and 650).⁵ In reality, a wife has little or no control over the administration of household property.⁶ A wife could request greater control by having such provisions included in the marriage contract, but this does not seem to be the practice.

Property upon Divorce

Rules for partition of property upon termination of the marriage are equitable: any valid contract of marriage or other contract that provides for unequal partition prevails (box 2.2). In the absence of such a contract, the provisions of the civil code apply, and common property is divided equally. Under the civil code, each spouse

Box 2.2 Access to Remedies and Divorce

In Sidame Korate, a woman named Meselech Kabado married and divorced three times. Each time, she obtained properties from her husbands. She died about the time she was to obtain properties from her third husband. It is now implied that she died because of a curse for failing to follow customary practices.

In the South Omo, W/o Nigatuwa—married for 15 years, with three children surviving out of eight—sought divorce. She received no support from her former husband. Her pleas for justice to the *kebele* or the formal judicial system have not helped. The women commented that, "W/o Nigatuwa is the poorest and has received pain from her husband, but there is no one to help women." The men said that, "She is wandering here and there; nothing will be done for her."

Source: PRA in the southern region, 1997.

first takes his or her personal property. Where a spouse can prove that his or her personal property has been alienated and that the value has joined that of the common property, he or she may withdraw an equivalent value from the common property. In this case, the wife may exercise the first option to withdraw the money, a bias in favor of women. The administrator is also expected to indemnify the spouse whose personal or common property is prejudiced due to bad administration by the other person or in cases amounting to unlawful enrichment. Excluding such property, the rest of common property is divided equally between the two spouses.⁷

Rights of Inheritance

As the law stands today, the civil code governs matters related to inheritance. These provisions are in line with the constitution and do not discriminate on the basis of gender; they grant full testamentary rights to women. But, the civil code limits the right of a spouse to transfer personal property by testament to the other spouse. Following traditional practice, the civil code maintains that property must pass to blood relatives and that a man or woman cannot inherit the property of his or her spouse (see box 2.3). When spouses make testamentary provisions in favor of their spouse, courts may reduce or invalidate the testament, when the testator is survived by descendants who are not also descendants of the spouse. Thus each spouse can retain his or her own personal property, half the common property, and any properties provided by valid contract between the spouses. The remaining personal property of the deceased passes, in the absence of a valid testament, to heirs related by blood. In this case, the children of the deceased are the first to be called to succession. If the children themselves are deceased, the deceased person's descendants inherit the shares. If the siblings have no children, the parents of the deceased inherit equally.

Status of Wives in Polygynous Households

The civil code recognizes marriages conducted under customary laws but does not permit

Box 2.3 A Widow's Story

W/o Askote is a widow with three daughters. She is the only female head of household in Koda *kebele* in the southern region. After her husband's death, her son took charge and started paying land tax, and they lived without any problems until nine years ago, when her son died. After the death of her son, the *kebele* took half of her land to use as a forestry site for the *kebele*, and she was allowed to use the other half without paying tax. Until 1997, she faced no problems. She was then asked to pay tax, which she did, becoming the legitimate owner of her plot of land. However, she felt that the men in the community did not accept her status as a landowner. She alleged that one night, five months ago, a neighbor set fire to the pile of *teff* (cereal) outside her home. Along with the *teff*, she lost birr 350 that she had received from her *iqub* because it was hidden in the pile of *teff*. In the morning, she reported to the *kebele* council and the *wereda* administration. The *wereda* administration asked the *kebele* to find the criminal and make him pay for the damage. However, the *kebele* has not taken any action. She perceived that it was very difficult "these days" for a woman to get any help or support, because women are not represented in the administration.

Source: Participatory rural assessment in Kodo *kebele* in Shekitcho zone in the southern region, 1997.

bigamy.⁸ Thus, a second marriage is invalid even if it is accepted by customary law. However, the 1995 constitution 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 (see box 2.4). 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 that customarily practice polygyny, the second wife is in a very vulnerable legal situation because second or subsequent marriages are not valid either under the civil code or under customary laws.

Box 2.4 Access to Land in Polygamous Households

In polygamous households of Koda, wives have access, but no ownership rights, to small pieces of land, allocated to them by the husband. His favorite wife could receive a larger or better plot of land. Each wife may take care of her land, and, with the husband's permission, grow crops or vegetables. However, all wives have equal responsibility to work on the husband's land.

Source: PRA in the southern region, 1997.

Conflict between the Civil Code and the Constitution

Although the civil code minimizes gender as a variable in the division of property between household members, a number of provisions continue to discriminate on the grounds of gender. In light of the 1995 constitution, the validity of these discriminatory provisions is an important question for women. Article 9.1 of the constitution states that "any law, customary practice, or a decision of an organ of state or a public official which contravenes this constitution shall be of no effect." This suggests that all provisions inconsistent with constitutional principles are invalid. However, as yet the offending civil code provisions have not been formally removed from the books. Also, the constitution confers authority for settling constitutional disputes on the Council of Constitutional Inquiry (articles 82–84).⁹ It states that any court before which a matter is pending, or any litigants to a case involving constitutional interpretation, can ask the council to determine the constitutional issue. The council does not make the final decision, but it can make recommendations to the House of Federation, the ultimate decision-making authority.¹⁰ The legal environment is therefore not fully clear when it deals with existing legal provisions that may be considered gender discriminatory.

This issue remains largely academic in nature, because the civil code has little or no impact on the lives of most rural households. The civil code is weakly enforced in personal matters, and rural Ethiopians continue to apply customary laws to their economic and social relationships. This is possible because disputes related to personal

matters are resolved through an out-of-court process of family arbitration. In such cases, family members or people selected by the disputants act as arbitrators. They are rarely trained in the law, and most continue to apply customary rules. (This application is rarely challenged by women.) In the case of the Muslim community, disputes are settled by the *sharia* courts. This raises 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 (Ashenafi 1996).

Customary Practices

Table 2.1 provides a comparative perspective on customary rights to household property. These practices clearly give women far less equitable rights—both in management of the household as well as in division of property. A review of customary laws applicable to two important rural resources—livestock and land—throws further light on the de facto rights of women. Bride price, a common practice in some regions, is also discussed.

Across regions, large livestock belong to men in the poor communities where participatory rural assessments were conducted. Women, albeit to different degrees, are permitted to own goats, sheep, or chicken. In the south, among the communities interviewed, women do not own any animals. They said that, "Men own the cattle, and we own our clothes and the children." In Oromiya, women do not own property in their own rights. In Amhara, customarily wives own half of the common household property, but this is not practiced, at least in the communities interviewed during the participatory rural assessment. In Gambella, women only own trinkets and other small items. A woman herself may be inherited by her brother-in-law on the death of her husband. In Afar, a woman may receive livestock as a gift but is not allowed to sell the animals. However, even men cannot sell their livestock without permission from clan leaders.

In most regions, land is owned collectively, is allotted to households by the peasant association, and generally is not transferable. Land is allotted to a household and registered in the name of the head of the household—normally

Table 2.1 Customary Practices in Five Regions of Ethiopia

<i>Rights</i>	<i>Amhara</i>	<i>Afar</i>	<i>Gambella</i>	<i>Oromiya</i>	<i>South</i>
Upon marriage	There is no clear rule. Among the Christian communities, bride price is not the norm, and both families provide gifts to the couple upon marriage. Among the Muslims, gifts are provided by the bridegroom's family, mainly clothes and jewelry. In both cases, children in better-off homes are married earlier. In North Wollo, land is provided by the bride's parents as dowry. In Wolleh, both families provide gifts. In Worreb, wedding gifts (<i>macha</i>) should be exchanged equally. The bridegroom's parents provide cash for the engagement (<i>ejmensha</i>), if it is a marriage accepted by the parents.	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 <i>nikah</i> and some livestock, which is produce she controls.	Polygyny is common. Wives mostly live around the same place, and all children eat together. It is customary for the groom to pay a bride price to the parents of the bride. Among the Agnuaks, this usually involves cash, forcing many young men to take up wage employment. Among the Nuers, it is usually livestock.	Bride price, mostly in the form of livestock and clothing, is practiced in some communities. In Fogie Kombolcha, along with the bride price, the bridegroom has to give clothes to the bride and her parents. In Gabra Borena, the girl receives birr 200 for cloth. In Arsi, both families provide gifts: the bride's parents provide the bride with some cattle, and the bridegroom's family provides her with five cows (including one milking and one pregnant) as <i>nikah</i> .	Polygyny is practiced by richer men in some zones. Bride price is paid by the bridegroom's family to the bride's parents and is negotiated by elders. In South Omo, it may include birr 2,000, four goats, bullets, a gun, two pots of honey, clothes, and jewelry. In Konso, it may include birr 200 to birr 700 and clothes. In North Omo, polygyny is common, and usually birr 20 are given to the bride's relatives. In Sidama, Korate, birr 200 to birr 300 are given, along with jewelry and clothes.
Within the household	Christian women own half the common property, but married women control only crops (except in one community), livestock products, chicken, eggs, and some garden trees. Muslim women have greater ownership rights, albeit over limited household property.	The woman controls 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.	Legal ownership of property by women is rare. A woman shares the produce of the land that she helps to till; she has some control over chicken, eggs, fruits, vegetables, and sometimes over sheep and goats.	The woman controls any animal or livestock she brings 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.	Property rights are insignificant. All land is held by men. Even female heads of household own land nominally. In South Omo, Arkisha village, women do not own any property. In Korate Sidama, women own trinkets such as combs, <i>enset</i> scraper, and their clothes. In Zale, North Omo, women own some livestock. In Gahi Konso, "women belong to men, and their properties consist of their children and clothes."

(Table continues on the next page.)

Table 2.1 (continued)

Rights	Amhara	Afar	Gambella	Oromiya	South
Upon divorce	Among Muslims, normally, women may take their clothes and wedding gifts. They receive the <i>nikah</i> . In Christian communities, property is shared equally. Women were not entitled to land in all four communities.	When divorce is by agreement, she takes property that belongs to her. When divorce is at the woman's request, she takes what she brought, has no right to the <i>nikah</i> , sometimes pays the husband a "moral" payment that is determined by the elders.	Upon divorce, the bride's parents must return all of bride price received.	The woman receives part of the grain in the granary, part of the cash if the husband has any, and sometimes cattle.	Women seem to have little or no rights to property upon divorce. Of 41 female heads of household in the sites, 32 were landless.
Upon widowhood	Among Christians, women rarely inherit the property of their husbands, when there are other blood relatives.	The widow marries another cousin. Her family will need to return the <i>nikah</i> , if she chooses to return to her clan.	She is inherited by the husband's brother. If the widow refuses, her parents return the bride price, and the widow and children return to her parent's home. If nobody inherits the widow, her parents need not return the bride price; she is looked after by her husband's relatives. The widow controls livestock products but cannot sell livestock without permission of the male head.	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.	The customary approach is for the widow and her small children, if any, to be inherited by a male member of the deceased spouse's clan. Where she has no children, elderly relatives determine who should inherit her.
Inheritance	Women inherit land only if there are no brothers or parents. Among Christians, children inherit property equally, and parents may reserve property for any child. Among Muslims, women enjoy half the property that men do. Wives inherit only one-eighth of livestock and products. Wives are inherited by the brother-in-law.	Under <i>Abukratie</i> law, women have no inheritance rights. Under <i>sharia</i> 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.	Among Agnuaks, women inherit property including the right to use land, only if there are no sons, if she is too old to remarry, or if her son is not old enough to take control. She retains property inherited from her husband.	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.	Women have no inheritance rights. In rare cases, women inherit land but hold it nominally for their sons. In North Omo, women own livestock acknowledged by the deceased husband to have belonged to her.

Source: Participatory rural appraisal, 1997.

the husband—who determines its use. Where women are registered as heads of households, they are entitled to some land, although the parcels always seems 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 be a member of the household. A divorced or single woman then becomes dependent either on her brother-in-law or on her own parents. Thus, customary law severely restricts women's access to land. The recent land proclamation in Amhara is discussed later and may significantly increase the access of women to land. However, in all other regions the status quo continues.

The practice of paying a bride price is prevalent in some regions like Gambella, Oromiya, and the south. This common practice holds two significant implications for a woman's economic rights and her status in rural Ethiopia. The first is that payment of the bride price is perceived as receipt by the wife or her family of the wife's rightful share of the husband's family property. The second is that the bride price is traditionally seen as payment for the wife's labor or services and must be returned if such services are terminated due to any voluntary action taken by the wife (see box 2.5). During the marriage, therefore, in such communities, 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 an equitable practice, and in fact, some men argued during the participatory rural assessment that if women were given greater rights to property, the system of bride price should be abolished (see box 2.6).

Customary Practices and the Constitution

The 1995 constitution raises another important issue for women. The issue of customary laws dominated the country's legislative debates preceding passage of the new constitution. Two dominant opinions were voiced, reflecting the country's ethnic and religious plurality. One opinion required that all personal matters be governed by a uniform civil code; the other, by religious and customary laws, irrespective of personal consent. Article 34(7) of the 1995 con-

Box 2.5 Bride Price

Three men in Ariet participated in the discussion of bride price. They did not see why a woman would need to control property. Women have no property. Everything in the family belongs to the husband, including his wife, for whom he has paid considerably. The husband pays as much for a wife as he would for properties such as livestock. Like anybody who has full control over anything they pay for, husbands must have full control over their purchased wives. However, as long as the wife stays with him, she can have access to or share everything he owns.

While discussing divorce, Ato Opod, a community member, brought up his own case. He married three times, divorcing his third wife because she nagged him. The bride price was returned to him, and he used it to marry off his son. However, the third wife was pregnant when they divorced and gave birth to a baby girl after she remarried. Ato Opod regrets having taken back the bride price, for now when the baby girl marries, her stepfather will claim the bride price.

Source: PRA in Gambella, 1997.

stitution resolved this conflict by reserving the option to adjudicate disputes related to personal matters in accordance with religious or customary laws, if the parties to the disputes agree. The constitution requires that the details of such application be determined by law. There has been no enabling legislation so far, and without such legislation, customary practices related to personal matters covered by the civil code do not have the status of law.

With enabling legislation, customary practices related to personal matters could be validated, although there is debate within the country on whether enabling legislation can re-

Box 2.6 Attitudes to Customary Practices

Men believe that customary laws are fair. Women speak of them with respect. Both men and women consider customary treatment of women as fair, although women feel that there is nothing wrong with the system but that the men could deal more fairly with women's issues.

Source: PRA in Oromiya, 1997.

vive customary practices that are inconsistent with constitutional principles of gender equality. Some lawyers argue that enabling legislation can only permit the applicability of customary practices that are not discriminatory to women. Others argue that at the option of the parties, personal laws may be inconsistent with constitutional principles of gender equality. If the latter view prevails, this constitutional provision may be considered a step backward. Whatever the final position, given the political and cultural sensitivity of the issue in the aftermath of the civil war, the decision to leave the matter to personal discretion was, perhaps, the only solution to an intractable issue.¹¹

The saving grace, however, is that disputants need to consent to the application of customary laws. However, because women are unaware of their rights, few object to the application of customary laws, and men are likely to continue their ownership and control over economic resources. 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 does, lead to ostracism. 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. They can, of course, appeal to the regular civil courts, but they have no access to financial resources or legal aid to enforce their civil rights. Thus, by allowing spouses to reject the application of customary law, women with weak bargaining power may not be able to exercise their option and are the most likely to be disadvantaged. Admittedly, the provision is of value among the urban elite and has great potential as women's legal awareness rises.

Even though the 1995 constitution introduced principles of gender equality far beyond those in other countries, the prevailing legal framework is still unclear. As long as the civil code provisions are not amended, the traditionally defined gender division of labor and roles continue to be reiterated by law. Also, customary practices do not, as yet, have the status of law, but the government can decide to resurrect them by law.¹²

Economic Resources outside the Home

The vast majority (89 percent) of Ethiopian women live in rural areas and work in the informal agricultural sector, which is characterized by ease of entry, reliance on local resources, family ownership, small scale, labor intensity, and need of simple skills obtained outside the formal educational system. The participation of women is growing in this informal sector. As households are facing declining income, women's income has become crucial, and more and more women are turning to petty trading, domestic services, and according to a government report, prostitution.¹³

Ethiopia has ratified the International Labor Organization's 1958 Employment and Occupation Convention 111, which proposes equal access for both men and women to vocational guidance, placement services, training, employment, advancement, and security of tenure; equal remuneration for equal work; and conducive work conditions. At the national level, there are two main proclamations: the 1993 labor proclamation and the 1960 commercial code. However, neither of these proclamations applies to workers in the informal sector (Kedir 1992). The labor proclamation applies to persons employed in commercial or industrial activities. Its coverage excludes, *inter alia*, state employees and persons holding managerial posts. The commercial code applies to all traders. However, the definition of traders excludes (a) persons who carry on activities relating to agriculture, forestry, cattle breeding, or maintenance of pasture, when the trade is in the products of the land or livestock, (b) fishermen and persons who sell the products of their fishing or breeding, (c) handicraftsmen who live mainly by their own manual work and who carry on their work with the assistance of family members and not more than three employees. This exemption excludes most women who conduct petty trade. Therefore, these promulgations neither protect female labor nor significantly affect their role as agricultural producers or laborers.

There are few data about the nature of women's employment in the informal sector. Participatory Rural Appraisals (PRAs) indicates that, increasingly, women from poor households

are moving into wage labor or other income-generating activities to supplement their household economies. In two regions, in all sites, there was a marked differential in wages received by men and women for similar work. As wage employment increases, this trend will need to be monitored closely, particularly given the constitutional guarantee of equal wages for equal work.

In the absence of information on the recent status of women traders and microentrepreneurs in Ethiopia, a rapid appraisal was conducted in Addis Ababa, albeit an urban area, to understand the legal constraints, if any, on poor women engaged in petty trading. A few legal issues emerged from this exercise, some of which are likely to apply in rural areas also.

Lack of access to credit is the first critical constraint (see box 2.7). Most women initiate their businesses with little capital, ranging from birr 10 to birr 100. Out of the 30 women interviewed, one obtained a credit of birr 300 from a nongovernmental organization (NGO)—CONCERN—at an interest rate of birr 5 per week. But, given the lack of technical support, she was unable to use the credit to enhance her business properly. Some women reported that they could have obtained credit from their *kebele* but were unable to do so because they did not satisfy the residency requirement. Many rely on small informal groupings like *iqubs* and *idirs*, but these types of groups are not known in many regions and in parts of other regions. Both men and women are then left to fend for themselves or to rely on personal re-

lationships. Many acquire capital from family or through previous employment as maids and in other similar services. Urban migration and the influx of new populations due to the settlement programs have weakened many kinship structures. But even today, family and friends are the most common source of credit.

Of the persons interviewed, no one had ever received credit from a financial institution. To test the availability of financing from formal institutions, the team sent a divorced woman to the Commercial Bank of Ethiopia to request a credit of birr 1,000. She was first asked to produce a license for her trading activity. When she explained that she merely hawked vegetables, she was asked if she owned a house, which she could provide as collateral. In the absence of this, she was told that she would have to bring someone who could provide a personal guarantee for the credit. The Bureau of Trade, Industry, and Tourism in Addis Ababa provides credit up to birr 3,000, but only to groups of 10 unemployed persons with a fixed trading place, necessary equipment, initial capital, and requisite skills. However, these groups require a recommendation from the *kebele* administration where they reside, and this is often difficult to obtain. Thus collateral, in the form of land, house, personal guarantees, or residency requirements, remains a big constraint to accessing credit.

To rectify this situation and to provide more sources of credit to the rural poor, in 1996 the federal government passed a proclamation to license and supervise the business of microfinance institutions (proclamation 40/1996). This new proclamation covers microfinance institutions that grant credit in cash or in kind, with the bank fixing the size of the loan. The commercial code defines microfinance institutions as share companies and allows only institutions registered as companies, and with a license from the National Bank of Ethiopia, to conduct microfinance business. Section 20 also places special responsibility on microfinance institutions to devise and execute policies whereby the low-income sectors of society, especially in rural areas, can obtain credit by providing group guarantees instead of collateral in the form of property.

Box 2.7 Access to Credit

The main forms of savings in the four sites consist of livestock products, petty trading, interest in *iqubs*, *idirs*, chicken, and other small ruminants. Savings are seasonal. Credit is common in all villages. There is no source of formal credit, and households turn to relatives, friends, or money-lenders. Credit in Sidama for women ranges between birr 20 and birr 50; for men, between birr 30 and birr 300. When credit is low (between birr 10 and birr 30), it is usually obtained interest-free; otherwise, the interest rate varies.

Source: PRA in the southern region, 1997.

These legal provisions could affect women adversely. Currently, a number of NGOs implement microfinance schemes for poor women. Other than personal contacts, such schemes are the most common sources of microfinance for rural and urban women. These NGOs could now fall under the purview of the proclamation. If they have to register as companies, and subject themselves to the innumerable restrictions and requirements of the new proclamation, they will probably gradually wind down their operations. Such excessive regulation is likely to hamper flexible and innovative credit programs for women.

Lack of a place for trading and storage limit the diversification or expansion of the trading activity of women in the informal sector. Also, given their lack of legal status, women are subject to the whims and fancies of law enforcers and guards, who chase them away or sometimes arrest them and confiscate their properties. The administrative councils at the various levels—*kebele*, *wereda*, zonal, and regional—allocate trading places. However, a permanent trading place costs birr 2 to birr 3 a day, which is difficult for women whose maximum income, on better days, is only birr 3 to birr 4. A place of trading is a requirement for seeking a trading license or obtaining credit. Thus women identify two legal issues linked to the lack of access to a permanent trading place: first, the requirement that a trading place is needed to obtain a license or credit; and second, the vulnerability and lack of legal protection for women operating informally and with no access to a trading place.

Another constraint is their inability, primarily from lack of knowledge, to obtain a license or permit. The federal government recently promulgated a proclamation (67/1997) streamlining the registration process. Before, applicants were required to produce documents certified by the *kebele* authorities. The new regulation requires only that they submit application forms with the documents, eliminating the need for certification. Applicants are required to provide correct information and, if the information is proved otherwise, are subject to stiff penalty. The reduction in application procedures will benefit women who have greater difficulty meeting requirements, given their low educational status and lack of access to land. The impact on poor

women will, however, be clear only when regional governments pass their own regulations.

Poor women have no access to social security schemes or other social protection measures. Many participate in informal *iqubs* or *idirs*, contributing on average birr 5 a week. These institutions are not registered, and group leaders are accountable only to the extent created by peer pressure. The lack of child care facilities is another constraint that affects women's ability to enter the labor market, even in rural areas (see box 2.8).

Thus, the legal environment does not support women wishing to initiate microenterprises. The procedures are still fairly complicated, which discourages women from applying for trading licenses or trading places. They still lack access to credit through formal institutions and do not have any safety net or security schemes that they can participate in, except for informal institutions like the *idirs* and *iqubs*. In the formal sector, women are underrepresented, and this issue needs to be addressed. The trend is toward wage-paying labor, which could raise a set of gender-related issues.

Access to Land and Natural Resources

Issues related to land and natural resources are of great importance to women, land being a critical productive resource if women are to improve their economic status. More and more women are cultivating and using land and natural resources, although in different ways than men, yet they are denied equitable rights to the use of land. Further, there is greater consensus on

Box 2.8 Lack of Child Care Facilities

While her husband was out in Negele town looking for daily labor, Fatuma went to Negele to work at a grinding mill. She left her one-year-old son in her hut, asking a neighbor to look in on him once in a while. The road was slippery and muddy, and she could not return the same day. Her neighbor, who was busy with her own household affairs, did not look in on the child until late in the evening. Unfortunately, it was too late; the child had died from a snakebite.

Source: PRA in Oromiya, 1997.

public policy in this area: the principles of equitable land reform have been stated in the constitution, a land policy has been articulated, and the draft land distribution bill of the federal government is pending publication. 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. Gender issues in the use, control, and ownership of land are therefore discussed in detail here.

The PRAs indicate that women use land in two ways. They work on land primarily cultivated by male family members, carrying out all work except that related to plowing with oxen. In some cases, they cultivate separate plots of land usually assigned by the husband. Female heads of households, if registered as heads with the peasant association, may acquire and cultivate land in their own right in some regions.

When women work the same land as men, they work equally hard but are rarely involved in marketing or allocating products. But, as stated in the civil code, men manage the assets and, therefore, allocate the products, and women depend on the husband's assignment of products for domestic consumption or marketing. Women's control extends only over the products allocated to them. The participatory rural assessment indicates that women benefit considerably more when they possess land in their own right. They have greater control over products and any income generated thereby. They are able to participate as full members of many agricultural or land-related associations or groups, thereby obtaining access to benefits provided by development projects and programs. Access to land also increases their social status. The participatory rural appraisal confirms and reiterates the close link between socioeconomic development of women and access to land: communities perceive that the change of status from one of tentative land user to one of user with more stable rights raises the income of female heads of household and enhances their social status.

Civil Code and the 1975 Constitution

If the provisions of the civil code are applied, all common property of a household is divided equally by the spouses, and all children have a

right to inherit all property, including land. However, customarily, women are not accorded rights to land. Greater fragmentation of landholdings, 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.

In 1975, the Provisional Military Administrative Council abolished the concept of private ownership of land enshrined in the civil code and declared land to be the collective property of the Ethiopian people. The famous slogan "*Meret Larashu*," or "Land to the Tiller," was translated into law through proclamation 31/1975. All forms of land tenure were abolished, and the size of landholdings was restricted. Peasant associations were established in rural areas to redistribute land with assistance from the Ministry of Agriculture.

This proclamation provided for the allocation of sufficient land for any person and his family, irrespective of sex, who was willing to cultivate the land. Individual households had only usufruct rights over the land they tilled, and these rights could not be transferred by sale, lease, or mortgage. The land could be reallocated periodically by peasant associations in order to rectify any inequalities or to accommodate new claims (Bruce, Hoben, and Rahmato 1993). The proclamation provided for land to be given to the head of the household irrespective of gender (see box 2.9). Where a family included a male spouse, the land would, therefore, be given to the husband because he was, by law, the head of household. Similarly, female heads of household willing to till the land would be given adequate land to maintain their family.

This forced distribution of land seems to have given women some access to land in the long term, as illustrated in table 2.2, based on a survey ("*Land Utilization*") conducted on land used to grow crops (Central Statistical Authority 1996). The total number of landholders is estimated to be 8.7 million (a holder is a person who

Box 2.9 Women's Perception of Access to Land

Women explained that "no woman has desired a portion of land as her own property, and no one has ever given her this. Every household can work on as much land as each can cultivate." Few people have oxen for plowing land, so there is enough for everyone. If a woman has enough strength, and preferably if she has oxen, she can cultivate the land, and she will be able to control the produce, even though she cannot own it. In practice, women say that neither do they have the time or the energy to clear land with hand tools nor do they have the oxen or labor resources.

Source: PRA in Oromiya, 1997.

manages the operations of the agricultural holding and makes major decisions regarding the use of available resources). Of these, 82 percent are male, while 18 percent are female. Although advantageous to a few female-headed households, the 1975 proclamation reiterated the dependency of women by giving them access to land only as heads of household or through their husband and other male relatives.

The 1995 constitution continues the state ownership of both rural and urban land (article 40[1-8]). Ownership of both rural and urban land is vested exclusively in the state and in the people of Ethiopia and is not subject to sale or other means of exchange. To rectify the injustice against women, the constitution provides equal rights to women for the use, transfer, administration, and control of land. Persons who wish to earn their living by farming have the right to use land freely. Moreover, Ethiopian pastoralists have the right to free land for grazing and cultivation. Every Ethiopian has full rights to the

immovable property that he or she builds and to the permanent improvements brought on the land by his or her labor or capital. This right includes the right to alienate, to bequeath, and, where the right of land use expires, to remove such property, transfer title, or claim compensation for it. The implementation procedures are to be determined by law.

The federal government has the power to enact laws for the use and protection of land and other natural resources, whereas the responsibility for administering land rests with the regional states. The federal government issued a proclamation on rural land administration in July 1997 (pursuant to the constitution, which vests the power "to enact laws for utilization and protection of land and other natural resources, historical sites, and objects"). The law is brief and provides directions for the administration of rural land. Two of the 12 subarticles of article 6 are related to women. They require that regional land administration laws be free from gender discrimination, clearly reiterating the public policy of gender equality. They require that women be permitted to hire workers or to cultivate their holdings in the manner that they choose. They require that the system of allocating landholding rights be transparent and fair and that decisionmaking be participatory. Finally, they require that peasants, especially women, be involved in the allocation of land.

Amhara Land Proclamation

The Amhara land proclamation aims to achieve a single and final redistribution of land (proclamation 89/1997). It has a number of provisions that benefited women and will also be of educational value to other regions wishing to enact such proclamations. Thus, even though

Table 2.2 Patterns of Landholding in Ethiopia, by Region and Gender, 1995

Region	Total number of holders	Male		Female	
		Number	Percent	Number	Percent
Amhara	2,583,810	2,139,600	83	444,200	17
Afar	28,260	26,050	92	2,210	8
Oromiya	3,312,930	2,751,100	83	561,830	17
Gambella	23,870	18,700	78	5,170	22
Southern	1,960,410	1,615,800	82	344,610	18

Source: Central Statistical Authority, 1996.

land allocation has already taken place in Amhara, it is discussed in detail here.

Under this law, the peasant associations would provide each new landowner with a legal certificate of landownership. The proclamation defines the right of possession to include the right to use, rent, sell, exchange, or bequeath property. Article 4 restricts possession to members of peasant associations. The criteria for distribution is not specified and is left to the determination of committees formed at the level of peasant associations.

The proclamation does not allocate land only to those prepared to till it. Therefore, it will no longer be possible to deny women land rights on the grounds that they will not till the land. However, a word of caution must be expressed, because agriculture and possession are still linked in some cases. Women (presumably those who are not administering families), small traders, and town dwellers are entitled to land only if their "livelihood depends on agriculture." Also, persons engaged in small-scale craft activities in rural localities are entitled to land only if they are not "separated from agricultural activities." These terms are not defined and were left to the interpretation of the *kebele* administrators. The impact of the application of provisions on women's access to land needs to be studied further.

Another interesting fact is that the proclamation does not use the term "household," at least in the English translation. Instead, it uses the term "social institution," which is defined as a unit that is operated under the responsibility of a man or a woman. The introduction of the concept of a family administrator (proclamation 89/1997, sec. 11), as opposed to a "head of household," could assist in overcoming any legal difficulties encountered: because, although the civil code makes the husband the head of the household, it leaves the position of family administrator negotiable between the spouses. If land is to be registered in the name of the head of household, the peasant association would legitimately need to register it in the name of the husband, irrespective of whether he lives in the household or not, unless and until the civil code is amended. However, given the new concept of a family administrator, land could be registered in the name of the woman who controls the land, although

traditionally she may not be perceived as the head of household.

Given these positive revisions, more women should have access to land. *Prima facie*, this seems to be correct. According to the regional women's affairs bureau and the Amhara Council, a total of 554,889 family heads have received rights to land, of which 129,677, or about 23 percent, are women. Clearly, the more flexible eligibility provisions seem to have benefited women, but greater in-depth inquiry is needed to confirm this tentative conclusion. Despite this, the land proclamation raises some gender concerns at a theoretical level.¹⁴ Three sets of concerns may be raised related to eligibility provisions, criteria for entitlement, and dispute settlement mechanisms.

Eligibility provisions. The Amhara proclamation (sec. 11) gives the following persons the right to hold land in the rural *kebele* in which they dwell:

- Heads of household who administer families
- Couples who married before 1996 and have been living together in their own house
- Pensioners who attained marriageable age earlier and have been married or, due to lack of money, could not marry and have been working as servants in the house of others in the rural locality in which they dwell
- Women who live in a rural locality and make money for a living in rural localities and whose means of subsistence is based on agriculture
- Small traders who live in a rural locality and whose livelihood is based on agriculture
- Town dwellers whose main source of livelihood is based on agriculture
- Pensioners who live in rural areas and whose livelihood formerly depended on their landholdings
- Publicly elected representatives whose basic means of existence depends on agriculture but who are serving in positions of responsibility in urban centers
- Persons who moved away from other rural peasant associations and have resided no less than five years in the peasant association where they now live, have decided to remain in the same place, and can provide documentation that they do not hold rural land in their name where they formally resided

- Persons who without being separated from agricultural activities have been engaged in small-scale activities in rural localities.

Customarily, single adult women have always had little access to land. Single women are expected to move to their husband's village once they are married. Peasant associations are, therefore, reluctant to allot land to them, because such land may remain uncultivated. The Amhara proclamation now permits land to be assigned to adults who have not established independent households but leaves the determination of eligibility to *kebeles*. Technically, this provision would constitute a basis for granting land to single women, but it is not clear whether single women have received land in Amhara.

Divorced women have also not had independent access to land. They are expected to return to their village after their divorce. If they continue to reside in their husband's village, they would have difficulty remarrying, because most males would be related to their husband. For the same reason, they would have difficulty obtaining assistance from male villagers to cultivate their land; neither would it be possible to get their own family members to help them with the cultivation. In order to avoid social conflict, peasant associations follow an unwritten rule of not assigning land to divorced women in their former husband's village. Under the new proclamation, divorced women, not being administrators of families, have access to land in the initial distribution only if they qualify under one of the eligibility provisions: they must be making money in the rural locality, engaging in small trade and living in a rural area, or engaging in small-scale craft activities; in addition, their livelihood must be based on agriculture. Also, technically if the marriage lasted for five years, they could also qualify by having moved away from their peasant association and lived in the current peasant association for more than five years. Once again, there is little information to indicate whether divorced women have been given access to land under these provisions.

Moreover, even if initial land is granted, women who are divorced or become adults after the land is distributed would still suffer until the customary rights pertaining to inheritance or divorce are changed. Issues related to single and divorced women need to be reviewed and

monitored closely, because exclusion of single or divorced women could be challenged on constitutional grounds.

The land proclamation should also benefit Muslim women, because they now gain access to land at least during distribution, a right the PRA indicates they did not have under customary laws. This is because they can now be considered family administrators, even though they are not heads of household. Married women in polygynous households should benefit from the new proclamation.

One lacuna in the proclamation is the failure to specify how land should be registered. In the absence of clear directions, and since, both by customary law and under the civil code, the husband is deemed to be the head of household, in all cases where the spouses are together, land is registered in the name of the husband, and he is in full control of the land. However, the introduction of the family administrator in the Amhara proclamation could protect the female head of a household but reiterates the dependency of the married woman on her husband. Moreover, in the event of divorce or death of the husband, women are easily dispossessed of any rights to use the land. Women would be much better protected if the proclamation also required *kebeles* to ensure that land is registered in the name of both spouses, where both spouses live together in a household, and to enforce a rule that neither spouse alienates such land or deprives the other of it without the consent of the other.

Criteria for land allocation. The land proclamation is silent on the criteria for land distribution, which is in the hands of *kebele* elders. In the past, this has created problems. It has been alleged that land is allocated due to favoritism and inaccurate measurement (Amare 1995). Social status and economic resources are important in influencing the pattern of land distribution. Many peasants have claimed that *kebele* officials, their relatives, or those who have wined and dined them have received favorable treatment. According to the Amhara Women's Affairs Office (1997) in its document on gender problems and priorities, female-headed households have smaller pieces of land than male-headed households. Although 80 percent of the female heads of household have less than 2 hectares of land,

and 5 percent have between 2 and 4 hectares, 57 percent of men have less than 2 hectares, and 31 percent have between 2 and 4 hectares. The differential in size can perhaps be attributed to the absence of the husband, an adult member, when considering the area for land distribution, and the tradition that husbands are allocated the largest share. The failure to provide guidelines for determining equitable criteria for land distribution could operate against the interests of women and other vulnerable segments of the population, particularly in regions where customary practices do not give such groups any rights to the land.

Dispute settlement. Disputes relating to land are settled by arbitration at the *kebele* level, and such decisions are final. *Kebele* elders, likely to be all male, naturally reflect the traditional bias against the possession of land by women. As stated earlier, the proclamation is not clear about the meaning of the phrase "without being separated from agricultural activities." If interpreted traditionally or narrowly, this could have an adverse impact on women, because in Ethiopia, agricultural activities are normally defined within the context of land practices that equate "personal cultivation" with oxen plowing, a male activity. The *kebele* committee may interpret such terms, not defined by law, consistent with traditional practices, thereby limiting women's access to land, and such a decision is final (see box 2.10). If the *kebele* arbitrators refuse to apply the civil code provisions, which confer greater property rights on women, and instead chose to apply more inequitable customary laws, women cannot appeal against such a decision.

Thus, even though the Amhara proclamation does not discriminate on the basis of gender, its gender-neutral provisions in a gender-biased customary context could have an inequitable impact. Two issues become important here. If regional governments are committed to gender equity in access to land, they should study the Amhara land proclamation, and if possible its impact, before drafting their own regional enactments. Also, peasant associations should receive gender-sensitive guidelines for formulating criteria for land allocation. Otherwise, the impact may, perhaps, remain only marginal.

Box 2.10 Women's Perceptions of Dispute Settlement

Disputes in the family or community are settled by the *kebele* council in accordance with customary laws. There are no formal clan leaders. The *kebele* officials are elected by the whole village, including the women. In one community, a female *kebele* representative has been elected. However, the primary function of the council is to settle disputes, and because this is not a traditionally accepted role for women, most women themselves see the election of a woman as meaningless.

Source: PRA in Gambella, 1997.

Also, having more rights to hold land will not be effective unless women have the additional support they need to use such land effectively, ensuring agricultural diversification and intensification. Without such support, women are likely to alienate their lands by giving them to fellow cultivators either through sharecropping arrangements or through sale. Given their weak bargaining positions, women rarely receive appropriate or adequate consideration for such transfers. Although not a legal issue, current policy on extension focuses mainly on male-dominated activities, ignoring the needs of women in agriculture. Even female development agents reportedly tackle similar agricultural issues but also target women in households in the area of home economics. Also, extension services are normally channeled through contact farmers. In Gambella, for example, the 39 contact farmers are all men. This lack of access to extension services is a severe constraint for women, and one that should be addressed, simultaneously, if land reform is to benefit women.

Use of Urban Land and Land for Investment in Oromiya

Oromiya has not issued a proclamation on land distribution but has enacted two laws, one relating to urban land and the other relating to acquisition of rural land for investment activities (regulations 1/1995 and 3/1995). The law on urban land provides all Oromiya residents with 200 square meters of urban land to construct a dwelling. The law on rural land for

investment permits the state to lease land to investors upon approval by the Oromiya Regional Investment Board, which was created by the investment management proclamation (2/1995). The investment board may obtain its information on the availability of unoccupied land from zonal and *wereda*-level investment committees. Further, the regulation permits land to be granted free for projects deemed of special importance on the basis of the investor's contribution to the area's environmental protection or promotion of public services. Since Oromiya has not passed a land distribution law, it is too early to anticipate whether this promulgation will have any gender-disaggregated impact. However, the allocation of land for investment will reduce the total amount of land available for distribution and may force women to cultivate marginal land. Therefore, the criteria for land distribution and the allocation of land for investment are critical. The regulations will have to provide transparent procedures for allocation that do not adversely affect women.

In the area of land, the issues are clear. Provisions related to eligibility for land, criteria for land distribution, and procedural issues like dispute settlement will have to be reviewed closely to ensure that they are consistent with the constitutional promises and that regional proclamations do not have a discriminatory impact on women's access to land. Simultaneously, although not a legal issue, extension services must also reach women farmers if the legal changes are to be effective.

Natural Resources and Informal Social Security

Poor women rely to a greater extent than men on common-property resources for their household subsistence needs (Blomback and Hadera 1995). These include the use of biomass for cooking, the sale of any surplus, raw food, or fodder for livestock, medicinal plants for health ailments, and raw materials for a variety of small household tools and articles. Such products provide an economic buffer for women, particularly in the lean season, as well as contribute to the household subsistence economy. Degradation of land, population pressure, deforestation, and conversion of land to farmland are some of the

factors that have reduced the effectiveness of such informal security provisions and have had an adverse impact on the economic status of poor households, in particular on women's economic activities.

In 1994 the transitional government established three types of forest ownership: state, regional, and private (proclamation 94/1994). All protected forests are state forests, directly controlled by the federal government. Regional forests are under the control of regional governments, and separate bureaus have been established to develop policies related to these natural resources and the environment.

The proclamation restricts the use of state and regional forests, except in accordance with the management plan approved by the ministry or the appropriate regional body. To use the products of a protected, regional, or state forest, a person needs to obtain a written permit from the ministry or the appropriate regional body. The proclamation permits the government to impose appropriate fees for the use of forest products in an amount necessary to satisfy domestic needs. Where a person operates without such a permit, he or she may be punished with imprisonment not exceeding two years or be fined not more than birr 5,000. Any forest product harvested without such a permit may be seized. This rule applies even to native inhabitants of land declared by the government to be regional forest. In the case of protected forests, an appropriate body must issue permits even if beehives are to be stationed on the land.

Currently, the poor are completely prohibited from accessing forestland. Permits have to be sought to collect a bundle of firewood or even a wild fruit from the forest. It is ironic, but true, that larger industries can obtain the necessary permits to use forest products, while poor women cannot. In most cases, however, regional governments are still drafting proclamations within the broad policy framework established by the federal government. Such regulations are critical, because they will determine the rights of poor communities as opposed to those of larger trading entities. Although there is no doubt that strict conservation measures need to be taken, given the state of Ethiopia's environment, regional governments will need to draft forest regulations, balancing the needs of the

environment with those of the poor who exploit it to survive.

Laws Governing Organization

Women need to have the ability to participate in development activities, and facilitating processes are needed to enhance women's participation in development interventions. A legislative framework is needed to enable poor women to access information and participate in the design and implementation of development projects. Once again, this is a regional issue, because the federal government has already established the broad national framework.

Development experience indicates that groups are effective instruments for seeking women's views and ensuring women's participation in development interventions. Group formation also assists in fostering a sense of solidarity on common issues and provides an atmosphere in which members of the group can deal with unfamiliar institutions and processes. There are two organizations for popular participation: those that are representative in character, like peasant associations and NGOs, and those that facilitate the direct participation of women, like the more formal agricultural cooperatives or the relatively informal self-help groups like *idirs* and *iqubs*. As the participatory rural assessment and other studies have indicated, women are much more active in the latter than in the former.

Peasant Associations

Kebeles in urban areas and peasant associations in rural areas are small village-level bodies that help to deliver services to rural households. Peasant associations provide a link between the state and the peasants and are responsible for enforcing the directives from government ministries.¹⁵

Peasant associations are sometimes the only association in a remote area, and government departments like the Ministry of Agriculture deliver services through them. During the last regime, women's representation was achieved through women's associations that were established as wings of the peasant associations. But these were viewed negatively because these as-

sociations levied large fees for which members did not receive adequate benefits. Therefore, women's associations have fallen into disrepute. Currently, only women heads of households are members of peasant associations, and other women do not participate either in meetings or in discussions. However, each association has a development committee headed by the association's chairperson. This committee guides all activities funded by external resources and normally includes persons from different walks of life in the village. Traditional birth attendants and community health workers (many of whom are women) normally participate in such committees.

Since these associations are essentially state-controlled associations that perform specific state functions, they are perceived as being under government control and, in some cases, prone to nepotism and corruption. This considerably weakens their ability to function in a representative manner. Today, regions are enacting region-specific promulgations for administrative levels below the *wereda*. Thus, in Oromiya, for example, article 85-95 of the regional constitution governs establishment of *kebeles* and peasant associations. If such proclamations can introduce greater transparency and accountability, these village-based associations hold tremendous potential for catalyzing development activities. Also, it is not clear yet whether *kebeles* need to register to acquire legal status, and this becomes an issue when using them to channel funds in development interventions.

Nonprofit Organizations

Article 31 of the constitution provides the right to form associations for any cause or purpose as long as the activities of the association do not violate the rule of law. The civil code defines an association as "a grouping formed between two or more persons with a view to obtaining a result other than the securing or sharing of profits." These associations or groups that are nonprofit in nature could fall within the definition of an "association" in the civil code.

The legal regime governing NGOs is unclear, which constrains their ability to participate effectively in the development process. In fact, there is no consistent rule on registration. Un-

der the civil code, such associations should be registered with the regional Office of Associations. If implemented, this requirement would place constraints on grassroots women's groups. The Office of Associations only exists at the central and regional levels. It is therefore virtually impossible for grassroots men and women to gain access to it. Moreover, the current process of registration is tedious, and "obtaining any decisions from the Office of Associations is difficult and highly bureaucratic" (Molla 1997). However, new NGOs are sometimes required to obtain clearances from entities at the central, regional, *wereda*, and *kebele* levels. Also, because the precise requirements are not clear, NGOs are repeatedly asked to return with different types of information. Although none of these may be deliberate attempts to discourage NGOs and may merely be the acts of bureaucrats protecting themselves in an unsure legal regime, the existing framework is neither transparent nor conducive to the effective functioning of NGOs.

The 1994 proclamation on agricultural cooperative societies aims to enhance the role of societies (Berhanu 1995). This proclamation permits the formation of a primary society or organization by a minimum of 10 members who are living in a territorial unit in rural areas. The members may jointly determine the type of activities in which they will engage. The specific objectives of a society are:

- To improve the living condition of members by increasing production and productivity
- To promote self-reliance among members
- To solve problems collectively that a peasant cannot solve alone
- To enable members to obtain easily and at a fair price modern technologies and products capable of increasing agricultural production and materials necessary for their livelihood
- To satisfy the needs of a community and increase the income of a peasant by processing agricultural production and obtaining materials necessary for their livelihood easily and at a fair price
- To promote the culture of members by teaching and training.

Although the proclamation prohibits discrimination on grounds of gender, a person may be eligible for membership only if he or she is

regularly involved in agricultural activities. In the south, the ongoing restructuring attempts to turn cooperatives into commercially viable units and, therefore, charges an initial membership fee of birr 25. As a result, usually only one person in a poor household—usually the male head—joins the cooperative, although the prohibition on voting through representatives means that if women heads of household are members, they would have to attend meetings in order to exercise their votes.

This proclamation also allows for the creation of smaller cooperatives below the level of peasant association—a provision that could help women to form small, legally recognized groups. However, this potential can be tapped only through issuance of new regulations.

Self-Help Groups

Ethiopians have a long tradition of forming groups for mutual support. The most common groups are *idirs* (funeral associations), *iqubs* (rotating savings and credit associations), *debo* (labor-sharing arrangements), and *maheber*, *senbete*, and *tertim* (religious associations) (Molla 1997). Women's indigenous groups are common, albeit to varying degrees in different regions; usually they are small and very informal.

An *idir* is a group created by neighborhood members to discharge some social obligations jointly at time of crisis or event of celebration. Such associations have written by-laws, and leaders are elected by members, who are obliged to contribute money or service. *Idirs* need not be registered, as they do not need any legal personality to function. However, if they undertake activities that could create legal consequences to third parties, registration may be mandatory. Many *idirs*, however, continue to register in an effort to decrease the chance of mismanagement. The Office of Associations, which is now disbanded, used to register *idirs*, and registration is now handled by the Ministry of Justice.

Iqubs are traditional savings institutions. Each member of an *iqub* makes a periodic payment (the amount contributed is determined by the members). The money collected each period is paid to a member, the order of payment being determined by lottery; the rotation continues until everyone receives the amount he or she

contributed. The institutional status of *iqubs* is difficult to define under the law, because they are rarely registered. There have been several court cases because members who collect contributions sometimes disappear without discharging their obligations. In most cases, the court defines such groups as having contractual relations and thus employs the law of contracts.

Because *idirs* and *iqubs* are not required to register, they do not constitute separate legal entities by law. They are unable to enter into contracts as a group, and liability remains with the individuals who sign the contracts on behalf of the group. There is no requirement to maintain accounts or proper records. These features are determined by the group itself. Although this flexibility is an attractive feature, there is a need to ensure a minimum level of formality, if these self-help groups are to deliver development services. The lack of legal status currently detracts from the tremendous potential role that these self-help groups have to play in development activities for the poor, and in particular for women, who often participate in such groups more than in formal ones.

In conclusion, the law does not facilitate the participation of women in the design and implementation of development activities. In some projects like the Ethiopian Social and Rehabilitation Development Fund, this legal limitation has been overcome by requiring participating groups to meet publicly, to draft minutes of meetings, and so forth. Although this does not give the group a legal identity, it is acceptable when the group comes together for the temporary purpose of supervising and managing a subproject. But, when the activity requires long-term management of funds or generates income, greater accountability is essential, and a facilitating legal framework is important. The broad legal framework has been established with promulgation of the agricultural cooperatives societies proclamation. However, the regions are yet to pass enabling legislation. This is important. Also, it would be useful to see whether *idirs* and *iqubs* could obtain separate legal personalities if they comply with minimal registration procedures. Another important issue relates to peasant associations. These exist at the village level but are unable to play a full role in village-level development activities because they are not

representative. Last but not least, the legal regime for operating NGOs must be clarified. It is understood that this is already under consideration.

Access to Remedies for Settling Disputes

Appropriate and accessible remedies are critical, if women are to enjoy their rights. Delays and obstacles in enforcement can negate women's rights. In Ethiopia, there is a dual system of dispute settlement. For all disputes concerning betrothal and marriage, the civil code vests powers in family arbitrators. For all other matters, the conventional or formal judicial system has jurisdiction.

Judicial System

The judicial structures are similar in most regions. Each region has supreme, high, and *wereda* courts established by proclamation. Besides their judicial function on matters of regional competence, regional courts exercise powers on behalf of federal courts. This will change when the House of People's Representatives establishes parallel federal courts in the regions according to the constitution. The jurisdiction of these civil courts extends to all matters, including appeals from decisions of family arbitrators. Women rarely approach the civil court system. Steeped in illiteracy, and without any legal aid, rural women have little or no access to this formal dispute-settlement process (see box 2.11).

Family Arbitration

The practice of family arbitration was inspired "by the idea that judges who are appointed by

Box 2.11 Access to Remedies under Gada Principles

Men say that *gada* principles strictly control men's behavior 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.

Source: PRA in Oromiya, 1997.

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* (Aklilu 1973: 176).

The system of family arbitrators is meritorious in that it provides 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, their scarcity in urban areas, their lack of power to enforce a decision, and their deliberate postponement of a decision to obtain increased remuneration (see box 2.12). Insofar as they affect men and women differently, these issues are discussed below. This analysis is also strengthened by a rapid appraisal, conducted in Addis Ababa, that clearly manifests the discontent of women with family arbitrators.

Traditionally, family arbitrators or *shimagales* (wise old men) were almost always men. An Ethiopian study cites a sample of 508 *shimagales* in which three were women (Beckstorm 1969). In all seven case studies conducted in Addis Ababa, arbitrators were men, and wives felt that their former husbands were able to develop a

better rapport with the arbitrator, who supported a decision that benefited the husbands.

One of the perceived strengths of family arbitration is that the disputants select arbitrators who are personally known well-wishers and presumably have the interests of the couple above all else. These arbitrators are expected to have a vested interest in preserving an image of impartiality and fairness within the community where they live. It is therefore likely that decisions will keep the joint interests of both parties in mind. However, as early as 1968, this no longer held true in urban areas, where arbitrators without any personal connections to the parties were holding parties for ransom (Beckstrom 1969).

The participatory rural assessment conducted in Addis Ababa revealed that none of the arbitrators was a marriage witness or family friend. They knew neither the couple nor the case. According to a study conducted by the Ethiopian Women Lawyers Association (1996), most family arbitrators assigned to disputes were people living near the court.

The trend toward having strangers act as family arbitrators has introduced the practice of remuneration. Beckstorm comments that the "tradition and a sense of pride [had] militated against [remuneration] being given and received" and cites a survey conducted in three towns in which only four out of the 105 divorce

Box 2.12 Dispute Settlement

Nuria, age 22, married her husband according to local custom. She made a home for them by making a shelter with straw and covering the entrance with her shawl. They worked very hard and soon built a grass-roofed hut for themselves. They then started a tea shop in an extension to the hut. When this business flourished and they had saved enough money, her husband started to express dissatisfaction with her because she could not have children.

One day, he asked a girl who worked at their tea shop to move in with them. The neighbors advised Nuria to send the girl away because her husband was having an affair with her. When Nuria did this, her husband beat her so badly that she had to stay in bed for days. And the girl came back to live with them. He told Nuria that he had taken on a second wife because Nuria had not given him any children. He then took all the savings, built a tin-roofed house

next to the old one, and moved there with his new wife. He refused to give Nuria any money.

Nuria approached the *kadi* (Muslim religious leader) from her village who had blessed their marriage. The *kadi* reminded the husband of his responsibilities, but he would not listen. The *kadi* then told Nuria that there was nothing more he could do and advised her to approach the courts. Nuria moved out of her house and found a room to rent. She bought local liquor from wholesale dealers and retailed it to support herself. She could not appeal to the court unless she paid a fee of birr 25, which she did not have. Now, she is a member of an *ikub*, and when she gets her share, she plans to return to her family where she will be considered a failure and an embarrassment.

Source: PRA in Oromiya, 1997

cases involved remuneration (Beckstrom 1969, page 291). However, this is not true any more. "Practice has shown that arbitrators demand extremely unfair remuneration, make immoral demands on the wife, take years to reach a decision, refuse to accept the revocation of their appointment, and do not seem to succeed at reconciliation" (Ethiopian Women Lawyers Association 1996). A case is cited in which the arbitrator's fees was 30 times the equivalent court fees. Also, three out of the four cases resulted in the husband making the payment and gaining greater advantage at the end of the process. The participatory assessment conducted in Addis Ababa further validates this fact, revealing that professional family arbitrators often do not function unless they are remunerated. It is common practice to pay at every or at every other meeting. The fees depend on the status of the couple, ranging from birr 200 to birr 16,000.

Moreover, the absence of family well-wishers acting as arbitrators could reduce the chances of reconciliation between spouses. Only 3.4 percent of all cases examined by the Ethiopian Women Lawyers Association led to reconciliation between the spouses. Although in the absence of a systematic study, it is difficult to assert that reconciliation was made less probable by the involvement of strangers as arbitrators, such a link is possible.

Also, family arbitrators are not required to have legal training. This sometimes works against women. This is particularly true given the wide divergence between customary rules and the provisions of the civil code. For example, despite the provision in the civil code requiring equitable sharing of property between spouses, women rarely receive their full entitlement. A review indicates that in none of the cases brought to the court over the past eight years did women receive 50 percent of the common property. The rapid survey also indicated that this seems to be the case when the family arbitrators are appointed outside the court. In the case of Bezunesh Hussen, the family arbitrators awarded her birr 1,000 of her *nikah*, plus an additional birr 500, although the household owned three shops and other properties. Although it is true that the decision of a family arbitrator in ignorance of the law could be "illegal" and subject to court review, it is almost impossible for

women to apply for such a declaration of irregularity given the process of judicial review.

Procedural irregularities are also seen in the case of family arbitration. The civil code requires arbitrators to pronounce divorce within one month in serious cases of divorce and one year in other cases, which may be extended for up to five years. In all cases, the civil code requires that supplementary judgment be provided within six months of the date of judgment of divorce. Because payment is connected to duration of the case, the family arbitrator has an economic incentive to prolong the case. Among the seven case studies prepared by the participatory rural assessment in Addis Ababa, the time for settlement averaged around two years, with one case pending for the last 10 years.

Spousal maintenance is not recognized under Ethiopian law, because women are entitled under the civil code to half of the household's common property upon termination of marriage. However, arbitrators may allow some form of interim maintenance (or right to access the common property) during divorce proceedings. There are no rules for determining interim maintenance, and, therefore, women who are often in great need and may be thrown out of their homes receive little support during the pendency of divorce proceedings. If awarded, interim maintenance is usually very low and does not involve allowances for needs such as education, medicine, or clothing. Women without children, for example, may receive a food allowance if they agree to return it once the property has been settled. Given the absence of guidelines, the food allowance in Addis Ababa varies significantly, ranging from birr 46 for a woman and her daughter to birr 700 for another woman with two children (Hailu and Mekonnen 1997). Another study revealed that only four out of 105 women received an interim food ration (see Beckstrom 1969). An additional constraint identified by women is that the food allowance is provided only up to the time of divorce and not until the property is shared. Moreover, because the law confers management of property on husbands, the husband may continue to use the common-property resources for food allowances as he wishes.

To conclude, the family arbitration system provides a dispute-settlement system that is rela-

tively more accessible to poor women in Ethiopia than in countries where the only recourse is the formal judicial system, and it is certainly a culturally acceptable mode of dispute settlement. However, the system as it has evolved is not without problems and does not provide quick or proper justice to poor women. The system needs to be revised so that it does not compromise its advantages and is more gender-sensitive (some regions are reportedly reviewing the possibility of establishing family courts to tackle the issue).

Notes

1. Ethiopia has ratified the Convention on the Political Rights of Women; Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery; Convention Concerning Discrimination in Employment and Occupation; Convention on the Elimination of All Forms of Discrimination against Women; and Convention for the Suppression of the Traffic in Persons and of the Exploitation of Others. Ethiopia has not signed the Convention on the Nationality of Married Women; Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages; Convention against Discrimination in Education; and Convention Concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.

2. Property owned by spouses, whether acquired before marriage or through succession, donation, or exchange of personal property, remains personal property. Property donated or bequeathed to spouses jointly, together with their incomes and salaries, constitute common property. Property acquired during marriage is common property, unless family arbitrators declare it to be personal property.

3. Richard Pankhurst traces the origins of the husband being the head of the household to the injunction of St. Paul in Ephesians 5: 22–24: “Wives, submit yourselves unto your husbands, as unto the Lord. For the husband is the head of the wife, even as Christ is the head of the Church” (Pankhurst 1992: 69)

4. “Putting the wife in a socially lower position and at the same time giving her equal rights [with the man] to their property with the proviso that one of them could administer the property of both smacks of bad faith” (Mesfin 1972: 32, cited in Tadesse 1996).

5. A contract of marriage is valid if it is witnessed by four persons: two for the husband and two for the wife. In rural areas being head of a household means that the husband has the power to determine

the first allocation of household resources. Thus, for example, the husband allocates any agricultural produce from household land. Once allocated, the wife controls the portion allocated to her for household consumption.

6. Admittedly, the civil code imposes a number of restrictions on the controlling spouse to manage the property judiciously. It prohibits either spouse from alienating any part of the common property without consent of the other or in a reckless fashion during pendency of the marriage. In case of reckless management, the other spouse can ask the court for responsibility to manage the property or to ask the employer to redirect the salary.

7. In dividing property, family arbitrators may consider all “circumstances of the case,” particularly “the importance and the gravity of the faults by reason of which the divorce has been ordered” and the morally reprehensible nature of the petition for divorce. Where the divorce is not for a serious reason, the family arbitrator may apply the above penalties to the divorce petitioner.

8. In 1975, out of a total of 3.5 million married men, 3.2 million were monogamous, 320,000 had two wives, 28,200 had three wives, and only 4,000 and 1,000 had four and five wives, respectively (Central Statistical Authority 1975, cited in Haile).

9. The Council of Constitutional Inquiry consists of 11 members, including six legal experts appointed by the president of the republic upon recommendation by the House of People’s representative. It is understood that this council is still being constituted, after which, the process for invalidation will need to be established. The House of Federation (Upper House) designates three of its members to sit on the council.

10. The House of Federation is the upper house of the federal parliament representing nation and nationalities. Its major function is to check the balance between federal and regional powers and also regional harmony in accordance with the constitution.

11. The legal basis for the applicability of discriminatory customary laws is not clear, particularly since no exemption is provided in the constitution. It probably will ultimately need to be determined by the House of Federation.

12. It is understood that the government is reviewing the situation and that legislative amendments may be expected in the near future. This will assist in operationalizing the promise of equality in the constitution and in clarifying areas of uncertainty.

13. The largest employer of women is the public sector. A 1981 survey by the Ministry of Labor and Social Survey indicated that out of a total of 256,657 permanent employees, only 50,820 were women. Out of a total of 57,185 temporary and contract workers,

only 7,806 were women. In the private sector, the situation is no better. Out of a total of 16,829, only 4,631 were women. However, this report limits itself to the informal sector where the majority of women work.

14. Given the tensions created by implementation of the land proclamation, the regional steering committee in Amhara requested that land distribution issues not be discussed during the participatory rural assessment. This was respected.

15. These associations may initiate economic and social development activities of their own. The peasant association also has a social court or a judicial organ that functions as an independent organ of the *kebele*. These social courts are authorized to hear dis-

putes involving land, theft, deforestation, and other personal issues. They also have a defense team that can enforce judicial decisions and protect the security of the locality. In addition, a development committee is responsible for mobilizing peasant labor for rural development works (planting seeds, clearing feeder roads, and so forth). The peasant association council may issue social regulations and ensure their implementation, if these regulations are not in conflict with directives issued by higher councils. The peasant association consists of village households and acts as the general assembly that elects an executive committee. However, peasant association leaders are often hand-picked rather than elected.

3 *Institutional Constraints on Implementation of the Women's Policy*

Gender-sensitive development planning is as important as a sound legal framework for encouraging all-around gender-responsive development. A sound legal framework is a crucible within which other factors must coalesce, and gender-sensitive development planning is critical, if the development benefits and opportunities are to reach the large numbers of relatively poor and uneducated women, particularly in rural areas. Gender concerns should be incorporated systematically into development planning, be part of the policy dynamics, and take root at the different levels of policy formulation.

However, the institutional arrangements for development planning in Ethiopia are not yet participatory, particularly below the zonal level, and the nongovernmental sector is still not effective. The result is gender-neutral development. Empirical evidence from other countries indicates that gender-neutral planning has given rise to repeated discrimination against low-income groups. The explanation for this must go beyond the biases of individual practitioners to the process of development planning itself (Moser and Levy 1986).

Implementing the women's policy involves institutionalizing a gender perspective in planning and implementation of development strategies, plans, and projects and requires a framework of five mutually supportive and reinforcing sets of conditions (World Bank 1996):

- A regional gender policy or strategy
- A suitable organizational structure for planning and implementation
- A sensitive process of development planning and implementation
- Coordination with nongovernmental sectors
- A budget for policy implementation.

Regional Gender Policy or Strategy

Regional governments have for the most part been unable to concretize the women's policy into an implementable package of programs and projects or to incorporate gender concerns and issues into mainstream development plans. This is part of the reason for the difficulty in implementing the women's policy.

The absence of such an action plan or strategy results in the failure to recognize the critical link between planning and women's requirements and to develop new and innovative ways to reach women and address their perceived needs. First, without such plans or strategies, regional governments assume that general poverty reduction or development programs, in addition to some welfare-oriented projects in the education and health sectors, will be adequate to benefit women (welfare-oriented projects, which have women as the main beneficiaries, were initiated widely by international and relief agencies soon after World War II; see Moser and Levy 1986: 10). Thus, in most regions, there

is limited focus on maternal health and child care, education of girls, and provision of water supply. Also, all regions have credit and training programs targeted at women and financed by donors. Second, 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. For example in Afar, the urgent priority is health; in Gambella, it is enhanced economic opportunities; and, in southern regions, it is development of indigenous technology for preparing *enset* (a local bread). Yet, development interventions are similar in all regions and do not adequately respond to or incorporate women's priorities. Third, in all regions, programs tend to channel benefits through similar groups or associations. For example, all regions have credit and training programs or projects targeted at women and financed by donors; these are identical (such as UNICEF programs) and are delivered similarly in all regions. However, while in one region, some of these programs may reach women, in others, they do not.

The absence of a considered strategy can also lead to investments in interventions that do not respond to the priority needs of the targeted beneficiaries and do not necessarily reflect a wise use of scarce capital resources. Such unplanned investment could decrease the level of commitment and weaken the sustainability of activities. This project-based approach has left interventions for women fragmented, ad hoc, and often determined by availability of funds from external donors or NGOs.

The Amhara draft strategy critiques the way in which institutions are responding to women's needs and observes that planners assume that projects helping men also help women. If the beneficiaries of development interventions are not gender-disaggregated, men tend to obtain most of the benefits. During implementation, male participation is equated with community participation, excluding women's voices. Further, most implementors are men. At the monitoring and evaluation stage, gender-sensitive indicators are few or absent. Most institutions regard gender issues as the sole responsibility of women's affairs offices and, where they exist, services for women are not integrated into mainstream activities; they are kept separate. For ex-

ample, in the Southern Regions, extension services to women are planned by the home economics unit in the agricultural bureau of the agricultural department, while mainstream extension services are organized by other units in a gender-neutral fashion and typically reach only male farmers (see box 3.1 for perspectives on community groups).

Suitable Organizational Structure

The apparatus for implementation of the women's policy has been established in most regions. This consists mainly of a women's affairs bureau and separate women's affairs departments in some of the main sectors, like health, education, agriculture, social affairs, labor, and planning (see annex C). There is enormous potential for these units to ensure that the development process is gender-sensitive. But the organizational structure poses a number of constraints and hinders their ability to support the preparation of a gender-sensitive development plan. Issues are discussed below.

Role and Functional Responsibilities

In each region, the women's affairs bureau is located in the regional president's office, with its head reporting directly to the regional president, signifying that the highest levels of government are committed to implementing the women's policy and demonstrating the importance that the government ascribes to the bureau's role. In the president's office, the bureau

Box 3.1 Gender Perspectives on Important Groups in the Community

Men do not consider *idirs* and *iqubs* as important institutions in the village, while women identified them as one of the five most important institutions, with the *dego*, church, school, and elders constituting the other four (participatory rural assessment in the southern regions, 1997). Men identified the school, the three churches (Catholic, Orthodox, Mekane Yesus), the *wereda* council, the nursery site, and the bureau of agriculture as the critical institutions.

Source: PRS in the southern regions, 1997.

is expected to play the role of a coordinating and advisory body, ensuring that the region's development plan is gender-sensitive.

To function as an effective coordinator or monitor, the women's affairs bureau needs to be able to provide meaningful input into the development planning process. At a minimum, its staff should be regularly invited to attend select bureau meetings to consult on women-in-development issues and to ensure that programs and projects are designed in a gender-sensitive fashion. They need some capacity to ensure that their comments are considered seriously in the preparation of a project or program. Currently, these bureaus are not given the power to fulfill this mandate. The heads of women's affairs bureaus indicate that they attend meetings, uninvited, to participate in deliberations. They, therefore, have no leverage or bargaining power and are unable to influence preparation of the development plan. Their current role is to provide an informal strategic intervention dependent on their individual style of leadership and capacity. Given the lack of a defined process for women's affairs bureaus to intervene in the development process, they have been adapting differently in each region.

Amhara proposes to maintain and strengthen the status of its women's affairs bureau as a coordinating body. The bureau will then be able to use the advantage of its position in the government hierarchy to influence gender planning and monitoring, in a manner similar to that of the Bureau of Planning and Economic Development (BOPED). As proposed, the bureau will prepare a gender action plan for the entire region, incorporating all sectoral concerns similar to the regional development plan prepared by BOPED. It will then be responsible for following up with sectoral bureaus for monitoring implementation of this gender action plan.

The Amhara proposal has perhaps the most merit of all the regional proposals. The mandate of the women's affairs bureau is consistent with that of the women's policy. The bureau will remain a coordinating unit in the president's council but have a stronger role. It will work closely with core and sectoral bureaus to mainstream gender issues and will abstain from undertaking its "own" projects. It will only undertake capacity-building projects and test some pilot

exercises in new sectors like nutrition. If successful, these projects will be handed over to sectoral bureaus. In Amhara, the bureau will bring a multisectoral focus to gender planning by prescribing or setting gender-sensitive objectives and programs in each sector. For example, the draft strategy assigns to each sectoral bureau institutional responsibilities that encompass both practical and strategic gender needs. The bureau of health is required to enhance maternal services by promoting family planning (although this should not be seen solely as a women's problem) and outreach services and by training traditional birth attendants. The bureau of education is expected to make the educational system women-friendly and to introduce a gender-sensitive curriculum. The office of investments is expected to design a scheme for women investors with special incentives to promote female employment. The police department is expected to fight violence against women and to hire more women.

The southern regions feel that the role of coordinator and placement in the president's office constrained the bureau's effectiveness. At its request, the women's affairs bureau has been reorganized and given the status of an independent bureau with capacity to prepare a plan and seek funds like any other sector bureau. The women's bureaus in the southern regions now have access to their own budget; they can formulate and propose projects as part of the annual planning process and have a greater chance of obtaining some capital budget.

The emergence of the women's affairs bureau as independent bureaus could, however, result in unnecessary duplication of projects and wastage of resources. First, the women's affairs bureaus in the southern regions propose to establish a unit (currently one person) to deal with gender issues in education, even though the education bureaus already have a department for gender issues. It is not yet clear how the roles of these units will differ from those of the women's affairs department in the education bureau. Second, budgets for separate women's bureaus have been traditionally low, and the bureau would not be able to tap the budget of other bureaus. Thus even though the budget allocated to women's affairs bureaus in the south may increase, the total resources allocated

for women could decline. Third, the presence of expanded women's affairs bureaus could legitimize the lack of interest that sectoral bureaus have shown in gender issues. It may result in existing sectoral bureaus like health and education reducing their focus on women. In Amhara it seems that each bureau or regional entity has a role in and responsibility for implementing the coordinated gender action plan, making every bureau a stockholder in the implementation of the women's policy.

The roles and responsibilities of women's affairs departments are uncertain with regard to mainstreaming gender issues in the main business of the bureau. Their participation is extremely limited and often depends on the personal traits of incumbents. For example, the women's affairs department in regional bureaus of the agricultural ministry works closely with the department of home economics but is distanced from other departments in the agricultural bureau. Thus, although the women's affairs department may be able to assert its presence in the future, at present its role is limited to dealing with matters related to home economics, perpetuating activities segregated for women.

Lack of Appropriate Linkages

Horizontal and vertical linkages are weak or absent at a formal level. To coordinate women-in-development activities in regional and sectoral plans, Women's Affairs Bureaus should have adequate or appropriate linkages with other governmental institutions and with other women's units in sectoral bureaus. Given the enormity of the problems facing women, these offices cannot improve the conditions of women on their own. They need to involve core bureaus like planning and finance. Women's Affairs Bureaus also have little or no information on the activities of sectoral bureaus and little connection with bureaus of planning or finance. This constitutes another critical organizational limitation to the capacity of regional governments to implement the women's policy.

Women's units within sectoral bureaus are accountable to their respective bureau chiefs, not to the Women's Affairs Bureau, a process that precludes the latter from becoming the gender

planner for the region. An even more serious issue is that the departments themselves are isolated from the mainstream work culture of the bureau. For example, the women's focal person in the planning bureau is not engaged in project appraisal or monitoring unless the project is specific to women. The absence of effective downward linkages means that women at the subregional levels do not participate in the formulation of projects. Only, the bureau of agriculture has linkages down to the *kebele*, although it seems that women's participation is limited to areas considered to fall under the label of "home economics."

Absence of Women in Decisionmaking

One way to test the readiness of institutions for proactive gender interventions is to assess the number of women in leadership or managerial roles. In Oromiya, for example, no women are represented on the regional executive committee, although some women are in *kebele*, district, and zonal councils (see table 3.1). Heads of regional bureaus are political appointees, yet women are not chosen as bureau heads, except in the case of the women's affairs bureau. The vast majority of women in the civil services work as middle managers or secretarial staff. Although 40 percent of government employees are women, 71 percent of them (51 percent of men) are concentrated in the lower levels (earning less than birr 400 a month, according to statistics of the Federal Service Commission for fiscal 1987). Six percent of men earn salaries above birr 1,000, compared with less than 1 percent of women. Thirty percent of male employees earn salaries above birr 600, compared with only 10 percent of women. When analyzed by level of education, 95 percent of the women have less than a bachelor's degree, compared with 79 percent of men. A study conducted by the Ministry of Labor and Social Affairs indicates that 58 percent of women are in administrative work in Addis Ababa, Shewa, and Harrerghe (Kedir 1992). Admittedly it would be simplistic to equate the presence of women with gender-sensitive planning. But having more women in the top levels of management would at least address the issue of female visibility in a male-dominated environment.

Table 3.1 Women's Representation on Decisionmaking Bodies, by Region, 1997

Region	Bureau heads ^a		Regional council		Regional executive committee	
	Total number	Number of women	Total number	Number of women	Total number	Number of women
Afar	19	0	44	2	15	0
Amhara	12	0	274	17	21	0
Gambella	13	0	40	0	19	0
Southern	16	0	239	8	21	—
Oromiya	19	2	353	14	21	0

— Not available.

a. Women's Affairs Bureau is not included.

Source: Regional background studies prepared by consultants, 1997.

Technical Capacity

The lack of capacity at the subregional levels, particularly at the *wereda* and *kebele* levels, poses one of the biggest challenges to the effective implementation of the women's policy. Without such capacity, the decentralization of powers could create greater inefficiency and greater inequities. Also, given the marked differences between regions, it is essential that some regions receive greater support than others in order to lessen existing disparities.

According to Bird and Rodrigues (1995: 18), "In principle the most motivated public servants should presumably be located in the area of greater need." However, in general, bottlenecks in the quality and efficiency of the organizational structure are greater in the more remote areas and lesser down the administrative hierarchy, resulting in women's units playing a minimal role in the preparation of development plans. At the zonal and subzonal level, the lack of capacity is painfully evident. Recruiting and retaining professional—broadly defined as persons with graduate or postgraduate qualifications—is a very real problem. Zonal councils are reluctant to provide a budget for Women's Affairs Bureau staff, and experts in the women's affairs bureau are sometimes transferred to other bureaus where, theoretically, their experience can be used optimally.

A high turnover rate is also reported. Heads of Women's Affairs Bureaus receive the same pay as other bureau chiefs, and the pay structure is similar to that of other bureaus. But, other factors discourage applicants. First, the organizational structure is lateral rather than vertical,

offering few opportunities for promotion. Second, as one head of a Women's Affairs Bureau observed, people want clearer job descriptions, powers, and responsibilities. The advisory role of the bureau discourages bureaucrats unused to defining their roles in response to the environment or rising to the challenges of a new organization. There is also a sense of powerlessness and frustration, arising from a sense of marginalization rather than an unwillingness to handle challenging tasks. In particular, the tendency to associate home economics with an aptitude for implementing women's programs must be shed, and these units should be provided with adequate resources for proper training.

Lack of Gender-Disaggregated Data

The lack of gender-disaggregated information is a major impediment to effective development planning. Even insofar as such information is available at the central level, it is not disseminated effectively to the women's offices. Without such information, policymakers are unable to formulate gender-sensitive policy, and without timely feedback on performance and problems in the field, implementors are unable to adapt and react to necessary changes. They are unable to assess the implementation of any program from a gendered perspective, to review the flow of funds, or to evaluate the gender impact of policies.

Monitoring and evaluation of development interventions are essential to ensure that subregional entities are carrying out their roles efficiently and equitably. Currently, such systems

are very weak at the regional levels. Normally, the planning bureau is in charge of monitoring and evaluation. However, due to lack of financial and technical resources, such systems are very weak. In Afar, for example, the planning bureau has not been able to find the resources to establish an effective monitoring system.

Attitudinal Changes

Finally, implementation of the women's policy not only is a matter of competencies, skills, and processes but also requires that the entire regional management structure be adequately sensitive and committed to gender issues. Implementation frequently is hampered by deep-rooted social attitudes among regional authorities. For example, the women's department in the agricultural ministry conducted a workshop for personnel in the agricultural bureau and specifically requested male staff to attend: only three or four attended the workshop. Without strong central control, regionalization could strengthen paternalistic and patriarchal attitudes, and this may pose the most difficult constraint of all on the effective implementation of the women's policy.

Sensitive Development Planning Process

The development planning process is clearly gender-neutral. And the implementation of development projects, on the whole, is not responsive to the innumerable gender constraints and issues.

The guidelines issued by the regional bureaus initiate the process of development planning. They do not call for or stress the need to prepare gender-sensitive development plans. The guidelines provide no incentives that would encourage regional or subregional authorities to ensure that women are targeted effectively and are included as participants in the development planning process.

The appraisal of proposed projects under a plan is not gender-sensitive. The regional planning bureau does not scrutinize any proposed activity for gender concerns. For example, in the southern regions, appraisal is based on three criteria: (a) the project should be in the priority sector, (b) it should be asset forming, and (c) the organization should possess the capacity to

implement the project. In Afar, criteria include activities within the regional priorities (for fiscal 1997, these priorities were rural roads, education, health, office buildings and equipment, agriculture, and water); the financial performance of the implementing sector bureau; the implementing capacity of the sector bureau; and other demands on the budget.

Lack of Participation

Participation in development planning is limited to government officials at the zonal and *wereda* levels. Although regional authorities seem to appreciate the need, participatory development planning is difficult to achieve. Key among these constraints is the lack of capacity and institutional weakness at the *kebele* levels. Even to the extent that local institutions participate in some regions, few women are involved, because such institutions are controlled by men.

Another constraint is the lack of infrastructure below the *wereda* levels, including the scarcity of all-weather roads, inadequate transport, and poor communication facilities between the regional bureaus and various subregional entities. These constraints are especially acute in Gambella, Afar, and Oromiya (given its size).

Inadequate technical capacity with which to identify and prioritize development needs and to prepare a strategy or action plan, even at the *wereda* level, is another problem. Reportedly, plans that emanate from the *wereda* level are statements of needs or wish lists and do not contain any reasoned recommendation or strategy. Financial constraints add to the difficulty of ensuring participatory planning. The current time schedule for preparing the development plan is also not realistic if the process is to be participatory. For example, schools in Amhara are expected to prepare their budget toward the end of the fiscal year and to offer it to the *wereda* or zone as part of the annual report. This precludes feedback between the school and the *wereda* sector offices.

Absence of Women's Groups

Working collectively gives women strength to articulate their needs and express their views. Moreover, given their low level of literacy and lack of skills, it is useful to have strong groups

representing women in their dialogue with the outside world and incorporating their needs in planning and implementing development interventions. The absence of women's groups in Ethiopia translates into a lack of women's participation in the design and implementation of development projects. Development interventions, then, are based on supply rather than on demand, reducing the participation and commitment of women and, often, failing to meet their priority needs.

In Ethiopia peasant associations or service cooperatives in rural areas are the most common groups involved in development. Peasant associations were conceived as effective, autonomous, and accountable local units of governance, but in reality they lack capacity and resources and are sometimes not fully independent of government control. Also, peasant associations are weak and have little or no opportunity for strengthening their institutional capacity. A survey conducted in 1985 in two areas (Achefer and Shehadino) indicated that 53 and 13 percent, respectively, of the members were literate, with only 2 and 4 percent having attended high school. In many cases, literacy means only that they can sign their name (Molla 1997). Although certain groups (like former landlords with holdings larger than 10 hectares) were excluded initially, these restrictions were removed as land distribution eliminated their advantages. Registration was in the name of the household. Although not barred legally, women were not encouraged to become members, because the government feared provoking a strong cultural reaction. In 1983, the third convention of the All Ethiopia Peasants Association (the highest body of the peasant associations, which was established by proclamation in 1982) declared that women could be members of peasant associations and hold elected positions. It was declared that wives were eligible to acquire land, as long as they were able to till it. The 1985 survey indicates that women constituted 17 percent of the membership in Achefer and 2 percent in Shehadino. Anecdotal information and the participatory rural assessment suggest that the involvement of women in peasant associations has improved only marginally.

Traditionally, peasant associations sometimes have separate women's associations, which are

responsible for humanitarian and communal obligations, like caring for the elderly and sick, cultivating land for them, and performing collective activities such as pond clearing. These are perceived as subsidiary activities, and women's associations have no control over the main activities.

Women's participation in rural or credit cooperatives has also been marginal. One key reason is that some of the earlier proclamations required members to be landholders. This effectively eliminated the participation of any women except a few female heads of household. Although this requirement has been removed, sociocultural taboos and, more important, lack of time prevent women from participating, particularly when their husbands are members. However, participation in small and informal groups like *idirs* or *iqubs* is not as demanding. The rules are flexible. They are more efficient due to peer pressure, and informal meetings among groups can be conducted at the market or on the way to collect water. However, such bodies do not have a simple mechanism for registering, have no legal recognition or status, and are difficult to identify or evaluate. Therefore, they have not traditionally been involved in planning or designing development interventions, and their potential remains untapped.

Absence of Leisure for Participation

In all regions, women work longer hours than men, being responsible for all household chores and for additional tasks outside the home (see tables 3.2 and 3.3). Men work mostly on the farm, tending and feeding the bigger livestock, attending to community, and conducting some off-farm work. Workloads vary with the seasons. Women's peak time is during weeding and harvesting, which increases their normal housework because, along with the weeding and harvesting, they prepare food and drink for the team. This is a very important factor in the design and implementation of development projects. Women do not always find the time to participate in these activities. If 15-16 hours on the average are spent on domestic and other chores, how can women be expected to participate in development interventions? However, this is not to say that women do not have time for productive work; they find time when it fits with their

Table 3.2 Gender-based Division of Labor in Gambella

<i>Activity</i>	<i>Men</i>	<i>Women</i>	<i>Children</i>
Farm work	15	35	0
Cattle keeping	15	15	20 (boys)
House construction (three viewpoints)	25 20 30	25 30 20	0
Fishing	20	15	15 (boys over 15)
Child care	20	15	15 (boys over 15)
Firewood collection	0	35	15 (girls)
Water collection	0	50	0
Marketing	20 (exchange of livestock)	30 (other household items)	0

Source: As indicated by three men and three women using 50 pebbles; participatory rural assessment in Gambella, 1997.

priorities and daily routines. Thus, women in Konso, in the south, have benefited significantly from a dairy goat-rearing project for women organized by an NGO (Farm Africa), which helped them to increase their income through a task that is within the domain of women (see table 3.4).

Coordination with the Nongovernmental and Private Sectors

Nongovernmental organizations (NGOs) do not play a significant role in women's development. NGOs vary both by nature and by number in different regions, however most are concentrated in urban areas and in the larger and better-off regions. Given the poor state of infrastructure, very few NGOs operate in remote areas, preferring to work out of offices situated in regional headquarters. As a result, no NGOs operate in remote areas where the government needs support. Thus, for example, both in Afar and Gambella, only one NGO is working with women. Furthermore, there seems to be little or no coordination between the government and the NGOs, either in preparation or implementation of the development plan. This may be a result of a lack of trust between NGOs and the government, with regional governments encouraging the establishment of preferred development associations, thereby reducing competition in the sector. In Tigray, for example, all health and education subprojects not implemented by the bureaus are implemented by the Tigray Development Association. Therefore, they depend on the government to a large extent for sustenance.

Budget for Policy Implementation

In a capital-scarce economy, planning must ensure that capital is allocated efficiently and properly across sectors, so that balanced growth is achieved. Also, resources must be assured if implementors are to plan for capacity and interventions. Regional governments are largely dependent on the federal government for financial transfers, which are then allocated to the vari-

Table 3.3 Gender-based Activities during the Off-Farm Season

<i>Gender</i>	<i>Time</i>	<i>Activity</i>
<i>Women</i>		
Morning	5–7 a.m.	Start fire and clean compound
	7–11 a.m.	Fetch water and pound grain
Afternoon	11–12:00 a.m.	Milk cows and cook lunch
	12–1:00 p.m.	Serve lunch
	1–2 p.m.	Collect firewood
	2–4 p.m.	Fetch water and milk cows
Evening	4–6 p.m.	Cook and serve supper
	6–11 p.m.	Finish work and go to bed
Total	14 working hours	
<i>Men</i>		
Morning	6–7 a.m.	Collect cow dung
	7–12 a.m.	Rest
Afternoon	12–1 p.m.	Untie cattle
	1–5 p.m.	Rest
	5–6 p.m.	Tie cattle
Evening	6–10 p.m.	Eat and rest
	10 p.m.	Go to bed
Total	3 working hours	

Source: Participatory rural assessment in Gambella, 1997.

Table 3.4 Impact of Goat-rearing Project on Women in Konso, Southern Ethiopia

<i>Before project</i>	<i>After project, 1987</i>	<i>Impact</i>
No income; insufficient food and cloth	Some goats	All committee members are trained; women have clothes
No source of credit	Availability of cash in hand	Management skills are improved; they are collectively working toward obtaining a grinding machine
Not much petty trading	More petty trading, increasing income	Members perceive themselves as being better off than other families
Children not fed milk	Children fed milk	Nutrition is improved.

Source: Participatory rural assessment in the southern region, 1997.

ous sectors. Budget allocations from the center to the regions depend on a number of criteria: population, development indicators, and resources generated by the regions. Currently, no fiscal incentives are in place to ensure that regions allocate adequate funding for implementing the women's policy.

Regional governments allocate funds received from the federal government for the capital and recurrent budget. The regional finance bureau estimates the financial resources available for the coming fiscal year, and once it has reviewed the recurrent budget request from the different administrative units, it divides the overall amount into recurrent and capital budgets. The recurrent budget is used mainly for recurrent expenditures, such as salaries, and is the responsibility of the finance bureau. The capital budget is allocated to the various regional bureaus. Peasant associations also rely on financial and other support from regional authorities. The Oromiya constitution, for example, does not confer *kebele* authorities with power to raise revenue. Peasant associations are used mainly to collect agricultural revenue and land taxes. As incentive for the peasant association to collect revenue, each *kebele* gets birr 3 for every birr 100 collected. Apart from this share of revenue, which only covers some recurrent expenses, peasant associations do not have access to other financial resources.

Although lower levels of the administration participate in only a limited fashion in preparation of the recurrent budget, the capital budget is not allocated as the result of a process of negotiation and bargaining between the subregional and regional sectoral bureaus. Preparation of the plan to be financed by the

capital budget is based on guidelines issued by the ministry or the bureau of finance. The common criteria for allocation are population, size, socioeconomic status, revenue-generating capacity, and size of the zones and *weredas*. There is no indication whatsoever that the funds are allocated with some thought to ensuring a gender-sensitive plan.

Although the Women's Affairs Bureaus are charged with monitoring implementation of the women's policy through coordination, establishment of linkages with constituents, studies, and provision of capacity-building exercises, they receive no part of the capital budget. They also have no independent access to any resources. They view this lack of access to capital budget as a critical constraint preventing women's units from implementing any training or capacity-building projects or from testing out new and innovative pilot projects in specific areas. Whenever possible, these units request funding from donors and NGOs for specific projects. This increases the dependency syndrome, and their program or plans are donor-driven and therefore project-based.

The budget is allocated at the regional level. Because the allocation of funds for women's activities could vary across regions, the level of focus on women's activities could vary as well. Also, per proclamation 33/1992, revenue collected by each region is one of the criteria for determining the budgetary transfer from the federal to the regional governments. This could affect the total budget available in poorer regions, where the needs of women are significant but often marginalized when it comes to allocating scarce resources.

4 *Conclusions and Recommendations*

The socioeconomic situation of women in Ethiopia needs significant improvement. The needs are urgent, and actions cannot be delayed. It is, therefore, important that the legal and institutional constraints and issues identified in the last two chapters be addressed or mitigated. But, given the regionalized and decentralized arrangements, solutions are not simple, and actions need to be taken in a coordinated fashion by a number of players: grassroots women, local and regional governments, federal government, players in the nongovernmental sectors, and donors. Possible steps to address issues identified in the previous chapters are discussed in this chapter and summarized in table 4.1. This chapter concludes by summarizing the implications of the findings for donors.

Legal tools are critical for ensuring equitable development. First, legal statements are an important facet of public policy. Legislation should be consistent with stated policy and, above all, in conformity with constitutional principles, the highest law of the land. Also, where the state proposes to intervene with new legislation, it should ensure that such legislation is equitable and supports development of both men and women alike. Second, the law must establish fair and transparent processes for participation, ensuring clear accountability and equitable access for both men and women, if development is to be expedited. Third, the law must provide a framework that discourages discriminatory behavior against women, particularly in a socioeconomic environment in which women are at relatively greater disadvantage.

At the same time, the law can play only a limited role in changing economic relationships within the household. This is strongly evidenced in Ethiopia by the history of the forward-looking provisions of the 1960 civil code. Recognizing this severe limitation of law, particularly in the area of personal and family matters, only a few legal recommendations are made:

- Satisfy the need for consistent public policy
- Mitigate the impact of inequitable customary practices
- Increase access to economic resources
- Improve access to legal remedies and
- Increase the participation of women in development activities.

Regional governments using scarce resources have established fairly extensive administrative arrangements for planning and implementing the women's policy. However, such entities cannot function effectively or fulfill their mandate due to a number of issues identified in the previous chapter. These institutional issues must be addressed:

- Strengthen capacity at the regional levels and
- Formulate and implement gender-sensitive development plans.

Establishing Consistent Public Policy

The civil code confers management responsibility for a household's economic matters on the male spouse. These provisions are inconsistent with the principles of gender equality contained in the 1995 constitution. Amendment of these provisions is essential to ensure consistent pub-

lic policy and eliminate state support for the existing division of labor within households. It will also reiterate the state's commitment to gender equality, which cannot be complete as long as inequitable provisions form part of the legal framework.

Mitigating the Impact of Inequitable Customary Laws

Under the constitution, enabling legislation may permit the application of customary laws to disputes related to personal matters, if the parties agree to such application. As demonstrated in chapter 2, customary laws governing the division of household resources do not provide women with equitable access—as envisaged by the constitution. Therefore, the enabling legislation is critical in that it will propose to apply gender-biased customary laws to personal disputes within the constitutional framework of gender-equality. Ethiopian drafters will need to grapple with the issue of uninformed consent of women, who are unaware of the superior economic rights conferred on them by the civil code. In this context, lawmakers may wish to consider (a) widening the civil court's scope of review of an arbitrator's decision, (b) casting a legal obligation on an arbitrator to explain the legal rights of each party to the dispute, and (c) declaring an arbitral decision as irregular when a woman claims that her consent to the application of customary law was not given voluntarily.

It is critical to prepare and develop region-specific information, education, and communication programs to create and strengthen awareness of the economic roles of women and their legal rights. Such programs should first target clan leaders and elders within each community and, then, women and children. Given the high illiteracy rates, this program should be administered at various levels—through women's associations, public media (whose coverage is low), schools, health clinics, *kebeles*, and innovative means such as street plays and other forms of entertainment. It should strengthen the positive aspects of customary practices, counter those that are detrimental to the welfare of the community as a whole, and explain the proposed constitutional position that customary practices

may be applied only with the consent of all parties to a dispute.

Increasing the Access to Economic Resources

Given the discriminatory customary provisions, women are denied equitable access to economic resources within the household. Do women, then, have access to economic resources outside their homes? The answer, here too, is unfortunately no. Given their high illiteracy rates and absence of skills, women are unlikely to gain employment with the government (the largest employer) or the newly emerging small private sector. Rural women, then, rely on the informal labor market for generating additional income. Here, women's entry is not easy, although only little quantitative gender-disaggregated data are available on the rural labor market. Tied in with the labor market are land and land-related resources—critical productive resources for rural communities. These are administered by the *kebeles*, and customary attitudes still limit women's ownership of them. Also, increasingly, common-property resources like forest and grazing land are being regulated, further alienating women from productive resources available to them in the past. In none of these areas does the regulatory system facilitate women's access to resources. This is particularly important because gaining access to resources outside the household is an important avenue for empowering women and helping them to fight against the stronghold of discriminatory customary practices. The following recommendations should be considered:

- *Ease the entry of women into labor markets.* The legal framework does not facilitate or support the entry of poor women into the agricultural and informal labor market, which given their skills and capacity, is the only viable source of income outside the household. Regional governments must study the unintentional impact of existing regulations that control access to trading places, licenses, and credit for their gender-disaggregated impact on the informal labor market. Also, the key issue constraining women microentrepreneurs from moving into more formal labor markets is the

need to simplify the procedures for licensing and allocating marketplaces. The federal proclamation authorizes regional governments to simplify existing procedures, but they have yet to follow through with these regulations. In doing so, regional governments will have to ensure that the new regulations facilitate women's entry into formal labor markets and increase their access to microcredit.

- *Increase women's access to land resources.* If the Amhara legislation is a prototype of future promulgations on land, it may be useful to learn from the experience. Legislation is applied and interpreted, and disputes resolved, at the *kebele* level. *Kebele* elders often apply customary practices that limit women's access to land—an essential asset if they are to use opportunities provided by development benefits. Although women's access to land seems to have improved in Amhara, after the recent land distribution regulation, it still seems constrained: married women continue to access land through their husbands, and the position of single and divorced women is not clear. Moreover, many terms like “related to agricultural activities” are not defined or explained. Regional governments should consider issuing guidelines or regulations in addition to the proclamation. These guidelines should explain the meaning of specific terms and guide *kebeles* in order to ensure that they interpret the proclamation, implement its provisions, and settle related disputes in a gender-sensitive fashion.
- *Ensure access to common-property resources.* Women are significantly constrained by the need to collect fuelwood and fodder. Yet by licensing the use of such resources, the proclamation dealing with forests limits women's access to forests and other common-property resources. Two responses are necessary. First, in issuing regulations governing the use of forests and common property, regional governments should consider the interests of the poor who seek subsistence-level support from these resources. While strictly requiring licenses from commercial entities, it may be useful to permit poor households to collect limited resources for consumption. Second, simultaneous development interventions are

needed that provide women with alternate options, reducing their dependence on forests and common-property resources. These could take the form of programs for alternate forms of energy or could involve women in local social forestry schemes that generate fodder or fuelwood. Failing to recognize the adverse impact of this legislation and mitigate it will further exacerbate the socioeconomic status of women.

Increasing the Access to Legal Remedies

The family arbitration system places women at a disadvantage, because family arbitrators are usually men, who are not trained in the law. When customary laws were applied, such training was not necessary. Older and wiser people, with knowledge of customary laws, were selected. However, once customary laws were superseded by the civil code, knowledge of legal provisions became critical. In the absence of such awareness, family arbitrators continue to apply customary laws. Therefore, it is important to train family arbitrators on constitutional principles of gender equality and the more equitable provisions of the civil code. It may be useful for professional groups among lawyers and NGOs to offer such training on a voluntary basis.

The lack of women arbitrators poses a severe constraint. Poor women, at least in Addis Ababa, would welcome the recruitment and training of women arbitrators. It is recommended that legal groups or associations receive incentives to train respected and older women in the law applicable to families and personal matters and that a small legal aid fund be piloted to pay for the services of these women arbitrators for poor women. This program would encourage the use of women arbitrators as well as provide some relief to poor women unable to appoint qualified arbitrators on their own.

Enhancing the Participation of Women

Empirical evidence indicates that women are unable to participate effectively in development interventions because they have difficulty forming small groups that have a separate legal identity. The recent agricultural cooperatives act

provides a framework for registering such small village-level groups but requires further regulations specifying the rules and procedures. Regional governments should use this flexibility to create an enabling environment for the establishment of small self-help groups that can more easily participate in development activities.

The constitution permits the use of affirmative action as a tool with which to address gender inequality. In order to bring women into decisionmaking roles, regional governments should seriously consider employing affirmative action measures for women in the *wereda* council. In many countries, this is a useful tool not only for ensuring that women are involved in decisionmaking positions but also for ensuring that communities, themselves, are forced to inject women into the political process. However, a word of caution is in order: significant efforts to sensitize communities and build the capacity of women must accompany such a measure if both men and women are to participate meaningfully in the political and development process.

Strengthening Capacity at the Regional Levels

Institutional capacity is critical, in particular the capacity to design and implement development projects in a participatory manner. Capacity-building initiatives should start with those institutions currently involved in the formulation of development plans, and these differ from region to region. At the same time, regional governments should take steps to transform the image of *kebeles* and give them greater powers that can be exercised in a transparent and accountable manner. These institutions exist all over the country and should be empowered to play a more meaningful role in the development of grassroots communities.

Also, gender sensitivity of regional government staff outside the women's bureaus and departments needs to be strengthened considerably. Their lack of support for or appreciation of gender issues further marginalizes these women's offices. The federal government should formulate programs to increase awareness of and sensitivity to gender issues at higher echelons

of regional governments. The revision of the current curriculum for civil service training would be one quick and economical way to ensure that at least the next generation of civil servants understands the costs of assuming that gender-neutral development plans will benefit women equally. It is understood that the government is already reviewing this matter and that the revised curriculum would increase the sensitivity of new cohorts of government employees.

Undertaking Gender-Sensitive Development Planning

The analysis of institutional aspects leads to a simple conclusion. Currently, regional governments have established women's affairs bureaus and departments, staffed them, and provided them with significant recurrent budgets. However, these units do not have the requisite power or authority to fulfill their mandate. They are marginalized and unable to ensure or coordinate gender-sensitive development. Given their inability to play a strong role, other players in the field, like nongovernmental entities, are unable to play a strong supportive role. All in all, the existing arrangements severely constrain gender-sensitive development. A number of measures need to be taken at the level of the regional government, and these are discussed below and summarized in table 4.1.

- *Empower women's affairs bureaus and departments.* Women's affairs bureaus and departments should be empowered to fulfill their mandate as articulated in the women's policy. Women's affairs bureaus should act as coordinators and watchdogs and ensure through a network of horizontal and vertical linkages that all development plans and processes are gender-sensitive. They should be given a seat at the table where important decisions related to development planning are made, including macro-level decisions on the allocation of resources among sectors. As noted by the women's affairs offices themselves, the inability to integrate gender issues into the mainstream activities of sector bureaus is perceived to be a failure of the women's affairs departments. This perception is incorrect. Sector

Table 4.1 Recommendations

<i>Objective</i>	<i>Activities</i>	<i>Responsibilities and comments</i>
Ensure consistent public policy	<ul style="list-style-type: none"> Amend legislative provisions that continue to discriminate against women 	Federal government
Mitigate the impact of customary laws	<ul style="list-style-type: none"> Ensure that enabling legislation for applicability of customary laws to personal matters is consistent with constitutional promise of equality Formulate and implement region-specific information, education, and communication campaigns to strengthen awareness of the legal rights of the poor and provide education on inequitable customary practices 	Federal government Regional government in lead, with community leaders, NGOs, and partners
Increase the access for women to economic resources	<ul style="list-style-type: none"> Provide guidance to <i>kebeles</i> to administer land matters in a gender-sensitive fashion Regulate access to natural resources, sensitive to the impact on the poor and on women Facilitate the entry of women into the informal labor market 	Regional governments Regional governments Regional governments
Improve the access to legal remedies	<ul style="list-style-type: none"> Formulate and implement training programs for family arbitrators As a pilot, identify and train women arbitrators in Addis Ababa Establish a legal aid fund to assist poor women in arbitration 	Regional government of Addis Ababa Regional government of Addis Ababa Regional government of Addis Ababa
Increase the participation of women in political and development activities	<ul style="list-style-type: none"> Enact affirmative action measures to encourage the entry of women into senior government-level positions and political positions at the grassroots or <i>kebele</i> and <i>wereda</i> levels To facilitate involvement of informal groups in development interventions, issue regulations under the agricultural cooperatives proclamation 	Federal and regional governments Federal and regional governments
Enhance capacity at the regional level	<ul style="list-style-type: none"> Offer training in leadership, communication, and gender issues for elected women representatives; training in gender analysis and planning for sector and regional, zonal, and district staff; and training for the staff of women's affairs offices in gender planning and on the use of gender-disaggregated data and advocacy Strengthen and gender-sensitize regional entities, particularly strengthen and revitalize <i>kebeles</i> 	Federal and regional governments, NGOs, and the private sector Federal and regional governments, NGOs, and the private sector
Improve development planning	<ul style="list-style-type: none"> Provide women's affairs boards and departments with powers, duties, and finances necessary to implement their mandate Devise planning guidelines that mandate the formulation of a gender-sensitive development plan, requiring clearance by the women's affairs board of all regional or sectoral development plans and preparation of monitorable indicators Have the Central Statistical Authority help regions to establish gender-disaggregated data collection systems and management information systems under the Ethiopian Social and Rehabilitation Development Fund Project Have regional governments provide incentives by allocating additional resources to bureaus investing in (a) addressing gender issues or (b) rewarding good performance in the area of women 	Regional governments Regional governments Regional governments Regional governments

bureaus have failed to establish procedures and processes that integrate women's affairs departments into mainstream activities. Regional governments should require sector bureaus to develop plans of action to ensure integration and should hold them accountable for their failure to prepare gender-sensitive sectoral plans. Also, there are no incentives—in fact there are disincentives—to joining women's units. These disincentives need to be tackled if these entities are to be strengthened.

- *Improve participation in development planning.* It is important to ensure that there is adequate participation of both men and women in formulating policy at all levels and in planning and implementing development interventions. Processes must be found to ensure that women's voices are heard and considered, particularly those of the women affected, be it through participatory appraisals, beneficial assessments, consensus building, public hearings, or stakeholder analysis. Planning bureau guidelines should mandate the preparation of participatory gender-sensitive development plans with monitorable performance and impact indicators at different levels of policymaking and implementation. It is highly recommended that women's affairs bureaus be given authority to finalize all development plans in the regions. This would ensure that they are involved in the preparation of development plans. Clearly, such a key role will require building the capacity of existing staff, and such investments will need to be made, if women's affairs bureaus are to fulfill their mandate as envisaged under the national policy.
- *Increase the availability of gender-disaggregated data.* The lack of gender-disaggregated data is a significant constraint on development planning. Policymakers are unable to make informed decisions or monitor and evaluate the impact of development interventions on men and women. There is an urgent need to collect gender-disaggregated data on welfare. Regional governments should seek support in doing this from the ministry of planning under the ongoing World Bank-financed welfare monitoring component of the Ethiopia So-

cial and Rehabilitation and Development Fund Project.

- *Enhance monitoring and evaluation.* In order to ensure that regionalization does not marginalize women further, it is essential that planning bureaus also monitor gender-disaggregated impact. Monitoring should be undertaken in a coordinated manner with the different sector bureaus. In consultation with women's affairs bureaus, sector bureaus should translate their stated objectives and goals into gender-sensitive, monitorable, and measurable targets. Women's affairs bureaus, as coordinators of women-in-development activities, should then seek to ensure that the bureau of planning incorporates the key indicators into its monitoring activity. The bureau of planning should also be obliged to provide other stakeholders with periodic reports on the data generated and to analyze the impact of development interventions on women.
- *Provide financial incentives to sector bureaus to undertake gender-sensitive development interventions.* Regional governments should provide incentives to sector bureaus to mainstream gender issues in their operations, in addition to designing and implementing special programs for women, where necessary. Incentives could include special credit programs, training or employment creation programs, day care centers, and so on. Regional governments could provide matching funds to bureaus that undertake priority activities for women or could provide them with additional capital budget upon confirmation that they have undertaken activities of benefit to women. They could also make special funds available to regional bureaus willing to undertake joint activities in consultation with their women's affairs departments and bureaus.

Implications for Donors

What do these findings and recommendations imply for donor assistance in this area? The answer is simple. There is urgent need to ensure that all donor-financed projects or programs are gender-sensitive not only in design, but also in

impact. This may often require building capacity at the regional level or strengthening the gender-sensitivity of regional staff. In evaluating these programs or projects, donors need to examine these issues with the same vigor they accord other technical issues.

Mitigation should be accomplished through well-designed development projects. The legal analysis reiterates the fact that development interventions targeted at a household cannot reach all members of the household equally. Development planners must stop assuming that targeting a household will benefit women. They should ensure that the design and implementation of a project channel benefits in a gender-sensitive manner. For example, a development project could require that any project assets provided to the household be registered in the name of both spouses. Thus, if better or improved land is provided under a resettlement plan, there is nothing in the Ethiopian law that would prevent the project from requiring that such land be registered in the name of both husband and wife or that additional land be given to unmarried female adults.

A second point for project designers is that women's lack of ownership rights to certain important economic resources does not necessarily result in their lack of access to, or control over, such resources. Even though, customarily, the husband is the head of household, the wife is expected to manage the domestic domain within the household. In this position, a rural Ethiopian woman often has access to, and control over, a number of resources. In some regions, she may be allotted a small piece of land that she cultivates. All agricultural products from such land normally belong to her and are under her control. Across regions, women seem to have control over livestock products, particularly those of smaller animals and poultry. In addition, the husband often allocates a portion of his agricultural product to his wife, who then uses it for household consumption or sells the surplus. Currently, activities involving such resources are not part of mainstream development activities, although sometimes they are the subject of special programs for women. Although the nature and degree of control differ from region to region, development interventions should target

such activities and assist women to use these resources more productively.

Project designers should assist single adult and divorced women, who are not necessarily heads of household; these women are often discriminated against and have lesser access to, or control over, economic resources. Project design should ensure that these women are active beneficiaries of development interventions and are provided an opportunity to benefit from the increased economic opportunities. For example, a project activity that provides credit or grants for income-generating activities could target and, perhaps, study the need to accord priority to divorced or single women who are not heads of a household.

The World Bank, in addition to ensuring that proposed donor-supported government interventions in health, education, rural water supply, energy, and roads are gender-sensitive, needs to focus on four areas:

- *Capacity building.* Capacity-building interventions need to focus on the subregional levels and should include training in identification, design, and implementation of gender-sensitive development interventions. This includes simple management techniques focusing on economic and efficient use of funds, book-keeping, evaluation and monitoring, and group formation and organization. It should not only target *wereda* and *kebele* officials but also poor communities, informal women's groups, and small indigenous NGOs or associations that work with communities.
- *Literacy, family planning, and early childhood interventions.* The participatory rural assessment reiterates the critical importance for women of interventions in the areas of literacy, family planning, and early childhood interventions, and donors should support programs or projects in these areas.
- *Support for women's microenterprise.* Donors should support interventions that provide technical, financial, and other support for poor women microentrepreneurs. In addition, a number of women have gained ownership of land (for example, in Amhara). It is extremely important to support these women's efforts to use their landholdings productively, before these holdings are alienated.

- *Legal and institutional reform.* Donors should support government activities that result in gender-sensitive reform of the existing legislative and institutional framework for development planning and implementation as well

as for increasing women's access to economic resources. An effective information, education, and communication program is also essential and deserves immediate support from donors.

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Annex A National Policy for Women, 1993

Prior to the 1974 revolution, development interventions for women were the product of welfare-oriented approaches that responded to the immediate needs of socioeconomically vulnerable communities. After 1974, in response to the growing need to organize women for development activities, the Revolutionary Ethiopian Women's Association (REWA) was established to oversee issues related to women. Despite some success at the grassroots level, particularly in organizing women, REWA evolved to become involved more in politics and advocacy than in development. Women perceived REWA as being coercive and as serving the interests of politicians rather than its members. In spite of its close relations with the government, it remained a political wing of the ruling party and did not introduce gender integration into government policies and interventions.

In 1993 the transitional government drafted and the Council of Ministers approved the first women's policy, underscoring the need to move toward an institutionalized strategy for enhancing women's development through policy measures. Recognizing the productive role of women and their contribution to the national economy, the policy moved the government's focus from relief to development. For the first time, it provided a broad framework for incorporating women in the planned development process. As a result, there is greater awareness of women's economic potential and growing acceptance and recognition of women's demands and aspirations.

The women's policy emphasizes improving the socioeconomic role of women. It also articulates a comprehensive development program for improving women's socioeconomic situation, acknowledges the social and economic consequences of neglecting the concerns of women, and stresses the need to create national awareness of those costs.

It pledges to facilitate women's access to economic opportunities. The strategy reiterates the need to ensure greater employment opportunities in both urban and rural areas and highlights the need to accord women, as citizens and productive human resources for national development, rights, obligations, and opportunities equal to those of men. While the policy mandates specially designed programs in health, education, social welfare, population planning, and employment, it also stresses the need to integrate gender concerns in all economic sectors. It emphasizes the need to improve the effectiveness of social service delivery to women.

The policy adopts a three-pronged approach. First, it calls for fundamentally reordering national priorities in favor of increasing women's access to basic health care, education, and employment opportunities and outlines three objectives (see table A.1). It requires that all economic, social, and political policies and programs, as well as cultural and traditional practices and activities, ensure equal access of men and women to the country's resources.

Second, it stresses the need to eliminate all forms of discrimination (in the labor market, in

Table A.1 Objectives of Ethiopia's Women's Policy, 1993

<i>Sector</i>	<i>Objectives</i>
Education	To make education for women a planned and sustained process, with a new value system emphasizing equality, mutual respect, and dignity for both sexes
Health	To enhance health education for women and to improve women's access to health care
Employment	To enhance women's employable skills and increase their rate of labor force participation through various steps and incentives both in the formal and informal sector

employment, or in customary practices) and to create awareness of women's legal rights. It requires laws, regulations, systems, policies, and development plans issued by the government to ensure the equality of women and men, placing special emphasis on rural women.

Finally, it calls for adequate institutional support to ensure that women benefit from the financial assistance provided by government or donors and to facilitate the formation of women's associations or groups. It also requires that all development institutions, programs, and projects ensure women's access to, and their involvement in, all interventions and activities.

As part of the government's commitment and initiative, the policy established a women's affairs office within the prime minister's office and charged it with implementing the national women's policy and for monitoring its implementation. The women's affairs office promotes,

catalyzes, and monitors women's issues concerning programs and projects in various sectors and plays an equally important role in coordinating the operations of donors and nongovernmental organizations. It also maintains functional linkages and coordination with the women's units established in all the regions, within central ministries, and in public organizations. In turn, these women's units are expected to foster collaboration and to develop a system for monitoring the role, participation, and integration of women at the policy and program levels. At the regional levels (see annex B), the women's policy envisages two principal players—the women's affairs bureaus and the women's departments in select sectoral bureaus. These units are expected to contribute to the gender sensitivity of the regional development plan. They are the primary units charged with ensuring gender-sensitive inputs and outputs in project formulation, appraisal, implementation, and monitoring.

Annex B Region-Specific Customary Practices and Laws

In order to understand the customary rules and traditions practiced in the regions, participatory rural appraisals were conducted by local consultants in two to four rural communities in five regions: Amhara, Oromiya, Afar, Gambella, and the Southern Nations, Nationalities, and Peoples (the southern region). The authorities in each region identified the sites based on select criteria. The Amhara region used criteria of population size, religion, ethnicity, vulnerability to drought, economic potential, and socioeconomic status of women. The Oromo region used ethnic diversity, economic status, and religious and cultural practices. In Afar the regional president's office, in collaboration with the local women's affairs bureau, selected communities based on cultural differences. The southern region selected sites based on ethnic and cultural representation and women's social and economic rights. Gambela used ethnic homogeneity, remoteness, and high prevalence of primitive practices that were harmful to women.

This annex summarizes the findings of the participatory rural assessments. The findings, however, do not portray the situation of all women in the country and may not even represent the situation of all women in each region. In a country with so much ethnic and cultural diversity, these findings merely describe practices in some of the poorest communities in the regions. Nevertheless, they provide a starting point from which to begin understanding the general status of some of

the poorest women in Ethiopia and suggest directions for future action.

Each region-specific section summarizes the key regional characteristics, the socioeconomic status of men and women, and the impact of customary practices on women in the community (Central Statistical Authority 1994). Each section also describes the ethnic groups where these differentials have significant implications for the social status of women. It focuses on the role of women in different modes of production, the division of labor within the household, women's access to and control over property, and any impact that changes in production patterns have on women. It briefly touches on land use, access to community resources, and women's access to land.

Amhara

Amhara, bordering Sudan in the west, encompasses approximately 17 percent of the country's total area. It houses 26 percent of the national population, with women accounting for half. More than 90 percent of the population live in rural areas: 91 percent speak Amharic, and the remaining 9 percent are mainly Oromos, Agewos, and other minorities. Orthodox Christians and Muslims constitute 81 and 18 percent of the population, respectively. Agriculture, largely at the subsistence level, is the main source of income and livelihood of more than 90 percent of the population and is rarely supported

by nonfarm activities; 32 percent of the land is under intense cultivation.

All four areas studied in the PRA are drought prone and include: Dimtu Chekorso in Artuma Jilla *wereda* in the Oromiya zone; Jarso PA in Guba Laffso *wereda*, in the North Wollo zone; Wollech PA in Sekota *wereda*, in Wag Hamra Zone, about 700 kms away from Addis; and Worreb PA in Bahar Dar Zurai *wereda*, in the West Gojjam zone. The cropping pattern is dominated by cereal crops (*teff*, sorghum, maize, barley, and millet), followed by pulses (beans, peas, chick peas, lentils, and oil seeds). Two of the regions also grow pepper as a cash crop. Generally, in all four areas, crop production is decreasing and becoming unreliable due to erratic and uneven rainfall. In particular, the reduction in rainfall has stunted the growth of cotton and pepper, which are grown by women for both domestic use and income. Pest infestation has also stopped the production of millet, chick peas, and sesame. Landholding varies between 0.25 and 1.00 hectare per household.

Monogamy is the norm in the three communities in which Orthodox Christianity is the dominant religion. In the northern Oromiya zone, the community is predominantly Muslim, and households are mostly polygamous. Parents arrange their children's marriages; girls are betrothed at birth, and boys are betrothed at less than five years of age. Generally, the wealthier the family, the lower the age of the children at marriage. Children of poorer households seem to have greater control over the choice of spouse, although more remain unmarried because they are too poor to provide the necessary *macha* (wedding gift).

In the Oromiya zone, in polygamous communities, there is no significant dowry or bride price system, so the bridegroom does not have to provide clothes and jewelry for the bride or voluntary gifts for her parents. The "girl's beauty, virginity, and physical readiness for marriage" are important factors in marriage. In North Wollo, land, a prerequisite for marriage, is provided by the bride's parents. Therefore, poorer households show a higher incidence of unmarried women older than 20. Among this community, these women often migrate to urban areas or, in a few cases, live as single mothers in their village. When a woman gets divorced, regard-

less of the wealth of the household, she leaves the house with only the wedding gifts provided by her parents.

In Wollech, the criteria for marriage is the wealth of the parents. Parents of bridegrooms need to provide livestock, land, and crops. However, the girl's parents must also own livestock similar, both in type and number, to those that are gifted. In North Shewa, for example, couples receive marriage endowments from both sets of parents. Thus, if the father of the bridegroom promises an ox, the father of the bride follows up with a cow, always something smaller than what the bridegroom's family provides. These gifts are counted and recorded in front of the witnessing elders. Upon divorce, this register is used to identify the separate property of the spouses. "Over-aged" girls continue to live in the villages and may arrange marriages for themselves, in which case traditions do not apply. In Worreb, wedding gifts should be exchanged equally. However, the bridegroom's parents provide cash for the engagement (*ejmensha*), if they accept the marriage.

Inheritance rights as customarily practiced are similar in all the Christian communities, with both men and women having equal rights to property. Unmarried children have the right to take their marriage gifts from their parents' property before it is shared equally among the children. In the Oromiya zone, among the Muslims, women have no inheritance rights to land unless they have no brothers or lost both parents before getting married. Women have rights to only one-third of other property. Unlike the other areas, widows in Oromiya only have a right to one-eighth of the deceased husband's livestock, and, if they chose, they may be inherited by the in-laws or the husband's close relatives.

Customarily, in all the communities studied, a married woman controls household utensils, crops, dairy products, chickens, eggs, and some garden trees. Women exercise control through decisionmaking in these areas. Men control resources such as land, oxen, mules, cows, sheep, goats, donkeys, houses, guns, farm implements, and trees. The level of a household's wealth is determined by the number of livestock, followed by the share of land. However, livestock ownership seems to be declining due to inadequate

land for grazing, changes in climate, lack of access to water, and prevalence of disease. In some areas, livestock is being maintained only for agricultural use and for milk production, causing women's income to decline, since livestock products, particularly milk and butter, are the only resources under their control.

In the four communities surveyed in Amhara, only three-fourths of the households have access to land, with female-headed households constituting one-fourth of the landed households. Single and divorced women are landless. However, the size and quality of landholdings vary significantly between male- and female-headed households. The difference in size has been attributed to the absence of a second adult in the family. Women feel that female-headed households with land have better access to credit, extension services, and crop income and are accorded higher social value, even to the extent of increasing their opportunity for remarriage. In Jarso, North Wollo, land is a prerequisite for marriage. The heads of household with bigger families are perceived as being better off because they have access to larger landholdings.

As is common in traditional societies, women normally engage only in certain activities. Women are the only ones to generate income through the following activities: hair making, spinning, basket weaving, processing and sale of local drinks, pottery making, sale of cow dung, and fetching of water, while male activities include weaving, blacksmith, plowing, mowing and disposing of trash for others, livestock trade, construction of huts (except in Afar and Gambella), and leather making. Common activities include weeding, harvesting, selling firewood, terracing land, watering nurseries, and carrying stone. Also, women's activities generate less income than men's and are both tedious and "back-breaking." The participatory rural assessment also indicates a differential in wage labor, with women getting birr 1 to birr 2 less than men for the same work. The variation in wage payment also exists between boys and girls. In one zone, while a boy earned about birr 50 per month tending cattle, a girl earned birr 15 tending children, cooking, and fetching water and firewood. Such income-generating activities are mainly performed by poorer households. Married women from wealthier households are

rarely involved in income-generating activities. Women, themselves, identified a number of constraints to improving their productivity: lack of male labor, seed, oxen, access to credit, ready cash, time, and skills.

Credit and savings in all communities are linked to wealth. The access, amount, season, sources, and purpose vary among households and between women and men. Naturally, the economically better-off households have greater capacity to save. Savings are normally in the form of cash, livestock, or crops, including trade or interest (both in cash and in kind). Savings are relatively lower in households headed by females. Better-off households normally require credit for improving livelihoods and enhancing income, while poorer heads of household, including women, require credit for food, clothing, medical treatments, oxen, and seeds. Female heads of household have greater access to credit than married women, because the traditional belief is that married women should not obtain credit in their own name. Poor households have little or no access to credit, with single women being the most constrained. In all communities, credit sources are limited and located far from the immediate locality.

Disputes are resolved through indigenous mechanisms in the community in the Oromiya zone. The *kadi* settles disputes and applies the *sharia*. Upon divorce, women receive only their clothes and wedding gifts, including the *nikah*—the amount agreed during the marriage as compensation to the wife in case of divorce or the husband's death. In the other three communities, both customary and formal laws are used to settle disputes. Minor disputes are resolved by leaders or neighbors, and major disputes are referred to the judicial process. However, women in the North Wollo zone do not resolve disputes through the formal judicial process.

In all communities in Amhara, different types of organizations are important to both men and women. Men and women, usually in a small neighborhood, participate in *woberra* or *debo*, which are labor-sharing arrangements. Membership is open to anyone who can provide food and drink for the laborers. This grouping provides female heads of household with access to male labor and assistance in constructing huts and accomplishing time-consuming tasks such

as weaving. However, such institutional and informal arrangements are becoming less common due to the increase in paid labor and reduction in the capacity to provide food and drinks. *Maheber* and *senbete* are religious-based groups that meet on Sundays for food and drinks. Women form *mahebers* but rarely are involved in *senbetes*. The *mahebers*, sometimes, act as sources of credit. *Iqubs* are found only in one community as a saving institution for poor men and women who are engaged mainly in day labor, the sale of firewood, and making of *areke*.

Oromiya

Oromiya region accounts for about 34 percent of Ethiopia's total land and contains 35 percent of the overall population; the majority (89 percent) live in rural areas. The region is inhabited mainly by the Oromos, who account for 84 percent of the population. Christianity and Islam are the dominant religions, each being practiced by almost half the population. Infant mortality rates stand at 118 per 1,000 live births, and the under-five mortality rate is 173. The literacy rate is 30 percent for men and 16 percent for women.

The four communities that were studied through the PRA include: Fogie Kombolcha *kebele* in Gao Dale *wereda*, in Gimbi Zone; Biftu Direma *kebele* in Goru Gutu *wereda*, in East Hararge Zone; Mugayo *kebele* in Negele *wereda*, in Borena Zone; and Bulchana *kebele* in Kofele *wereda*, in Arsi Zone. In three of the four sites, communities were formerly pastoralists. However, war or drought has forced the population to settle and engage in agricultural production. Their livestock herds have declined significantly, and much of the remaining livestock has been sold to purchase grains. Most households engage in limited-technology agriculture, although some households use an ox for plowing. Where oxen are available, communities plant barley, wheat, and *teff*; otherwise, they plant maize; some have adapted to *enset*.

This change in the production pattern has adversely affected women. Women harvest, process, and prepare *enset*, which is time-consuming and tedious. They participate in all agricultural activities except plowing with oxen. They are responsible for processing, marketing, and allocating dairy products for domestic con-

sumption. Women in the poorest communities collect and sell firewood to supplement their income. Women prepare the local drink (*tella*) and food for the people involved in harvesting.

Nevertheless, all communities are highly dependent on livestock, which is an important status symbol, and all major events—credit, security, prestige, and sense of well-being—revolve around livestock. One community even includes livestock in the definition of “household.” Usually women own only one cow and any of its off-spring, although they seem to have access to all the milk produced by their husband's cattle.

Over the past three generations, the community in Bulchana, for example, has turned from being predominantly pastoralist to producing *enset*. *Enset* production is mainly the responsibility of women, who work on *enset* farms, cutting and processing, fertilizing with cattle dung, and preparing meals for those who help their husbands. All women interviewed see pounding, grinding grain, and processing *enset* as the most demanding activity within the household. Marketing of *enset* also imposes heavy demands, with women in the communities studied having to walk about 25 kilometers each way to the market. Transportation is also a problem, because *enset* is wetter and heavier than grain, and women cannot use donkeys on the hilly terrain. The richer women use their husband's horses when possible.

Eating patterns have also changed, with breakfast and lunch being replaced by *hojja*—a mid-morning meal of boiled milk and leaves—and supper in the evenings. In coffee-growing areas, where four varieties of grain are harvested throughout the year, households work in the field at least 10 months of the year. Cultivation of maize and *enset* also increases the amount of time spent preparing and processing food and reduces the food supply, which means that women have to find other means of supplementing their household's dietary needs. Sometimes, even women with access to grinding mills are unable to use them, because they have time to pound maize only in the evening when the mills are not available.

Two of the communities interviewed are in drought-prone areas, and many cattle have died. One man stated that if his wife had not been able

to collect fuelwood, the family would have died. The normal period of stress is between harvest from May to September. As a coping strategy, some communities gather a weed (*mererre*), growing in swampy areas, which, if eaten in excess, causes swelling and diarrhea and eventually can be fatal. Drought has also affected cropping patterns according to the women interviewed.

In all four sites in Oromiya, the *sera gada* system applies, with its own constitution and hierarchy of law enforcement:

- Men control all assets and resources.
- Inheritance is through the sons.
- Property is kept in the same clan.
- Men completely control women's labor.
- Polygamy is the norm, and it is difficult for a woman to divorce a man, but not vice versa.
- Women cannot vote or be elected to the council of elders or hold decisionmaking positions.

The definition of women's property is similar in these communities and is limited to livestock and other food products within the household (see box B.1). The system of dowry is prevalent, with daughters receiving their share

Box B.1 Status of Women under the *Gada* Principles

When men in Arsi were asked if single women could obtain a landholding, they were surprised at the question (participatory rural appraisal in Oromiya, 1997). They replied, "Why would a woman need land? She would not be able to cultivate it." When women were asked the same question, they said, "This question has never been pondered."

A daughter cannot inherit her parent's property because her wealth is at her husband's home (participatory rural appraisal in Fogie Kochamba, 1997). She cannot inherit her husband's property because it belongs to the clan. If she is widowed and has children, her brother-in-law inherits her husband's property, wife, and children, whether or not he already has wives. Only if she has a grown son, can she keep the land for her son. If, as a widow, she has no children, she is chased out of the village. Thus, women, regardless of religion, marital status (monogamous or polygamous), or household wealth, do not own land. The extent of women's control over resources is confined to livestock products, which they sell to buy household products.

Box B.2 Divorce and Settlement

When asked to list the property that a woman would get upon divorce (participatory rural appraisal in Fogie Kochamba, 1997), two men said:

- Part of the grain in the granary (if there is any)
- Some cash, if the husband has it
- Sometimes cattle, if the man is a gentleman.

of the property upon marriage. This seems to be restricted to cows, gourds, pots, and baskets—some of which have no economic value but do have significant cultural value. If the marriage ends in divorce, women can claim any property brought to the marriage (see box B.2). In some communities, women can inherit their mother's jewelry.

Polygamy is common in all four communities, both among poor Muslims and most Christians, barring Christians who belong to the Evangelical Church. In one of the communities, the nature of agricultural production encourages men to marry one woman skilled in the preparation of *enset* and another one good in the handling of milk and milk products. In polygamous households, wives share the products of the land, with the first wife receiving a larger share. Married women have access to and control over milk, milk products, and eggs for household consumption and for sale. After the harvest, in which wives participate, most men measure out the grain and give wives some for household consumption. The remainder is kept in reserve and cannot be touched without the husband's permission.

Divorce is not traditionally practiced, and therefore, the customary rules do not provide any procedures for terminating marriage. This does not mean that divorce does not exist, but women have the right only to their personal belongings and household goods received as part of the bride's gifts. Women's right to property varies from community to community, but women rarely have a right to land. Widows without children are sometimes driven out of their community. Widows without sons do not have any rights to property and are inherited along with the family property by the husband's brother. The application of this custom varies. While the widow has a right to refuse to be in-

herited in one community, in another, such inheritance is automatic. These widows are vulnerable, because the new husband may sell the dead brother's estate and buy other cattle in his name. He may later desert the wife but "claim some share for having maintained the grain store, herded the cattle, and plowed the land."

Women have only limited access to land. In one community, women said they can clear and cultivate forestland, especially if they have oxen. In such cases, they control any produce generated, but virtually all land is owned by men, and women have control only to the extent that men grant it. For example, when a son marries, the father gives him a portion of land on which to build his home. These transfers are rarely documented, but local elders witness the transfer and confirm the user's rights. Two social principles underlie this customary rule. First, land is communal property and is allotted only to those who are willing to cultivate it. Women rarely cultivate land by themselves and usually need to seek male assistance. When a widow has a son who will assist her, she is granted land, but if she must seek assistance outside the family or clan, she is not allotted land, because it does not benefit the family or clan. Second, when a woman marries, she leaves the village of her birth to join her husband's village. Upon divorce, she is expected to return to her village, and any land allotted to her in the husband's village could have social ramifications. Other men in the husband's village do not assist her in her activities, and doing so can create social tensions. If she returns to her village, then the land is better allocated to someone within the village. And, since she cannot sell or transfer land, in many cases, the land is likely to lie vacant.

In each of the four communities, women are involved in income-generation activities, but the range of products is limited to low-income livestock products and the sale of small quantities of fuelwood, *chat*, and home-brewed liquor (see table B.1). They have very little access to wage labor, except at one site, where poor women can help to process *enset* in richer homes and be paid in kind. Women identify a number of constraints, key among them being lack of transportation, distance to markets, lack of capital, lack of child care facilities or arrangements, and lack of mar-

Table B.1 Source of Household Income in Biftu Direma, Oromiya

<i>Male head of household</i>	<i>Female head of household</i>
Livestock	Petty trading
Daily labor	Sale of fuelwood and water
Sales of grain	Sale of <i>chat</i>

Source: Participatory rural appraisal in Oromiya, 1997.

ketable produce. Access to extension services is limited in all communities, and virtually no services target women. Households identify the following constraints:

- Existing services are targeted at household heads, and widows are represented by brothers-in-law or sons (for example, no women received any seeds that were distributed at Fogie Kombolcha).
- Ministry of agriculture extension workers concentrate on what is widely termed "Global 2000," without focusing on other extension assistance.
- No home agents work in any of the communities (except for one who administers a savings and credit scheme in Biftu Direma).
- Extension facilities are inaccessible to communities; for example, there are no roads in Bulchana.
- The number of home and development agents is small relative to the size of the *kebeles* (for example, there is only one each to cover 16 villages; some time ago an attempt was made to promote vegetable growing among women, but the project was discontinued, mainly because the villages were too far apart and too far from town, and the agents had no means of transport).

Livestock is the main form of savings in all communities. The objective is to breed and keep as many livestock as possible, that is, to sell an ox and buy two heifer calves or buy one calf and a few goats in order to strengthen savings. The balance is used for household needs. As one man in Mugayo described, "Our system is like the banking system in the cities. We save, and we use the interest." Livestock is considered an asset for borrowing money, and camels are considered to be less risky assets because they are

better able to survive drought conditions, provide more milk, and can be sold at a higher price than other animals. Women, however, do not control livestock, only the products, and therefore do not have access to savings. In Fogie Kombolcha, coffee could be a good form of savings if stored until the price increases. Finally, *enset* is another form of savings.

Other than the above, there seem to be no formal savings or credit schemes in the communities. Informal mechanisms exist in which there are no interest payments and no set time limit for repayment. In the semipastoralist communities, there is no tradition of savings and credit groups. Clan members usually assist one another in time of need. If a clan member cannot pay, the clan pays for him, but the clan can then investigate the management of his resources. In the more settled communities of Fogie Kombolcha and Bulchana, both men and women have their own *iqubs*, but men save more than women; men save about birr 10 per month, while women save about birr 3 to birr 4. In Bulchana, the men have formed a large *idir*, but it has no women members. Women's need for credit seems to be small (birr 2 to birr 5 in Mugayo, birr 10 in Bulchana), and credit is always used for petty trading. Women do not have any wealth to provide as collateral and therefore are not seen as creditworthy even among the communities. Given the opportunity, women in Bulchana would avail themselves of birr 200 to birr 300 in credit to buy cows and sell their products, in particular butter, or a horse for transporting *enset* to bigger markets for greater profits. In Biftu Direma, the ministry of agriculture started a credit and savings scheme in June 1996. Two groups of 10 women received credit to buy a cow for raising, with repayment to be made within five years. The gender constraints facing women are revealing:

- The scheme required women to open a bank account in which birr 850 would be deposited to purchase a cow (the nearest bank is in Dedar, 42 kilometers away); accessing the bank in itself was an insurmountable task.
- Transportation costs to Deder were not included in the budget, and women had great difficulty covering them.

- Women had problems convincing their husband to allow them to travel to Deder and to stay overnight (this was necessary because the bank could not process the application in one day).
- The home agent, therefore, had to find suitable lodging and food for the women.
- The bank required identity cards to open accounts, which had to be obtained from the peasant association and endorsed by the *wereda*.
- Without suitable transportation, transporting cash was a risky activity.

All disputes within the family or the village are settled in accordance with customary laws in all four sites, and the influence of the *gada* system is particularly strong: most disputes are settled by the clan elders who are the guardians of customary laws. This puts women at great disadvantage, because under the *gada* principles, clan leaders are always male (see box B.3). In the words of one of the elders participating in the participatory rural assessment, "Women cannot be involved in reconciliation and are not supposed to negotiate for conflict resolution; the law forbids it." Women identified four constraints that inhibit their search for remedies: legal illiteracy; civil law as implemented by *kebele* courts, which reinforce customary practices, because *kebele* judges go back to the elders; the distance and costs associated with accessing *wereda* courts; and absolute lack of support from fathers and brothers (see box B.4).

Men say that *gada* principles strictly control men's behavior toward women (see box B.5). 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 state that they have

Box B.3 Perceptions of Women

Women in Oromiya view women in the following way (participatory rural appraisal in Oromiya, 1997):

"A woman is a child-bearer, not a wisdom-bearer."

"However clever a woman is, she cannot be a mediator or a peacemaker."

"A woman cannot be a judge."

Box B.4 Women and Participation

One divorcee in Mugayo, with the active support of her brothers keeps her house and some animals (participatory rural appraisal in Oromiya, 1997). This is considered very unusual. She tried to organize a women's association as requested by the *wereda*, but the husbands would not allow their wives to come to the meeting. On one occasion, some women did attend, but one of the husbands beat up his wife in front of the meeting. Although he was subsequently imprisoned, the example illustrates the pressures on women to conform to their husband's wishes.

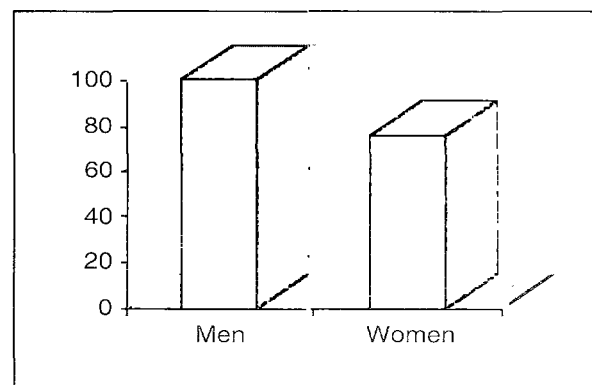
never seen such punishments, at least in their lifetime.

Afar

Afar is located in the northeastern part of the country (information is also obtained from Mengesha 1994). It shares an international boundary with Djibouti and Eritrea and accounts for more than 10 percent of Ethiopia's total area. The majority of the region lies in the Rift Valley, which is predominantly desert, and faces serious problems due to environmental degradation. Afar's population of more than 1 million, which accounts for 2 percent of Ethiopia's total population, is mainly Islamic (see figure B.1). Most Afaris live in rural areas, with urban areas populated primarily by people from Amhara or Tigray, who are engaged in trade or the provision of services. Afar is divided into a number of tribal territories demarcated by boundaries

Box B.5 Respect for Women

In Bulchana, women say that the law requires men to respect women; if a man insults her, she calls all the women in the village to assemble at the gate of the man who insulted her (participatory rural appraisal in Oromiya, 1997). The clan leaders judge the case, and the man may have to slaughter a cow to feed the woman and the clan leaders, as well as apologize to the woman. Moreover, according to the law, a woman's case has priority in being heard by the village leaders or elders.

Figure B.1 Number of Women per 100 Men in Afar

Source: Central Statistical Authority 1994.

that follow natural features such as rivers, hills, and rocks. Almost 92 percent of the population belong to the Afar group, a group of Cushitic origin. Their society is structured in clans, each of which is composed of households, living within a certain area and based on a strong hereditary hierarchical and kinship structure.

The three areas that were studied through the PRA include: Didemotu *kebele* in Chifra *wereda*, in Zone 1; Korttata *kebele* in Simurobi *wereda*, in Zone 5; and Gedi *kebele* in Golina *wereda*, in Zone 4. Communities live in clusters of 8–10 huts located in one place within larger settlements. Each tribal territory contains segments from a large number of clans (*mela*), of which there are about 100. Below the *mela* is the local community (*kidoh*), followed by the extended family (*dahla*), and then the lowest unit, the household (*burra*). Local communities pool their labor in all activities, and males sometimes form herding units.

Traditionally, Afaris were nomadic people, but they now live in permanent settlements and move only temporarily in search of water and grazing land. Only 33 percent of their housing consists of permanent abodes, which are constructed mainly with mud and thatch; the rest are movable or improvised (Central Statistical Authority 1994).

Access to health services is one of the lowest in the country. Most of the facilities—both educational and health—are located in *weredas* and other small towns along the main roads to Addis Ababa and are used primarily by town residents. Pastoral women use the facilities only in the case

of complicated illnesses. Existing health facilities suffer serious constraints, and many factors, including lack of potable water, poor environmental sanitation, poor vaccination coverage, harmful traditional practices, and lack of a balanced diet, contribute to health problems. To increase delivery of services, the school built recently in Assaita, the capital of Afar, includes a health room for addressing children's health problems. However, children in schools are mainly from urban families, and in Dupti High School, only 54 out of the 2,000 students were Afaris. In 1994 telephone and postal services were available only in five out of 27 towns. Electricity is available for 24 hours a day only in Assaita and three other towns.

Most (93 percent) of the population live in rural areas, and their livelihoods are based on the production of various species of livestock. All rural families, estimated at around 11,000 in 1994, are involved in livestock production, and less than half are involved in salt production. About 800 families rent camels for transportation, at a rate of one camel for birr 200 for 36 hours. About 560 people are involved in the production of wild date palms, a product in high demand. Farming is undertaken only in two zones, which have perennial rivers. In general, Afaris consider land cultivation "an activity of foolish people," and little or no cultivation is undertaken by the majority of lowland Afaris. The average farm is small, requiring only one oxen for a day to plow. The economic strength of each Afari household depends on the size of livestock owned. Consequently, the availability of water and pasture for livestock dominates their lives on a daily and seasonal basis. However, increasingly, livestock is inadequate to support a purely pastoral mode and in 1994 contributed only 70–80 percent of the dietary intake. For this reason, Afaris are becoming involved in petty trading (trading milk and products for grain, clothing, honey, and salt). Also, with the introduction of government plantations, some Afaris have begun growing maize using water from the Dedaba River, although they lack knowledge and expertise in such matters.

Wealth in the community is determined by the number of children and livestock; a clan is respected if it is large in number. Camels are a crucial indicator of wealth. In one of the

communities, Kortatta, the 1984 drought reduced herds to one-fifth of their former level. Rainy seasons result in good pasture, leading to an abundance of milk. However, there is not much variation in the household consumption of milk in such seasons, because clans share milk among themselves. When milk is available, women's workload is lighter, because they do not have to travel long distances to buy or pound grain. During the dry seasons, males migrate with livestock for several months, often leading to conflicts with other ethnic groups over access to pasture and cattle stealing. Livestock holdings are, however, decreasing as a result of ecological imbalances and environmental degradation.

All communities are Islamic and practice *abukratie*, or Afar Ada law, an unwritten set of customary laws. They are unfamiliar with formal legal provisions. The adjudicator of customary law is the clan leader. However, the *sharia* applies in personal matters such as marriage, inheritance, and divorce. The *sharia* is applied by a religious focal point called the village *kadi*.

In Afar, property involves livestock, camels, the house, and household articles, including weapons such as guns, *giles* or spears, and a *galbo* (a flat skin on which the man sleeps at night). Land is communal property, which is owned by the clan and used mainly to graze livestock; larger livestock belong to the community as a whole. Because agriculture is not a main source of income, the allocation or distribution of land is not a key property issue. There is no defined pattern of landholding, and all members of the clan, and sometimes even people from outside, have free access to use the land. The right to own houses is also not a key issue, because the majority of the population live in makeshift and transportable homes. Given this definition of property, Afari women seem to have equitable access to resources, except in the case of camels, weapons, and *galbo* (see table B.2). However, given the patriarchal practices, women cannot make decisions even in matters related to the children or household and must seek the permission of their husband or his relatives to engage in any activities outside the home; this may explain why they lack rights to camels. Even men cannot sell their bigger livestock without permission from the local community.

Table B.2 Number of Assets per Family in Elidaar Wereda, Afar, 1984 and 1994

Category	1984	1994
Goats	20	3
Sheep	3	0-1
Camels	5	1

Source: Ethiopian Social and Rehabilitation Development Fund report on the rapid rural appraisal in Afar, 1994.

Marriage involves the traditional Islamic practice of *nikah* (marriage by contract). The practice of *absuma* is also practiced, whereby a woman marries the son of her mother's brother, and a man marries his father's sister's daughter. The customary reasons for this practice are believed to be to increase the size of the clan, to promote harmonious relations between spouses, to continue the *abukratie* customs through generations, and to retain properties within the clan, because women have rights to property. Polygyny is prevalent. This is particularly so because the men move outside the settlement for several months each year in search of water and fodder for livestock. They then have the opportunity to meet and marry a non-*absuma*, if the girl's parents agree. Men cannot refuse to marry their *absuma* unless they already have four wives.

Upon marriage, women have some access to property. The husband pays a bride price, usually in the form of livestock or cash. This is considered the property of the wife during her marriage. Upon marriage, sons inherit half their father's livestock and those assigned to them at birth; daughters normally inherit two cows, 10 goats or sheep, and occasionally a male camel and livestock assigned to them at birth. If this is not deemed enough, they may ask for additional livestock, but not camels. Their mothers are also expected to present them with cooking utensils and household furniture. Also upon marriage, husbands give their wife some livestock, besides a *nikah* gift. When this occurs, the woman controls only the products, not the animals.

Afari women own their homes, because women collect the construction materials. Women are also responsible for dismantling and reconstructing their home when the clan migrates. In some cases, the wife will take her house and construct it in her husband's village with the help of friends.

Upon termination of marriage, the woman does not have a right to common property accumulated during the marriage. Her entitlement depends on the reasons for the divorce. Where the divorce is by mutual consent, or at the husband's request, the wife takes all her property, including that transferred to her as part of the *nikah*. When the divorce is at the wife's request and without the husband's consent, she takes only those gifts received from her family. She cannot take the gifts provided as part of the *nikah*. In some instances, she may have to make a "moral payment" to the husband that can be in multiples of 12 cattle. She is required to pay this if she wishes to obtain a divorce and wishes to remarry. The participatory rural assessment identified three women who had to leave the marriage without any property—"not even a goat." Custody of the children belongs to the man, except when a woman is breast-feeding. In such a case, the woman receives any property allocated to the child upon birth. However, men feel that women do not suffer, because in all cases the closest kin of the husband is responsible for their welfare.

Afari women have limited access to property. When a child is born, the father ties the umbilical cord of the new child around the necks of livestock, giving the child ownership of the animals. A male child is normally promised camels, some cattle, and several sheep or goats. A female child receives a few cattle and some goats, but rarely camels. Until recently, inheritance rights tended to be governed by *abukratie* laws, under which women have no inheritance rights, but younger widows are expected to marry the husband's brother or another cousin (the uncle's son). However, the tendency is shifting toward applying the *sharia*, which is more favorable to women with regard to the division of property: (a) one-sixth of the property is shared equally between the deceased's parents, (b) one-eighth of the property is divided among his wives, and (c) the remainder is divided among his children, with the son getting twice that of the daughter. The rules are the same for both men and women, but because polygamy is prevalent, the male spouse normally benefits, getting one-eighth of the property.

Traditional practices are prevalent for resolving conflict. Marriage disputes are settled in four

ways. First, elderly neighbors are asked to assist. If this fails, then the families of the husband and of the wife are asked to intervene. If this fails, the dispute is then brought before the clan elders, and, finally, it is brought before the village *kadi*. The decision of the *kadi* is considered final.

Gambella

Located in southwestern Ethiopia, Gambella is a lowland region that shares some of its borders with Sudan. It encompasses 2 percent of the country's total area, with 25 percent of the land under forest cover and 73 percent under cultivation (GNRS, Bureau of Planning and Economic Development 1996). Gambella has abundant land, is scarcely populated—with a population of only 181,862—and is ethnically heterogeneous. The population lives mainly in the basin of Baro and Gilo rivers, which constitute only 0.5 percent of the region's land area. The Agnuak constitute the majority, followed by the Nuers. The Agnuak are mainly agriculturists, and the Nuers are pastoralists. Farming techniques are primitive and inefficient, and oxen are rarely used. The main crops are sorghum and maize. Maize was popularized in the past decade, because it is fast-growing and is not attacked by birds. Given the lack of grinding mills, the growing of maize has significantly increased women's workload. Recently, cash crops have been introduced: cotton (through government plantations) and sesame (through small-scale private enterprises). Fish are an important resource, both for subsistence and for generating income, and all adults participate in fishing.

A regional steering committee formed by the Women's Affairs Office, assisted by two *weredas*, selected the sites for the participatory rural assessment. The criteria for selection required that the sites were remote and represented the lifestyles of the majority of people (pastoralists). The two communities were: Ariet village in Otiel *kebele* in Goge *wereda*, about 25 kilometers west of the *wereda* Capital Pugnido; and Meding in Telut *kebele* in Jekaw *wereda*, about 100 kilometers southwest of Gambella town. The first community was exclusively Agnuak and the second predominantly Nuers.

Although the small population suggests that access to health facilities is better in Gambella than in other regions, women may not be using those facilities, because they are located far from town. Women in Otiel do not use the services because of the user fees. When asked to draw up a wish list, men in Telut spoke about a church, a hospital, and green grazing land. Women spoke of markets, potable water, and grinding mills.

The workload of men and women is influenced by the seasons of the year and environmental factors such as flooding. There are two harvest seasons, and much time is spent on the farm. Men's work is, however, confined to farming and livestock. They prepare the land, sow, weed, and harvest. The construction of houses and marketing of livestock are considered a man's job. Women participate in all farm activities with the men. In addition, they transport the harvest back to the home, carrying it on their backs or on their heads. In the construction of houses, women provide the grass, for which they sometimes have to travel long distances, and plaster the walls and the floor using cow dung mixed with special soil. They also market small goods such as milk and milk products, fish, vegetables, fruits, eggs, and firewood. In times of scarcity, women also make and sell traditional handicrafts and ropes out of grass. Women also produce *areke*, an alcoholic drink, and often market it door-to-door. Gambella women also fish to supplement the household income. Additionally, women collect water and fuelwood, care for children, and cook. Generally, men work eight hours during the farming season and three during other times; women work for 15–16 hours on average through all seasons.

For women, the most tedious and labor-intensive work is food processing. This function includes pounding, repounding, and grinding the grain and then making the flour into a porridge with fish sauce. The porridge is cooked outdoors on an open flame, which also takes considerable time. Women market goods, although they never sell or purchase livestock, with the rare exception of a sheep or goat. In Otiel, the market is 35 kilometers away, and women cover these distances on foot. They get stuck in the rain and spend nights in other villages. Women report that, after pounding, marketing is the most tedious and time-consuming task, indicating how

difficult the task of pounding must be. Women in Gambella are involved in all reproductive and productive activities, but their contribution is not fully acknowledged or recognized by development planners. Children are also considered one of the productive forces of the household and are involved in a number of activities.

Heads of households are mostly men, although there are some female-headed households, which are mostly run by widows whose husbands were killed in an accident in the nearby gold mine or in the civil war. The presence of about 50 handicapped former soldiers also adds to the number of female-headed households. Single female heads of households or children born out of wedlock are nonexistent.

Customary laws prevail, with few communities being aware of the rights conferred by the civil code. A woman normally has no right to property. Her property is usually limited to household utensils consisting of gourds, wooden spoons, and a couple of pots and pans. She also owns any cattle that were gifted to her upon marriage.

As a child, a woman has no rights to any family property, in particular land. In rare cases, however, if she happens to be the only child or there is no male child, she may inherit the property of her parents, including land; in such cases, she can exercise full control over this property even after marriage.

Polygamy is common, with a man's status increasing with the number of wives. For example, in Telut, out of the 300 households, 200 consisted of more than one wife. Polygamy also provides additional labor, in terms of both wives and children. Also, women are expected to abstain from sex for two to three years after childbirth, and the man often takes on a second wife during this period. Sometimes, the wife asks the husband to bring in another wife to help her cope with her chores. Polygamous families all live together in one or in nearby compounds, sharing work and resources. Children are raised together without discrimination.

Upon marriage, it is customary for the groom to pay a bride price to the parents of the bride. Upon such payment, the payer owns the bride. If the bride has children by an earlier marriage, unless the groom is the brother-in-law of the first spouse, who does not need to pay, the payer of

the bride price obtains the wife as well as her children. This payment is in cash among the Agnuaks and in livestock among the Nuers. Sometimes, a man may be allowed to marry even if he cannot pay the bride price. The bride's parents will give him a definite period within which to complete the payment. If the man dies before paying the bride price, a male member from the husband's family may complete the payment and claim ownership, or the family together may complete the payment. In such a case, the woman can cohabit with any man, but her children will be named after the deceased husband. The father of the children cannot claim fatherhood, because he did not pay the bride price. In effect, the bride price is paid to assert fatherhood, and the responsibility of the woman is to bear the children of whoever pays the bride price. If, for some reason, no one cares to inherit the widow, her parents are not obliged to return the bride price, and she will be looked after by her husband's relatives. If, however, money is available to pay the remaining bride price, but the widow refuses to be inherited, her parents are obliged to return the bride price, and the widow and her children return to her parent's home. In Telut, young men work at the gold mine to save for the bride price.

Intertribal marriages are rare. Rape is taboo, and should it happen, the men of the clan stone the offender to death.

Divorce is discouraged, and women are pressured to stay married. Widows are usually inherited by their brothers-in-law. Thus, female heads of household are households that have sons. Where there is divorce, it is finalized by the *kebele* council. Among the Nuer, when a woman gets divorced, and she has no children, her parents must return the bride price (normally about 25 heads of cattle) to the former husband. If, however, she has children, her family will be able to keep 10 cattle for every female child and eight for every male child she leaves behind. Should the total value of the children exceed the 25 heads of cattle, the husband may keep the children without paying the difference.

The main resource of the Agnuak is land, which the Nuer use mainly for grazing. Land is a communal asset, and men are the sole users and owners of land. Land is not sold and is passed from father to son. However, in

Gambella, given the availability of surplus land, a woman can use land, if she is willing to put in the necessary time and energy. Married women have no control over land but do have a right to use the produce of the land. Among the pastoral Nuers, if a woman is widowed, she is usually inherited by her husband's brother. If not, she has full access to and control over the husband's plot of land and may cultivate the land with the help of male members of her husband's family. Among the agricultural Agnuaks, where women need the help of men to cultivate, land is controlled by the male help. If a woman is divorced, she is unlikely to have access to land. Thus, if she is very young, she will have to remarry, or, if old, she will be dependent on her children for support. A widow may, however, control the purchase and sale of products from livestock, although she cannot sell the animals without male permission. Among the Agnuaks, women may inherit land under three conditions: (1) upon the death of the father, if there are no sons; (2) upon the death of the husband—if the wives cannot be inherited, the land is divided equally among the wives; and (3) upon the death of the husband, when the son is not old enough to take charge.

Disputes in the family or community are settled by the *kebele* council in accordance with customary laws. There are no formal clan leaders. The *kebele* officials are elected by the whole village, including the women. In one community, a female *kebele* representative has been elected. However, because the primary function of the council is to settle disputes and this is not a traditionally accepted role for women, most women themselves see the election of a woman as meaningless.

Women normally sell items such as milk, firewood, grass, *areke*, chicken, meat, pots, and occasionally baskets. When additional cash is needed, they go out and fish. Fish is normally sold door-to-door. If it is to be taken to the market, it has to be processed through smoking. Although the production of *areke* is common, its sale began after the settlement program and intensifies during periods of difficulty like floods. Baskets are also seasonal produce, because the raw materials are not available throughout the year.

As in other parts of the country, no formal groups were identified in the two communities.

Perhaps this is a result of tightly knit clans. When a member wants money or something in kind, he or she borrows from whomever has it. Payment of interest is not practiced. In the words of a group of eight men, "We share everything with everybody; we are like a big family." There are no NGOs in the two communities, although the Red Cross and the Mekane Yesus Church have provided support at times.

Southern Nation, Nationalities, and Peoples' Region

The southern region consists of five regions, grouped together for ease of administration. These five regions (Northern Omo, Southern Omo, Guraghe, Sidama, and Wollayta) consist of about 45 culturally and ethnically different groups. The total region also accounts for 10 percent of the country's area, with 23 percent of the land under cultivation; 13 percent, cultivable; 20 percent, pasture; 18 percent, forest and bush land; and 25 percent, other types of land (Awasa Bureau of Planning and Economic Development 1996). It accounts for 0.3 percent of Ethiopia's total population. (The regional council has not accepted the results of the population and housing census of October 1994, but the difference between the census results of 194,755 as opposed to the region's estimate of 203,430 is small.) Females account for almost 49 percent of the population. This small region is inhabited by five nationalities, along with immigrant settlers who were brought in under a resettlement program of the previous regime. Given the size of the population, access to health services is relatively high, but given the lack of roads (284 kilometers of all-weather roads) and transport facilities, only 47 percent of the population have access to services. Culturally, women are entirely responsible for domestic work. Maize and sorghum are the staple food, and women spend approximately 35 hours a week, on average, pounding maize and sorghum (Government of Ethiopia and UNICEF 1993). The participatory rural assessment was conducted in six communities.

The PRA was conducted in six communities: Fishto *kebele*, in Bonke Gerese *wereda* in Northern Omo zone (ethnic group: Gamo; religion: Christianity); Korate Kororesa *kebele* in Dara

wereda in Sidama zone (ethnic group: Sidama; religion: Christianity); Ariksha Koyosan *kebele* in Bako Gazar *wereda*, in South Omo zone (ethnic group: Are, religion: Protestantism); Gaho; in Konso Special *wereda* (ethnic group: Konso; religion: not reported); Koda *kebele* in Chena *wereda*, Kefitcho-Shekitcho Zone; and Doesha Mete *kebele* in Limu *wereda*, Hadiya Zone.

The situation of women, though different in each site, is one of complete dominance by men. In two of the study sites, women own no property. In Korate Sidama, women own items such as mirrors, pillows, comb, an *enset* scraper, and their clothes, which they may take with them in case of dispute. In Zale, Northern Omo, women can own livestock and other property. In both communities, women do not allude to anything as belonging to them in the presence of their husbands. In all study sites, men and women deliver the same message: women are the property of men, and children and clothes are the property of women.

Land is the most important resource in all study sites. However, productivity has declined due to erratic rainfall, erosion, drought, diseases, deforestation, and increased population from forced settlement schemes. The main agricultural products are maize, sorghum, coffee, *teff*, wheat, barley, pigeon peas, *enset*, potatoes, and cabbage. The decline in productivity has influenced women's work in that greater numbers of women have turned to petty trading and spinning, and poorer women are even engaged in the sale of fuelwood and in wage labor to supplement household income. In addition, the decline in productivity has also decreased the nutritional value of available food, affecting the health of the community. For example, in Korate, women have stopped eating cereals, peas, and beans, with three meals now consisting of *enset*. In Sidama, Dara, and Korate, women have inherited land from their fathers but have not built *tukuls* on them, and the land is used in a tentative manner, with no proper or valid ownership rights.

Only men can be heads of household. They are the owners, controllers, and administrators of all property and make all decisions. Unlike in Amhara and in parts of Oromiya, women do not make any decisions even over matters related to the house. There are female-headed households, but even in these cases, women are merely

nominal owners, with control being with the son, other male relatives, or elders in the community. In the communities studied, different social classes are identified and defined by their skills and division of labor. Classes usually marry only among themselves. For example, in Ari South Omo, there are four classes: *kanthas* (upper classes), *gitas* and *dongers* (laboring classes, which do not intermarry), and *manana*, who assist the *kanthas* with labor. Development planners will need to ensure that benefits are delivered in an equitable manner to all classes. Well-being is described as having a sufficient amount of food and the ability to pay the land tax. Anything else is considered a luxury. Women see the health of children as a sign of well-being, whereas men view the availability of the local drink (*tella*) during meals as a sign of well-being.

In all four sites, land is owned by, and registered in, the name of men. Any land under the control of female heads of household is held in the name of a son or male relative. Widows and divorcees have no right to land. Out of the 41 female heads of household in the four sites, only nine have access to land.

The exclusive sources of income for women in the different zones are the production and sale of *enset* and of local drinks from leftover grains. Poorer women are involved in wage labor, essentially the scraping of *enset*, the picking of cotton and coffee, and the spinning of cotton. Men receive between birr 1 and birr 5 per day, while women receive birr 5 to birr 10 for 15 days. Also, the scarcity of markets is a severe constraint to income-generating activities. In South Omo, for example, women sell local drinks on roadsides for travelers, but in the other sites, this is not possible due to religious restrictions on drinking. In Konso, making *chenka* (a local drink made out of maize, sorghum, and millet) is the exclusive source of income for women but is possible only during the harvesting seasons. However, women lack time for other activities. When asked about their priorities, women indicated the need for a clinic, a flour mill, piped water, and access to credit.

All categories of households are involved in farm activities, although women do not plow fields or clear bushy areas. The only domestic activity in which women are not involved is the con-

struction of their homes or *tukuls*. Men work for about 10 hours, while women work 18 hours a day.

The main forms of savings in the six sites consist of livestock products, petty trading, interest in *iqubs*, *idirs*, and chickens and other small ruminants. Savings are seasonal, and credit is common in all villages. There is no formal source of credit, and households turn to relatives, friends, or moneylenders when they need a loan. Credit in Sidama for women ranges between birr 20 and birr 50; for men, between birr 30 and birr 300. When only a small amount of credit is needed (between birr 10 and birr 30), it is usually obtained interest-free; otherwise, varying interests are charged.

Neither women nor men are inclined to use the judicial system to settle disputes. Instead, disputes are resolved through mediation by local elders, clan members, or other *kebele* officials. In most cases, customary law is applied, and both men and women are condemned for disobedience.

Customary groupings are not common, although the Aris have a labor-sharing organization, in which many *molas* come together at the *kebele* level under the leadership of a customary

lord, called the *godimi*. There is also a customary union of women who work on farms, performing chores such as weeding. Due to interventions by NGOs, a few women's groups have been formed. For example, in the Gaho, Konso, Farm Africa grouped women into a dairy goat group. This group has 41 members and is known as the Dairy Goat Group Women's Association. The group receives credit in cash and in kind. All committee members are trained in management. The women members have seen a perceptible change in their economic status and attribute this intervention with having a beneficial impact on their families, especially their children. Men do not consider *idirs* and *iqubs* as an important institution in the village, while women identify them as one of the five most important institutions, with the *dego*, church, school, and elders constituting the other four. Men identify the school, the three churches (Catholic, Orthodox, and Mekane Yesus), the *wereda* council, the nursery site, and the bureau of agriculture as the critical institutions. Women who participate in *iqubs* seem to have full control over any revenues generated.

Annex C Institutional Arrangements for Development Planning at the Regional Level

Since the early 1990s, Ethiopia has witnessed far-reaching and dramatic changes in intergovernmental arrangements. In the past few years, Ethiopia has launched an ambitious political, administrative, and fiscal regionalization program. The consequent devolution of powers and responsibilities from the federal government to the regional governments has changed the nature of the challenge facing development planners wishing to implement the women's policy in Ethiopia.

The regional framework was established by a series of proclamations, issued by the transitional government in 1992/93 and reiterated in the 1995 constitution. The key proclamations include proclamation 7/1992, which establishes the national and regional governments, proclamation 33/1992, which defines the sharing of revenue between the central government and regional self-governments, and proclamation 41/1993, which defines the powers and duties of the central and regional executive organs of government (amendments 73/1993). Regional governments are now responsible for establishing regional administrations that best advance self-rule.

Under the new arrangements, the federal government formulates broad policy on all important matters, and regional governments have full autonomy in preparing and implementing development plans within the broad policy framework. All powers not given separately to the federal government are reserved for the regions. The Federal Government's powers in-

clude matters related to defense, foreign affairs, economic policy, citizenship, declaration of a state of emergency, and printing of currency. The central government ministries are expected to:

- Initiate and implement policies
- Prepare and implement plans and budgets
- Enforce the laws, regulations, and directives of the central government
- Undertake studies and research and collect and compile statistical data
- Give assistance and advice to regional self-governments and ensure that regional executive organs implement laws, regulations, and directives properly
- Enter into contracts and international agreements in accordance with the laws
- Perform the duties specified in the proclamation and by other laws.

Regions can also raise revenue as stated in proclamation 33. Revenues reserved for the regions include personal income taxes, rural land use fees, agricultural income taxes, profit and sales taxes, and taxes collected from the rental of houses and properties owned by the regional governments. The regional council is the supreme legislative organ in each region and consists of members elected according to law. Regional councils are accountable to the electorate and to the Council of Representatives at the center. Regional councils are responsible for deciding "their own national identities and rights on the basis of the rights guaranteed under the charter." They may issue a regional constitution or laws consistent with the laws of the federal

government. They may also determine the seat of government and the working language of the regional government. They approve the social and economic development programs of the regional government and establish bodies for advancing the social and economic development of the region. They may also issue designs, directives, and strategies for developing and protecting the environment.

The regional executive committee is the highest executive body of the regional government and is headed by a regional president. The members of the regional executive committee are elected by the members of the regional council. The committee is accountable to the central Council of Ministers for the implementation of federal laws and policies and to the regional council for the discharge of regional duties. Each regional government may establish, as necessary, any of the 20 regional bureaus listed in section 33 of proclamation 41/1993. Each bureau is led by a bureau head who is accountable to the regional executive committee and is responsible for preparing and submitting draft laws necessary for the proper execution of the bureau's activities. They may, among other duties:

- Prepare and implement plans and a budget¹
- Ensure the implementation of laws, regulations, and directives
- Undertake studies and research; collect and compile statistics; transmit them to the concerned central executive body
- Enter into contracts according to the law.

Regional governments may also establish an intermediate hierarchy between the *wereda* and the regional levels to facilitate efficient administration. Consequently, zonal entities have been established in all regions to implement laws, regulations, and directives of the regional councils at the zonal level. The promulgation also establishes *wereda* councils with members directly elected by the people of the *wereda*. The *wereda* council oversees the social services and economic development of the *wereda*, approves plans and programs, and supervises their implementation. There are no zonal councils, although a regional government may establish a zonal administrative committee. The *wereda* council has powers to issue laws and to prepare and implement social and economic development plans. The *wereda* executive committee—the ex-

ecutive body of the *wereda* council—consists of members of the *wereda* council and is headed by a *wereda* chairman. The committee is responsible, among other duties, for implementing laws and preserving, developing, and tending the natural environment within its jurisdiction. Regional governments may determine the powers and duties of the executive bodies of the *wereda* and other administrative levels in conformity with the provisions in the proclamation.

In some regions, for example Oromiya, the *kebeles* or village-level entities, form the link with grassroots organizations and ensure their participation in development planning. The regional government has established these structures and defined their roles, powers, and responsibilities. The *kebele* assemblies and their *kebele* executive committees are bodies for the grassroots implementation of laws enacted by higher bodies. They may implement their own development programs upon approval by the respective *kebele* assemblies.

Development Planning Process

The process of development planning is initiated through the issuance of circulars by the planning and economic development bureau to the bodies of the regional governments. These circulars include guidance on the objectives, priorities, dates of submission, formats of presentation, and amount of resources likely to be available. The regional councils identify the priority areas for the regional development plan. For example, for fiscal 1997, industrialization led by agricultural development and public investment in education, health, water development, and infrastructure were the priorities in some regions. The size of the annual budget is then determined by the planning and finance bureaus after discussions with the sector heads. It is then approved by the regional councils and, as a matter of convention, the budget is based on a review of capital expenditures in the preceding year. In January of each year, this budget is communicated to the zones. Zonal development plans are then received by April or May. The plans are reviewed and collated at the regional level and then submitted to the regional council for approval. They are then sent to the central Ministry of Economic Development and Cooperation and receive

parliament's approval before the start of the fiscal year (July). As a matter of convention, the ministry does not alter, amend, or modify the budget approved by regional councils. The actual process of planning, however, differs from region to region. It depends to a large extent on the availability of units or capacity at the subregional levels and on the state of infrastructure.

In Oromiya, *wereda* and zonal authorities are involved in the planning process and are responsible for preparing the first set of plans for their respective *weredas*. These plans are then consolidated at the regional level. This process is described in detail here, because it is representative of the planning process undertaken in larger regions. Only sectoral bureaus that have a presence at the *wereda* level, and have adequate capacity, are able to adopt a bottom-up approach. In some cases, sector bureaus mobilize and send relevant experts or planners to work with *wereda* officials. In Oromiya, bureaus with branches at the *wereda* level include agriculture, health, education, finance, justice, energy, mines and water, and industry, trade, and tourism. At the *wereda* level, the submission of plans needs to be cleared by the *wereda* councils. However, this procedure is reportedly a formality because the councils and their respective executive committees lack the requisite skills and advisory bodies to conduct any analytical work. It is also understood that *wereda* council members often add their own project lists to the submissions for approval without regard to cost or other factors. Therefore, reportedly, zonal authorities do not attach much importance to these plans and sometimes rely on proposals submitted directly by mobile planners identified by the zonal and regional bureaus or *wereda* authorities. At the zonal level, where all the sector bureaus have branches and are better equipped and staffed, there is more systematic screening and prioritization of the development plan for the zone. These zonal plans, vetted by the zonal sectoral authorities, are then submitted to the planning and economic departments at the zonal level as well as to the regional sector bureaus for information and follow-up. The planning and economic development offices in the 12 zones then evaluate the financial, technical, and institutional aspects as well as the output in terms of marketability or benefit to society. They then

consolidate the zonal sectoral plans and send them to their respective zonal administrations for approval, with copies to their own regional planning bureau for further evaluation and follow-up. The zonal administrations may approve of the plan in its entirety or modify it before sending it to the regional executive committee for approval.

In the southern region, development planning adopts, to the extent possible, a bottom-up approach. However, the health, education, and agricultural bureaus are the only sectors with a presence at the *kebele* level, and, therefore, in all other sectors, the *wereda* is the focal point for grassroots inputs.

In Afar, the process is very different, perhaps reflective of some of the weaker regions. The development plan is formulated and determined by the regional sectoral bureaus, resulting in the final plan being not more than a desk study, which rarely responds to the needs and priorities of the people, much less women. Although the regional planning bureau is fully aware of the limitations of such a plan, critical constraints prevent them from preparing the regional plan in a participatory manner:

- Shortage of qualified human resources to undertake evaluation, planning, and implementation, in particular at zonal and *wereda* levels, where, until recently, no planning units had been established
- Lack of logistical supplies
- Lack of infrastructure (in particular, roads and communications), inhibiting travel and communication between the center and subregional administrative units and with the largely seminomadic communities
- Lack of accurate and reliable data in the region.

In Gambella, the plan is also developed by the sectoral bureaus based on an assessment of the needs of communities in their respective sectors. The planning bureau formulates the plan based on a socioeconomic survey undertaken in 1995, wherein priority areas and activities are identified by the *weredas*.

In Amhara, like in other relatively large regions, the structural disparities and the administrative and staffing capacity, in particular beyond the zonal level, limit the functional efficiency of the flow of information from the *kebele*

and *wereda* level to higher administrative levels. Thus, the development process varies from sector to sector and from zone to zone.

Implementation of the Women's Policy

Within this broad institutional framework for development planning, all regions have established women's affairs bureaus to coordinate and monitor the implementation of the women's policy and to facilitate achievement of its objectives. These bureaus are lodged in the regional council's office, with the head of the bureau reporting to the regional president. They are a unit of the regional council's office and receive a small recurrent budget for their staff and other expenses. Regional councils are divided into four sections: economic, social, planning and finance, and security administration and political. The sectoral bureaus are directly accountable to one of these sections. The structure and nature of the staff vary from region to region.

Women's affairs bureaus are responsible for creating an enabling environment for ensuring the effective implementation of the women's policy at the regional level. According to the women's policy (part B, sec. 3), the bureaus:

- Create awareness of the structure and objectives of the women's policy on women within their respective region
- Organize women's affairs units at the regional level
- Facilitate and coordinate governmental and nongovernmental activities related to women
- Formulate policy proposals at the regional level
- Encourage research and other activities that may be required to raise the visibility of women's issues in society
- Make efforts to increase women's active participation in different activities
- Follow up on the integration of women's concerns and issues in regional policies and ensure that they are properly addressed in strategies, plans, programs, and projects at the regional level.

Before, and immediately after, the announcement of the women's policy, most regions appointed a focal person to staff the women's affairs bureau. The regional civil service bureau also accepted the structure and approved the

detailed structures according to the existing principles of the civil service system. These offices were either bureaus or sectors, but the nomenclature did not signify any change in the mandate or accountability of the office. Apart from these women's affairs bureaus, there are also women's focal points in the regional bureaus, generally referred to as women's departments. Again, the number and capacity differ from region to region, but in most regions, women's affairs departments exist in the agricultural bureau, the education bureau, the labor and social affairs bureau, and disaster prevention and preparedness bureau. Placing the women's affairs department in the regional council was intended to strengthen its role as a coordinating office for other sectoral bureaus and development agencies on gender matters. As part of the sectoral bureau, they prepare projects and plans for inclusion in the region's annual plan and budget. Also, they advise their bureau on the gender-sensitivity of plans and projects proposed under the sector before the proposal is submitted to the bureau of planning.

In Afar, a women's affairs bureau has been established, and, despite the acute shortage of trained staff, has had a positive impact and helped to sensitize officials to the need to integrate gender concerns in development planning in Afar. One existing staff member is designated as a gender focal person for all five zones and 29 *weredas*. Focal points are also appointed in three sectoral bureaus: agriculture, education, and culture. The women's affairs bureau has only a working relationship with the focal points in the zones and *weredas*, all of whom report to the zonal authorities, *wereda* councils, and sector heads.

The women's affairs bureau in Amhara has better technical capacity than the one in Afar, with the regional head and two experts having the qualifications required by the civil service. The region, however, does not have zonal and *wereda* structures, because it felt further study was necessary to determine what type of structure would be suitable. The women's affairs bureau also felt that assigning focal points in sectoral bureaus was not practical, because it raised expectations that they would address all gender concerns. Amhara therefore proposes making existing staff responsible for

mainstreaming gender into the activities of their respective offices. Also, focal points would not be appointed to the sector bureaus. Instead, a gender committee in the sector bureau, drawn from various departments, would ensure that any proposed sectoral plans are gender-sensitive.

In Oromiya, the women's affairs department continues to be accountable directly to the regional council president, but the name was changed from "bureau" to "sector" in an effort to increase the prestige of the department. The head of the sector is a political appointee. Technical skills and manpower have been a constraint, even though the Oromiya region's headquarters are situated in Addis Ababa. Ten out of the 12 zones have a zonal head of the women's affairs office, but these experts are accountable to the council chairperson, not the women's affairs bureau, with which they have a working relationship. Focal points exist in the bureaus of agriculture, planning and economic development, education, justice, health, population, labor and social affairs, and industry, trade, and tourism.

In the southern region, a promulgation redefined the powers of the office, giving the bureau an independent status (proclamation 9/1996). Although it has the legal status of a bureau, its powers and responsibilities are still to coordinate activities related to women in the region, ensure that development plans are gender-sensitive, and prepare necessary policy proposals. The proclamation also establishes five units within the women's affairs department: education, income-generation and appropriate tech-

nology, legal and customary affairs, health and family planning, and women with special needs. Consequently, for the first time, birr 478,000 has been allocated to the head office, the nine zonal offices, and five special *weredas* for their recurrent costs.

In Gambella, as in Afar, there is a severe shortage of manpower, and the bureau is being staffed by persons who do not have the required skills. The structure has remained unchanged, with the bureau head reporting to the regional council chairman. Gender focal persons are appointed at the zonal and *wereda* levels, even though they do not possess the competencies required for the job. The bureaus of agriculture, health, disaster prevention and preparedness, labor and social affairs, and justice have all established focal points, but the personnel assigned to these positions are less qualified than those in similar positions not related to gender. There is currently no coordination between the women's affairs department and entities at the sectoral, zonal, or *wereda* levels.

Below the regional level, representation is very weak (see table C-1). The network barely extends to the *wereda* and is almost nonexistent at the *kebele* level. The women's affairs department in the agricultural bureau—the rural women's affairs department—deserves special mention, because in some regions, like the south, this is the only women's department that has a budget based on a plan that it prepares. Moreover, this department has staff at the level of a development center (five peasant associations or *kebeles* form one development center), making it a truly grassroots body. Thus, the southern re-

Table C.1 Representation of Women's Affairs Bureaus and Departments at the Regional Level and Below, by Gender and Region

Number and name of region	Women's affairs bureau	Departmental units		Zonal level		Wereda level		Kebele level	
		Number of units	Number of focal points	Total	Number of focal points	Total	Number of focal points	Total	Number of focal points
2. Afar	Yes	19	3	5	5	29	29	32	0
3. Oromiya	Yes	19	7	12	12	180	60	564	0
4. Amhara	Yes	12	0	11	0	206	0	337	0
7-11. Southern	Yes	16	6	14	14	72	72	213	NA
12. Gambella	Yes	13	5	2	2	8	8	146	NA

NA = Not available.

Source: Background regional studies, 1997, available in Bank files.

gion has 512 people, of which only 53 are men. These workers ascertain local needs and send proposals to the *wereda* offices, ensuring some participation by the beneficiaries.

Regional Gender Strategies

The transitional government deliberately framed the women's policy in broad terms. Thus, the policy does not provide specific measures for integrating women in the development process. The framers expected regional authorities to prepare action plans or strategies tailored to meet the priority needs of the local regional context. However, except for Oromiya, few regions have prepared a separate strategy or action plan. In other cases, the women's affairs bureaus have prioritized some objectives. However, these are no more than internal objectives of the women's affairs department. Development interventions for women have consisted mostly of separate programs or ad hoc projects. In most cases, the availability of donor funding seems to have determined the scope and nature of the intervention. Also, the center has attempted to integrate gender concerns in traditional areas like health and education. Therefore, progress has been slow at the regional level. The following paragraphs document regional attempts to integrate gender concerns into development planning.

Amhara has prepared a paper on the region's gender strategy or policy, in the form of a baseline paper on gender problems and development priorities. This document contains an in-depth analysis of issues pertaining to rural, urban, and elderly women and has been approved by the regional government. It reflects an effective development strategy in that it recognizes and reacts to the heterogeneity of situations in the field, even within Amhara, instead of adopting a homogeneous attitude to policy interventions. The document also examines women and the law, women in politics, NGOs, and institutional responsiveness to women's needs. The information was generated from a multistage, stratified sampling method, with a sample size of 450 women. The study is perhaps too small to offer conclusive findings. Nevertheless, it documents the voices of real women.

The major part of the document analyzes the socioeconomic and cultural position of women

in society as perceived by the protagonists themselves. The process reveals that female inequality is strongly premised upon a subjectivity that is psychologically conditioned to accept unequal gender relations as "right" and "just" because they are anchored in sociocultural norms. Empowerment of women then becomes an important issue for women's affairs bureaus. Male ownership of property, unequal division of property upon divorce, unequal access to education due to early marriage, powerlessness in decisionmaking within both the household and the community are identified as problem areas.

The strategy identifies constraints facing women's affairs bureaus: absence of coordination with other bureaus, lack of human resources, and lack of cooperation from other institutions. "Departmentalize is alienation," the document states, pointing out that gender issues need a multisectoral, integrated approach. The document adopts such a strategy by identifying issues and proposing appropriate policy interventions for each sector.

The women's affairs department in Oromiya has prepared a five-year development plan for women (1996–2000), which has been approved by the executive committee. The plan identifies harmful cultural attitudes and practices as well as their economic and social conditions as being the main constraints to women's development. The plan also identifies polygamy, abduction, and the prevention of pregnant women from taking nutritive food (because of fear that the child will be overweight) as areas of serious concern. The plan indicates that school-age children and women are the most affected by these factors.

The long-term objective of the plan is to enable women to access development benefits, namely resources such as land and health and education services. The short-term objectives are concrete policy actions: providing credit to poor women, increasing training opportunities, deepening research on the socioeconomic status of women, collecting baseline data for further policy interventions, addressing harmful cultural practices, and using the media to trigger attitudinal changes, especially in rural areas.

Strategies for implementation include ensuring adequate staff in women's affairs departments and their branches at the zonal level, providing transport and other facilities to those

engaged in women's activities, preparing coordinated sectoral plans, giving priority to rural women, and promoting the objectives of the women's policy.

The plan also establishes clear, monitorable targets:

- Creation of a training center at Nazareth
- Implementation of 29 small-scale irrigation projects with women as beneficiaries
- Construction of 172 child care centers
- Creation of 436 clubs in schools and workplaces for women
- Creation of a handicraft training center for women
- Creation of a small-scale center for training women in dressmaking and handicrafts
- Introduction of fuel saving and other appropriate technologies for women in rural areas.

The total cost of the action plan is an estimated birr 134.8 million, with recurrent expenditures of birr 45.4 million, a capital budget of birr 42.1 million, and foreign assistance of birr 47.3 million. Out of the total planned investment, birr 50 million is allocated for the proposed women's training center. The design of the center has been completed, and a site has been identified.

This plan was prepared with the participation of women focal points in the zones, which in turn collected information from the *weredas* and women's affairs departments in regional bureaus. Clearly, the lack of skills is a major constraint to women's development. However, it is highly debatable whether an effective response

would be to construct a large and centralized training center, given the other constraints on women. Irrigation is also a critical need, but again, a separate project for women could undermine the process of integrating gender concerns into planning for the irrigation sector. The plan raises concerns about the women's affairs bureau's capacity to implement such a diverse spectrum of interventions. If the bureau starts implementing projects itself, then its coordination role becomes subsidiary.

In Afar, creation of the women's affairs bureau was announced in 1993, but the bureau was not established until 1995. The women's affairs bureau feels that it does not have the capacity to ensure implementation of the women's policy or prepare a regional action plan suitable for their region. Nevertheless, given the low socio-economic status of women in Afar, the women's affairs bureau has been able to establish some priorities that will guide the work of its office:

- Increasing women's awareness of their rights
- Improving the living conditions of women in the region
- Enhancing educational opportunities for Afari women and increasing literacy rates.

With this as an action plan, the women's affairs bureau has prepared several training and educational projects for which they have obtained or are seeking funding (see table C-2).

The Southern Region does not have a comprehensive strategy for gender development nor a separate action plan for women. However, the

Table C.2 Objectives of the Women's Affairs Bureau in Afar

<i>Funded by</i>	<i>Project description</i>
Regional government (to be funded)	(1) Construction of a training center for women (2) Projects to improve the living conditions of women (3) Biogas Project (agricultural bureau)
Ethiopian Social and Rehabilitation Development Fund	(1) Typing training (two cycles) (2) Training in handicrafts production (Ungah). only in Asayita <i>wereda</i>
<i>Donors</i>	
United Nations Development Programme	(1) Training in handicrafts production (2) Cotton weaving
United Nations Educational, Scientific, and Cultural Organization	(3) Primary education
United Nations Children's Fund	(4) Credit scheme within the <i>Wereda Integrated Basic Services (WIBS)</i>

Source: Regional background report on Afar, 1997.

bureau has prioritized the following objectives for 1997–98:

- Reduce harmful traditional practices, such as female circumcision, abduction of girls, and rape
- Raise awareness among parents, heads of education bureaus, and school teachers of the importance of educating female children
- Offer training in self-confidence and leadership to trainees at teacher, health, and agriculture training institutes
- Create the capacity for forming village-level women’s self-help groups.²

Gambella does not have a separate gender strategy or action plan. However, the region is implementing a number of programs and projects for women that are being financed by the United Nations Development Programme and some NGOs.

Role of Nongovernmental Entities

The government does not, by itself, have the capacity to implement the women’s policy or effectively deliver services, particularly at the grassroots levels. The needs of women are many and diverse. While the government needs to take leadership in the area by setting public policies and initiating action, women’s groups, nongovernmental organizations, and other bodies can play an important role in supporting the government’s efforts to reduce gender inequities.

The women’s policy requires women’s affairs organizations and boards to coordinate the activities of NGOs in the country. Although NGOs constitute important focal points for the delivery of services, very few operate outside urban areas. Local representatives complain about the unfair distribution of NGOs throughout the country and within regions. NGOs tend to locate their projects and activities in areas with better basic facilities. Lack of infrastructure (roads and markets) and a highly dispersed population significantly affect NGO activities. For example, in Afar, no NGO is operating in the northwest part of the region, a relatively poorly developed area.

For example, the Christian Relief Development Association directory lists 27 NGOs as working in the Afar region. However, according to the disaster prevention and preparedness bureau that registers regional NGOs, only five are work-

ing in the region; of these, only the Afar Relief Association works with women. In the southern region, more than 46 NGOs are registered in the area of relief, rehabilitation, and development. Eleven of these work with women, in particular in the area of savings and credit, livestock (cattle fattening, diary goat development), and microenterprises, but many have an urban focus. In Amhara, 35 NGOs are operating. None of these, with the exception of Gondar Women’s Pottery, concentrates on issues specifically related to women.

Development experience has amply demonstrated that women’s groups are one of the most effective strategies for seeking women’s views. “The groups provide a legitimate social space beyond the home and foster a sense of solidarity that allows women to deal more freely with unfamiliar formal institutions and processes” (World Bank 1995a). However, women’s groups are not common in Ethiopia and are a recent phenomenon. Some neighborhood groups may form an *idir* in urban areas, but such groups are nonexistent in many regions. First, households lived in scattered locations and rarely interacted with other households except during religious or other family celebrations. Second, REWA, the women’s association during the *derg* regime, adopted a very top-down approach. Moreover, they involved women for political purposes and collected resources, but women’s groups did not see the fruits of their contribution. Therefore, in all the regions, women resist any form of top-down structure and suspect that such activities would again serve the interests of the government, not of the women’s groups.

Therefore, groups are often created to facilitate the delivery of services. For example, in the south, NGOs either use service cooperatives or create beneficiary groups. Most NGOs also appoint development agents to assist them in mobilizing women. The International Fund for Agricultural Development (IFAD) in the south is supporting the regional government’s policy to reconstitute and rejuvenate service cooperatives and is directing its services through these cooperatives. In Amhara, NGOs work directly with women through their project offices.

Together, these are the arrangements at the regional level for implementing development interventions. Regionalization significantly

alters the challenge to development planners, who must now address subnational or regional levels of government. The challenge will be to provide appropriate incentives and remove constraints on the various players in the regions to facilitate the effective implementation of the women's policy.

Notes

1. Bank-financed projects must now be implemented by the regions. For example, although the central government would develop the education policy, the regional education bureau would prepare the plan and the regional program implementing it. Thus, in designing sector investments, it is necessary

to understand how priorities fit within the development action plan of each region, because what may be a priority in one region may not be a priority in another. At the same time, if a regulation or law is necessary to implement a national policy effectively in a particular region, that regulation would need to be discussed and initiated with the regional, not the central, authorities.

2. *Wereda* offices had been asked to form *kebele*-based groups using existing grassroots homogeneous or cultural groupings as a nucleus. These groups would function as interest groups for gender issues, lobby for development activities and access to government and donor-funded projects, and become members of local councils. Eventually, the groups could federate into a women's organization at the *wereda*, zonal, or regional level.

Annex D Preparation of the Report

The report was prepared in a highly participatory manner, jointly with the federal government and in close consultation with and under the guidance of regional governments as well as nongovernmental stakeholders. In addition, the women's affairs bureaus and the bureaus of planning actively participated in some regions. During a workshop to discuss the concept paper, it was agreed that the regional committees active in some regions would prepare the background work for the sector report. NGOs and donors will have an opportunity to discuss the findings of the report, as they did the concept paper. The process of preparing the report, in itself, strengthened gender-sensitivity at the regional levels, increased the capacity of regional partners to conduct participatory appraisals, and expanded the Bank's awareness of and sensitivity to constraints facing women in Ethiopia.

The lack of region-specific data, both on the intergovernmental arrangements as well on the status of women, posed a significant constraint. In order to understand regional variations, consultants prepared 10 background reports on implementation of the women's policy at the regional level, with the second set of papers focusing on the delivery of services. These background papers are in Bank files.

In addition, participatory rural appraisals, conducted in all five regions, sought information on customary laws and practices affecting the economic lives of men and women. Consultants, including a national coordinator, were trained by international consultants for this pur-

pose. Participatory rural appraisals were completed in five of these regions, although in two, the information generated was relatively weak. Summary regional reports are provided in annex B. In addition, two participatory rural appraisals were conducted in Addis Ababa to understand the constraints facing female entrepreneurs and the access to legal remedies for divorced women.

Participatory rural appraisals were conducted by a team of local consultants, who attended a two-week training course facilitated by two international trainers and qualified Bank staff. Final reports were prepared by the national coordinator for the participatory rural appraisal, assisted by an international consultant. All the detailed reports are in the task files. A number of tools were employed, with the key focus being on customary practices that regulate the economic rights of women. The participatory rural appraisals did not focus on health, education, and other factors because this was covered under the household survey conducted for the social sector note, which is being prepared separately. The women's affairs office and the local government structures—namely the bureaus of women's affairs and planning and *wereda* officials—introduced the team of local consultants to the community. However, because the appraisals were conducted by different teams, the depth of coverage is not consistent across regions.

An NGO, the Ethiopian Women Lawyer's Association, prepared the background papers on

matters related to gender and law. Additionally, it provided research on select gender and legal issues.

In the two surveys conducted in Addis Ababa, participatory processes were also used. Focus discussion groups were carried out with differ-

ent categories of women—food vendors and vegetable vendors, including single, married, divorced, and widowed women. This information was supported through direct observations and informal conversations and later strengthened with secondary materials.

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