

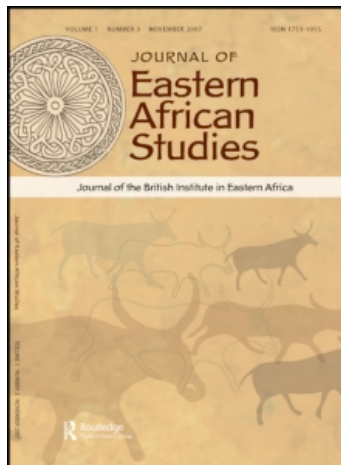
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On: 3 March 2010

Access details: Access Details: [subscription number 919625048]

Publisher Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Journal of Eastern African Studies

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title~content=t770239509>

Sitting at the table: securing benefits for pastoral women from land tenure reform in Ethiopia

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Online publication date: 03 March 2010

To cite this Article Flintan, Fiona(2010) 'Sitting at the table: securing benefits for pastoral women from land tenure reform in Ethiopia', Journal of Eastern African Studies, 4: 1, 153 – 178

To link to this Article: DOI: 10.1080/17531050903556709

URL: <http://dx.doi.org/10.1080/17531050903556709>

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Sitting at the table: securing benefits for pastoral women from land tenure reform in Ethiopia

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(Received 27 June 2009; final version received 30 November 2009)

The pastoral areas of Ethiopia are witnessing radical change in terms of both increasingly restricted mobility and access to vital resources. A cause and consequence of such constraints has been a move toward sedentarised forms of livestock and agricultural production. This is occurring in a political and socio-economic vacuum, in which the customary institutions responsible for resource allocation and access to land are becoming weaker, and where the Ethiopian government has yet to develop a clear policy or strategy for resource distribution and tenure security in pastoral areas. To date, pastoral women's property rights have been afforded a certain degree of protection by customary institutions; however, the impact on such protection is likely to be negative as these institutions weaken. Appropriate and effective government protection for women's property rights do not yet exist. Land tenure reform in pastoral areas appears imminent, partly due to increasing conflicts over access to resources, and to the existence of such reforms in other parts of the country. This paper discusses the changing nature of pastoral land rights in Ethiopia through a detailed case study of the Boran people in Oromia Regional State. It sets the case within wider national land reform processes and makes recommendations regarding how civil society and other actors can best engage with land policy and law formulation and implementation processes to secure women's land rights.

Keywords: Ethiopia; pastoralism; Borana people; women's rights; sedentarisation; land

Rangelands are the largest land use system on earth. They constitute some 35 million km² of the earth's surface area, with the majority found in developing countries; they account for approximately 65% of the total surface area (almost 22 million km²) in tropical Africa. Over 180 million people in developing countries – broadly termed “pastoralists” – depend for their livelihoods on rangelands.¹ Pastoralism is an effective and efficient land use system for livestock production in these areas, characterised by low rainfall and high rainfall variability.² These systems are heterogeneous, with some pastoralists depending entirely on livestock for their livelihoods and others on mixed agro-pastoral systems where there is close integration of pastoral resources with cropping. Mobility is key, being a rational mechanism for ensuring access to resources for livestock and people within conditions of spatially

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and temporally uneven resource distribution and environmental uncertainty.³ Mobility is also about the building of the social support relations and networks that are vital for a functioning pastoral society.⁴

In practice, natural resources found in pastoral areas, and access to them, have been managed communally by customary institutions. These include “territorial” units, social and cultural units such as clans, and resource units such as water points.⁵ Rights to these resources might not always be clear but, rather, are “fuzzy” in nature, with shifting claims and continuous contestation and negotiation of access rules.⁶ They can also be described as non-exclusive, multiple, asymmetric (with priority given to certain users), and in some cases time-bound.⁷ For example, although an individual or group of individuals may have usufruct rights to an area of grazing land, it tends to be the clan which sets the rules of access and provides the broader social context within which those rights to use the land are claimed. Clan members are allocated property rights and responsibilities according to their perceived ability to manage that property for the benefit of the clan. In return, the clan provides social, economic and political protection and security for its members, including vulnerable groups and women.⁸

Women play a central role in pastoral livelihood systems as livestock keepers, natural resource managers, income generators and service providers.⁹ Pastoral women are not only “primary” users of land through their role as livestock managers, but are also major “secondary” users, collecting rangeland products such as firewood, grasses, fodder, and palm leaves, gums, resins, saps and other medicinal plants.¹⁰ Gendered norms, values and relations influence women’s roles, with women tending to access especially primary resources such as livestock or land through men (usually their husbands) as members of a clan.¹¹ However, decision-making over resource use and sale (including of livestock) tends to be a joint affair between husband and wife, ensuring not only that the household benefits, but also that their obligations to their clan are fulfilled.¹²

Today, throughout pastoral areas across the world, mobility of livestock and people is being increasingly challenged. As a result, many pastoralists are reducing their movement and starting to rely more on crop production than their traditional livestock-dominated livelihood systems in a process of sedentarisation. This is having a fundamental impact on their access to and control over resources, including land, grazing/browse and water, and on the social relations linked to these resources.¹³

As sedentarisation increases, so too does the privatisation of resources to be used for individual or household (as opposed to clan) gain. This includes the fencing of communal grazing areas for individual or “group” livestock holdings, and the construction of individual water points from which water is sold.¹⁴ Individual interests and wealth differentiation have tended to grow, while collective responsibilities, mutual aid and reciprocity have been breaking down.¹⁵ Though some individuals have benefited from such processes of change, those wielding less power in communities – often the women – have not benefited so much.

The increased privatisation of resources also means a reduction in the availability of communally held resources for the remaining mobile pastoralists, and increased competition, mismanagement and over-use of them.¹⁶ Government-controlled land tenure systems have been introduced that protect “primary” land users (most often men) whereas the rights of “secondary” or “fuzzy” land users and right-holders (often women) have been ignored.¹⁷ Even where formal “communal” rights have been promoted, problems have occurred. In Kenya, for example, many rangelands have

been divided into group ranches. More than 99% of the members of group ranches are men.¹⁸ Recent divisions of these ranches into individual holdings have also advantaged men as land registration has provided men with land titles as heads of their households.¹⁹ Where land has been allocated specifically to women, plots are often small, of poor quality and difficult to access.²⁰ Moreover, with communal access routes blocked through privatisation, women must now devote more time to collecting and gathering resources, or find the money to purchase alternatives.

Sedentarisation thus changes the roles that men and women play in pastoral livelihood systems.²¹ Often this will result in women having to work harder to take care of new non-livestock-based tasks.²² Diminishing access to livestock also curtails traditional exchange networks. As market pressures grow, this can make it increasingly common for livestock and livestock products (including milk – an item conventionally associated with women) to be disposed of by men without consulting their wives.²³ What had been women's "primary" rights to livestock products now become "secondary" rights, which are more vulnerable to further erosion and marginalisation.²⁴

In Ethiopia, a country with large lowland areas dominated by pastoral land use systems, such growing trends of sedentarisation and privatisation are now being seen. Much of Ethiopia's rangelands are still managed by customary institutions of varying strengths, but national and local government interventions in pastoral areas are intensifying. To date, such trends are developing without a national land tenure policy for pastoral areas, although a land tenure policy based on the registration of individual holdings is being finalised for the highland areas of the country dominated by crop production. Reform for the pastoral areas is imminent, reflected by very recent developments in policy and legislation within regional governments. This is likely to have a fundamental impact on Ethiopian pastoral women and their rights to resources. In this article, through a case study of the Borana people of Oromia Regional State, I explore some of the issues arising for pastoral women from the changes occurring in Ethiopian land tenure systems and from increasing sedentarisation in pastoral areas, and consider ways forward to mitigate negative consequences and engage constructively with these issues.

Pastoralism in Ethiopia

Pastoralism is one of the oldest socio-economic systems in Ethiopia. Pastoralists belong to approximately 29 different ethnic groups, occupy 60% of the territory and constitute 12% of the population.²⁵ It is estimated that livestock populations in pastoral areas account for 27% of Ethiopian cattle (over 11 million heads), 26% of sheep (6.5 million heads), nearly two-thirds of goats (about 15.2 million heads) and all the camels (2.3 million heads). Government-generated figures indicate that livestock contributed 9% of total GDP and 21% of agricultural GDP in fiscal year 2005/06. Livestock production contributed to the livelihoods of 65% of the rural population and accounted for between 12 and 15% of the export earnings of the country through live animals, meat and hides.²⁶ The direct financial value of pastoralism is estimated to be 1.22 billion USD per annum. In addition, livestock production – particularly pastoral production – provides a large number of indirect economic values (including draught power, manure, tourism and rangeland products such as gums and resins), which are estimated to exceed 458 million USD. This gives

an estimated economic value for pastoralism in Ethiopia of at least 1.68 billion USD per annum.²⁷

Though some regular migrations with livestock occur in mountain areas and between highlands and lowlands (for example in the Bale Mountains eco-region), the majority of pastoralists are found in lowland areas. Unlike the highlands (comprising about 40% of Ethiopia's surface area but supporting 90% of the rural population), the lowlands are characterised by relatively low human population densities. The largest pastoral groups are the Somali in the south-east, the Afar in the north-east and the Borana in the southern rangelands. Although livestock densities are much higher in the highlands, the highlands rely very much on the lowlands for their superior livestock and higher quality livestock products: for example, about 20% of the draught animals used there come from the lowlands.

Despite the great contribution of pastoral systems to the national economy, however, the constraints and potentials for their development have been neglected in past government policies and programmes. Thus, "sectoral policies reflect the way of life of the agricultural highlands and neglect that of pastoralism",²⁸ including within the government's general development policy, Agricultural Development Led Industrialisation. Moreover, both the government's Pastoral Policy and its Sustainable Development and Poverty Reduction Programme see settlement of the majority of pastoralists as the way forward.²⁹

Moves to sedentarisation

There has been a steady move to more settled forms of livestock production in much of Ethiopia's pastoral areas. The reasons for this are complex. On the one hand, for instance, promotion of sedentarisation stems from the line of reasoning which suggests that in order to be regarded as a "developed" and "modern" individual, one must be settled. Pastoralists in Ethiopia are considered by many to be "uncivilised" and "primitive" people who inhabit troublesome border areas and make little contribution to the national economy, despite evidence to the contrary.³⁰ In Amharic the word *zelan*, for nomad, has come to mean manner-less, unruly and undisciplined.

Additional influences promoting sedentarisation include a wide array of large and small development projects and programmes, including: increased water infrastructure such as ponds and boreholes; changes in administrative boundaries, including between pastoral regions; resettlement of agriculturalists from the over-populated, often degraded, highland parts of the country; long-term effects of food and livelihood insecurity due to such variables as drought and conflict; and the provision of incentives for settled agricultural practices (such as extension support for crops and provision of fertilisers and other inputs).³¹

In 2003 it was suggested that 1.9 million hectares of rangelands undergo conversion to crop production.³² Indeed, since the 1960s successive governments have made perceived "empty" and "badly used" pastoral lands available for more "productive" purposes, including large-scale commercial farms.³³ Today, led by the federal Ministry of Agriculture and Rural Development, these land conversions have grown in size and in frequency. In September 2009, for instance, in the South Omo zone of Southern Nations, 22,000 hectares of land from pastoral areas were given to five investors. A further 400,000 hectares is being assigned to investors in Afar region as this paper goes to press, though it said that this is land degraded by invasive plants or at risk of invasion. Somali region is next in line to give land.³⁴

Land tenure in Ethiopia

Land use and tenure policy in Ethiopia has seen many changes over the past decades.³⁵ Today radical title to all land in Ethiopia belongs to the State. However, as embodied in the Federal Constitution, “Ethiopian peasants have the right to free land for grazing and cultivation as well as the right not to be displaced from their own lands.”³⁶ This right includes the right to alienate, to bequeath, and where the right of land use expires, to remove property, transfer title or claim compensation for it – but not to sell or exchange. The rights of women and children are also enumerated, discrimination is prohibited; equality of rights to use, transfer, administer and control land are laid down in Articles 25 and 35.

The Constitution is said to be supreme over any law, decision of an authority or practice of any nature, be it religious or customary. In terms of inheritance, divorce, marital property and other property rights, however, the 1960 Civil Code remains operational and has not yet been revised to realise the implications of the Constitution.³⁷ Following usual practice, the Civil Code maintains that property must pass to blood relatives, with children being the first to inherit, and that a man or woman cannot inherit the property of his or her spouse.³⁸ On divorce, and in the absence of any contract, the Civil Code states that each individual takes his or her own property, and any common property obtained after marriage should be divided equally.³⁹

The Ethiopian Land Reform Act of 1975 provides the basis for land specific legislation. Amendments through more recent proclamations⁴⁰ grant all habitants in rural areas a right to access land for livelihood purposes. The 1997 Proclamation’s Article 6⁴¹ requires that regional land administration laws be free from gender discrimination and confirm the equal rights of women in respect of the use, administration and control of land, as well as in respect of the transfer and bequest of landholding rights. It empowers regional nation states to autonomously administer land and, importantly, to determine the manner in which they implement this. Under the federal proclamation, regional states should also provide for communal use land areas to be demarcated.⁴² The proclamation provides the basis for land registration and certification, and a 2005 addition⁴³ strengthens the basis for upgrading the land administration system and implementing sustainable land use planning. It remains the case that Peasant Associations – or *kebele* – established in the 1970s under the Dergue regime are responsible for distributing land at the local level.⁴⁴

In recent years measures have been taken to extend gender equality in land matters in practice, particularly in rural areas. Regional land laws have reflected the emphasis drawn at federal level and have strengthened equality in inheritance rights and provided for better rights for women on divorce or the death of their husbands. Land registration with the provision of title certificates has occurred in a number of regions (including Tigray, Amhara, Southern Nations, Nationalities and Peoples Region (SNNPR), and Oromia) aimed at increasing tenure security and strengthening women’s rights to land.⁴⁵ Since the land registration process began in 1998, over five million certificates have been delivered to date. In some regions these include provisions for polygamous marriages which – although not recognised by federal law – are given separate attention with certificates for some landholdings being issued in the wives’ names, with their husbands having only secondary interests recorded.⁴⁶ Although on paper women’s rights to land in the highland areas of the country look

to have been made more secure, however, it is yet to be seen to what degree their rights are protected in practice.

Current tenure arrangements in pastoral areas

Despite the progress made in land tenure policy in general, there remain no clear policies or guidelines for formalising land tenure arrangements in pastoral areas. The 1994 Constitution offers seeming protection through guaranteeing pastoralists the right to “free land for grazing and cultivation as well as a right not to be displaced from their own lands”.⁴⁷ FRLAUP 1997 requires that landholding rights be assigned sufficiently to “both peasants and nomads without differentiation of the sexes” and that they be “secure against eviction and displacement from holdings on any grounds other than total or partial distribution of holdings effected pursuant to decision by Regional Council”.⁴⁸ However, Proclamation 456/2005 states that “it has become necessary to establish a conducive system of rural land administration that promotes the conservation and management of natural resources, and encourages private investors in pastoralist areas where there is tribe based communal land holding”.⁴⁹ Further, Article 5(3) states: “Government being the owner of rural land, can change communal rural land holdings to private holdings as may be necessary.” In practical terms pastoral lands have not been covered by specific national legislation, and when competition or confrontation occurs between different land users legislation protects investors or agriculturalists by default.⁵⁰

It was intended that regional level legislation would devise and specify the terms and conditions under which land is made available to all land-users. However, it is only very recently that there have been any attempts made to address this, with only one regional government – Afar Regional State – having produced a policy and draft legislation for pastoral areas.⁵¹ Instead, land tenure and resource access in pastoral areas have been changing within a political and socio-economic vacuum where customary institutions have weakened, and government authority is inconsistent or under the approval of one or the other, depending upon the local institutional set-up. For example, some *kebele* are providing plots for cultivation on request. In other areas, such as parts of Somali region, “informal” committees have been established to try and manage land and its uses. Land and rangeland resources are increasingly being privatised in a haphazard manner. This is occurring with little consideration for the good of the greater rangeland environment, or for the pastoral people who continue to rely on them as part of a livelihood system in which the removal of one key resource and part of this system can mean the destruction of the whole. In the meantime, problems between different land users and their needs and priorities continue to arise. This can be no more clearly seen than in the case of the Borana Plateau of Oromia Regional State, where a long process of sedentarisation has been taking place over the last half century.

Dynamics of land tenure and management in Borana, Oromia

The semi-arid Borana Plateau is found in the southern lowlands of Ethiopia. The Boran is the numerically dominant ethnic group, inhabiting a total land area of approximately 95,000 km².⁵² Traditionally transhumant pastoralists, the Boran and their livestock track resources across a landscape where rainfall variability and unreliability is high both between and within years, averaging 353 to 873 mm

annually. Not only does such livestock production provide livelihoods for the Boran people, but it also provides draught power for smallholders in the highlands and live animals for export. Boran cattle are highly prized for their quality meat and adaptation to the local environment. It has been suggested that at times they have comprised 90% of Ethiopia's cattle exports.⁵³

Interventions in Borana aimed at increasing rangeland production started in the 1970s. The impact of such programmes has, however, "been far below expectation".⁵⁴ Badly planned construction of watering ponds in wet-season grazing areas opened up some areas for year-round grazing and attracted uncontrolled settlement leading to reduced mobility of herds. Cultivation became widespread after the 1983–84 drought as people opportunistically planted crops to deal with food gaps created by massive cattle mortality.⁵⁵ The establishment of *kebele* in the 1970s to implement land redistribution programs and collect taxes conflicted with the role of traditional elders. The additional transfer of authority for formal education, relief and extension to the *kebele* then further undermined the customary institutions.⁵⁶

In recent years there has been a dramatic increase in land allocated for crops and pastures being "privatised" or given to small sub-groups of people.⁵⁷ Today, individuals can gain private access to land for cultivation or to grazing areas through the *kebele* without having to go through customary institutions, which will not guarantee such private rights.⁵⁸ There is also evidence to suggest that some pastoral elites are promoting their own individual interests through affiliation with heads of *kebele* and the annexing of land for private use. Increasingly, fences are going up in these areas.⁵⁹ Local governments allow the fencing of land for agricultural purposes, but not for grazing, so individual herders or "pretenders" worried about losing all claims to land if they themselves do not fence have registered claims to "cultivated" land but in many cases use it for pasture.⁶⁰

An increase of settlers into the Borana area, opened up by the construction of the Addis Ababa-Moyale highway in the mid-1970s, has increased the heterogeneity of many communities, further weakening them and their customary institutions. Population density in the west-central part of the Borana plateau increased from 7.3 people per km² in the mid-1980s to 46 people per km² in the late 1990s.⁶¹ As customary institutions have weakened it has become more difficult to enforce existing rules and use regulations and to introduce new ones. In turn, government structures have increased in influence and contributed to promoting sedentarisation and enclosure of resources through incentives for private investment and the establishment of agricultural production (such as the provision of inputs). A 2001 study of six Borana districts in the late 1990s showed that private holdings accounted for 23% of the total land area, allocated mainly to crop production – 16.3% compared to 1.4% in 1986.⁶² About 80% of the communities in the sample now included some households that cultivate; 30% had taken up cultivation within the last 10 years and 22% in the last 20 years. Thirty years ago only four communities (10% of the sample) were cultivating. An additional 3.67% of land was given over to enclosed private grazing and 3.93% to enclosed areas for draught animal grazing around cultivated fields. These private enclosures for grazing were considered "to be a relatively new phenomenon that alludes to a new dimension in the dynamics of property rights in the area".⁶³ The main cultivation areas are within a 10 km radius of towns.⁶⁴

Despite a consensus on the region's high ecological potential for livestock production, the Borana Plateau is seen today as being in crisis, with great vulnerability to drought, struggling governance systems, environmental degradation,

and an increasing number of pastoral dropouts – trends which are frequently attributed to changes in land tenure and land management arrangements.⁶⁵

Management of natural resources in Borana

However, despite the pressures on pastoral systems, the majority of Boran people remain highly dependent on livestock-dominated production, with roughly 84% of the total land area in Borana still allocated to livestock production activities.⁶⁶ As a result, access to grazing and water remain vital.

According to the Boran, wealth, land, water and pasture belong to *Waaq* (God). Words such as “we” and “our” feature predominantly in Borana conversations, expressing the philosophy of collective resource ownership.⁶⁷ Customary institutions control access to resources through a range of social/cultural, “territorial,” and resource-based units. According to customary law (*adda seera*), all Boran have the right to water and to use land for grazing. The right to water is the right to life, and it is forbidden to deny someone water or to ask him or her to pay for it. Access is usually determined through the clan, with women accessing resources through their husbands, fathers, brothers and sons.⁶⁸

The Boran debate and reach consensus through assemblies at local and higher levels, although women do not attend the core meetings by longstanding custom.⁶⁹ The ultimate decision-making body is the pan-Boran *Gumi Gayu*, or Assembly of Multitudes, which meets every eight years, most recently in 2004. Overlaying the lineage and clan structures are the *Hariya* age-set system and *Gada* generation system. All males have a position in an age-set and *Gada* class; these succeed each other every eight years in assuming political, military and judicial, legislative and ritual responsibilities, including over rangeland, social and cultural issues.⁷⁰ Women obtain an ancillary position in a *Gada* class through fathers or husbands but have no position in the age-sets. They do not have authority in traditional governance structures and their exclusion is depicted in the popular dictum – *Siqee mootii warra isin mootuti bade* – “Women’s authority destroys the very people over whom it is exercised”.⁷¹

However, the importance of women is recognised in a number of ways, including through the norm that the *Gada* leader or elder should be married. A woman will be tolerated at a meeting if an issue being discussed is considered to be of interest to her, and she will be given a chance to speak. An elder can be delegated to pursue a grievance for her, and by the virtue of being a wife of a clan member, the clan councillors are duty bound to protect her rights and those of her children.⁷² Although a number of development agencies operating in Borana believe that they have persuaded some elders’ meetings to admit women as members, women tend to attend the meetings because they are expected or indeed required to, rather than *wanting* to. This should not suggest that women do not want to be consulted on specific issues that directly affect them, and have their interests taken into consideration – they do.⁷³ However, many would prefer that this be done through other means, such as by establishing better linkages between male-dominated meetings and the women-dominated forums already in existence in the Borana social system – or aligning both forums so that they run parallel to one another.⁷⁴ One example of such a women-dominated forum is the *siqqee* – a sisterhood based around the possession of the *siqqee* (a symbolic stick given to a woman on marriage),

which simultaneously indicates and endows a woman with power, status, honour, solidarity and rights to speak, own property and take corporate action.⁷⁵

Boran social systems are also based on “territorial”⁷⁶ units, which relate to natural resource management and can include a number of clans. Families are gathered into encampments or villages (*olla*) which are considered semi-permanent. However, with increasing agro-pastoralism, sedentary villages are becoming the norm. An *olla* may comprise some eight to 45 households with a population between 30 and 150, and an average of 78.⁷⁷ The village is headed by the *abba olla*. *Ollas* are grouped into larger residential units, including those based around the available permanent water sources and grazing. Although such areas have recognised boundaries, they are not considered as exclusive. In principle, all Boran – and even members of other groups – are welcome to graze their livestock anywhere, and to take water subject only to requesting permission from the elders at any given site.⁷⁸

Groups of elders or *jaarsa* exist at all levels to manage natural resources and access to them. Currently overall knowledge of the spatial extent of these customary institutions and their strength is unclear.⁷⁹ However, a number of NGOs have been working with these institutions to strengthen their role, particularly in natural resource management.⁸⁰ Certain resources, such as water, are more strictly managed than others, with clearer rules of access. The most important water sources on the Borana plateau are the nine deep well clusters, known as *tulli sagalaan*, which provide water in the dry season. Wells are clan owned. Primary rights to a well (*eela*) are with the individual (or the direct descendant of the individual) who initially excavated it (the *aba konfi*). Rights to water are then given and organised in terms of the clan.⁸¹

Gender relations and Borana women

Within a Boran household, gender sensitisation and divisions begin at birth and so become the norm: when a male child is born there is a large celebration and the first gift of a female calf known as the *haandhura* (meaning natal – umbilical cord) is provided to him. Further gifts will be provided to him as he grows up. Girls do not receive any gifts of livestock until they are married. As children, boys and girls are told by their parents what property they will have in the future. These divisions continue into adulthood.⁸² Women are far from powerless in society, however, and, for example, have full authority over all the food (meat, milk and grain) that is brought into the house. Although the household head is automatically recognised as being male, women’s power over food allocation thus questions such dominance at this and other levels.⁸³

Socio-culturally ascribed roles determine women’s and men’s responsibilities within Boran society. Some responsibilities and labour divisions are quite clear and defined, while others tend to be more flexible and can depend upon labour shortages, the development phase of the family, the number and type of livestock, the nature of the task, and the intensity with which people adhere to role ideals.⁸⁴

Labour demands on women have increased due to greater crop production; the introduction of new livelihood options such as petty trade, livestock marketing, and cooperative businesses; and because more boys and girls are going to school resulting in a dearth of additional (child) labour during school time. “Shrinkage of the rangeland” has forced people to travel longer distances to find pasture, and people must now spend valuable time on bush clearing harmful “weeds” (such as *Acacia drepanolobium*).⁸⁵ Participation in “development interventions” also consumes time.

Additionally, there has been an out-migration of people to urban areas to find work: this has meant that those community members left behind have to work harder.⁸⁶

It is often women who have to take on this extra labour, becoming more overloaded year after year. Often husbands may not assist their wives despite seeing that they are struggling. As one woman interviewed in 2007 laments:

One can simply judge from our appearance that our body is showing signs of a life of suffering. People these days never help each other and one never loves the other. We do not have time to keep ourselves clean. Most of us suffer from diseases of the kidney and elsewhere due to the long distances we walk to collect and carry firewood . . .⁸⁷

As noted above, all property is considered to belong to the clan, and its protection and replication should be optimised in order that the clan as a whole benefits. Land, water and pasture should be made available to all. Livestock is individually held, and considered to be of great value both monetarily and aesthetically. However, even livestock can be removed for clan purposes, such as *busa gonofa* – the restocking of someone's herd that has suffered a large loss due to a natural disaster.⁸⁸

Upon marriage a woman joins the clan of her husband and his generation class. Customarily, if her husband dies she will be inherited by her dead husband's brother. This inheritance is primarily intended to protect the children of the deceased, and keep the woman in the family circle and the clan. Until today, marriage is considered indissoluble; widowed women are taken care of by their husband's relatives or other members of the sub-clan as appropriate. Divorce is considered to be a social vice and hardly possible.⁸⁹ In most pastoral areas it is difficult if not impossible for a woman to survive alone without the presence of any male relative to assist her, provide security in herd management and in supportive social networks. However, widowed women can often have a greater independence than those in marriages and are allowed to attend meetings and decision-making processes on their own, as opposed to being represented by their husbands.⁹⁰

At the household level most properties are shared, or are otherwise divided along lines that reflect perceived capabilities and skills required to care for the property, and take account of cultural norms and values. For example, men are perceived to have greater strength to control camels and cattle, while women are more likely to have responsibility for sheep and goats. Furthermore, women will leave their homeplace and go to that of their husband's after marriage, often changing clan in the process. It is therefore considered to be of greater advantage to a clan that men hold property so that property remains within it. Finally, as one group of men put it: "because these properties are inherited through men, they need to be controlled by men".⁹¹

Elders and clan leaders are said to protect properties for both men and women. To dispose of any substantial property a man should inform the clan leader and explain his reasoning for doing so. Further, he should also discuss this with his wife: the husband has responsibilities and obligations to consult his wife in all matters concerning the household economy. Unilateral decisions concerning the use of livestock assets or making of cattle gifts to siblings are all considered uncustomary. Women can access most properties on agreement with their husband. On marriage, a woman will be allocated a number of livestock including cattle, and more recently a share of land for cultivating crops, by her husband for her own use. This is called her *nika*, and her husband should not touch this property without her permission.⁹² A girl's parents may also give some livestock and money for cloth, and her mother can

transfer a cow, cultural items such as milk carrying containers and movable pastoral home/materials used for construction.⁹³

The control of households and household items tends to be under the authority of women. Household items can also have symbolic meaning embodying abstract aspects of women's role as mothers and producers.⁹⁴ Traditional Borana huts are divided into male and female domains with some areas protected for one sex or the other.⁹⁵ Some parts can only be accessed by women, including her *dinga* or *dinka* which is a woman's secret place where she will keep her home materials such as cloth, milk carrying vessels and butter making equipment.⁹⁶

As pastoral property – particularly livestock – is seen to belong to the clan, it is believed to be best protected by being passed down through men “for safe transfer of properties between generations”, as one Boran woman put it.⁹⁷ As such, most property is inherited by men, but under the control of clan leaders. Most livestock and, more recently, land, is passed down through the paternal line of descent, father to eldest son. Indeed, the eldest son (*angafa*) holds a critical position: he not only inherits the family patrimony, but also has the authority to redistribute the cattle he inherited among his younger brothers as he sees fit. After the death of his father, the son can also decide whether his brothers are going to marry, when they will marry, and how many cattle will be made available for their bridewealth payment.⁹⁸

If a man does not have a son on his death, the property is taken over by the clan. The clan protects his property but it is common that his wife will be given control over, and access to, it. Normally the wife will marry again, which often can be to the dead man's father or brother, and he will inherit the property. If a son is born, the boy will gain full rights of inheritance. If a woman has a grown son on the death of her husband, then she can keep land for cultivation (with her son ploughing the land for her); if she has no children, she is expected to return to her village with her own possessions (that is, those she brought with her to the marriage and those given to her by her ex-husband).⁹⁹ However there are some examples of women living alone:

Loko is a widow. When her husband died she inherited much of his property, including the cattle which she will “own” until her eldest son turns 18 years old: then he will take over ownership of them. Loko sees herself as head of the family (household) and she manages the resources in close consultation with her sons (14 and 16 years old).¹⁰⁰

If both parents die, sons will inherit rather than daughters. It is said that a daughter cannot inherit her parents' property because her wealth is at her husband's home. As one group of men in Yabello *woreda* described:

Once a man transfers cattle to his future wife's family as brideprice, he considers himself to be the owner of his wife and all the property of the household. Once a woman becomes a man's wife, she leaves her parents, joins her husband's family, and is now considered to be an outsider by her parents so is not to receive any of their property through inheritance.¹⁰¹

However, although in the past girls would not inherit anything, it is more common today that a girl will inherit one or two livestock from her parents, and cloth and jewellery from her sister(s) or mother. Women are also increasingly allowed to inherit a small amount of property on the death of their husband, with their in-laws' agreement.¹⁰² It would appear that an increasing influence of Sharia law as well as government laws may have encouraged this.¹⁰³

As mentioned above, all land is customarily considered to be available for the use of the Boran people yet controlled through the authority and decisions of the appropriate group of Boran elders (*jarsa*). Because women are members of a clan through their husbands, they must access land through them too. This is confirmed though individual interviews and focus group discussions in the Borana area, where respondents stated that men control the use of land (for cultivation), but both women and men can access and use it.¹⁰⁴ As such it was believed that “there are no differences in the land tenure system for men and women”.¹⁰⁵

Borana women are highly dependent on the rangelands for “secondary” uses too. In recent research, Borana women and men named over fifty trees and shrubs that were identified for various uses, including equipment making, the production of gums and resins, beautification purposes, household construction, medicine, and as a food source for humans and livestock. Several of such trees and shrubs were used by women only; in some cases there were specific uses for different parts of a tree by either men or women. Increasingly, access to these resources is becoming restricted to private land, which is used for agriculture or grazing and haymaking, and where access must be requested and negotiated. Particularly where the resources are considered to be of high monetary value, such access is sometimes denied. The interventions of local NGOs to develop enterprises using rangeland products are also likely to have an impact on access, and may limit use to members of established cooperatives only, while government protection of certain trees is likewise increasing. The poor in particular rely on these resources.¹⁰⁶

In Borana it would appear that customary institutions are increasingly realising the dangers of allocating land for cultivation and private enclosure, and as such are restricting and prohibiting the provision of land for these purposes. As a result (and as discussed above), more single-minded Borans are asking for land to be allocated to them by the local *kebele*. More often than not, the *kebele* will agree thus undermining the customary institutions of the area, but acting simultaneously in accordance with the country’s Constitution.

Recent changes

According to recent legislation of the Oromia Regional Government, any resident over the age of 18 is entitled to land. A certificate should be provided for such land, and both husband and wife who are in possession of common land should receive a title deed document that contains both their names.¹⁰⁷ In the event of divorce, husband and wife have equal rights to share their holding registered under their name in consideration of the number of dependent children: that is, the equal sharing of their rights (usufruct) to the land. In the case of polygamy, a husband is allowed to get a joint certificate with only one wife, and the other wives get one independently. Amendments in 2007¹⁰⁸ permit women to have equal rights with men to possess, use, and administer land under joint ownership; both men and women, however, are free to have his or her individual land with an independent certificate.¹⁰⁹

Nonetheless, due to the political vacuum surrounding land tenure in pastoral areas, no certificates are given to households allocated land in Borana by the *kebele*.¹¹⁰ As such, little security over the land is provided, particularly if the land is not being used on a daily basis: the Oromia Rural Land Administration and Use Regulation No. 39/2003 states that if land users fail to use their land in every production season – with the exception of cases of restoring fertility – land use rights

can be terminated.¹¹¹ After a period of three years without cultivation, the land will be expropriated; in the case of irrigated land, this can be applied after two years.¹¹² Such a provision provides direct incentives for cultivating the land on a continuous basis; any mobility away from the land for a period of time – for example, in times of drought – could threaten the land’s security, and is therefore unlikely to be undertaken.¹¹³

Borana leaders reject assertions by development actors and gender activists that women are considered inferior to men, lack equal access to community resources, and that the rights of girls to inherit property are not recognised. Several elders interviewed by Ibrahim Elemo¹¹⁴ argued that women are given more rights and privileges than men in their society, and where this is not the case it is the fault of the individual and not of customary practice. The head of the Oromia Pastoral Association,¹¹⁵ Nure Dida, agrees, arguing that more women than ever before are taking part in community decision-making processes and forums – encouraged by men who realise the value of their contributions.¹¹⁶ This is particularly true in times of conflict, when women’s role in peacemaking is central to an effective resolution.

Ibrahim suggests that the gender perspective is better understood based on the following: girls and women are part and parcel of a family; marriage is indissoluble; and children, wives and livestock are the collective property of the clan to which the husband belongs, with the clan regarded as the most important unit to conserve within the pastoral system. The husband himself is only the “guardian” of the property and, as has been illustrated above, the clan can remove his property if given reason.

With respect to women especially, the Borana say: “*Niitii Gosaa*,” meaning “the clan wife”, which implies that any wrongdoing against a woman by anyone is considered as an offence against the clan. It is the responsibility of the clan councillor to guarantee justice in cases of maltreatment by a husband. If a husband becomes irresponsible and fails to properly manage his house and property, after failed attempts to correct him, the clan councillor can deprive the husband of the right to property use. As the clan members are duty bound to support the needy members of the clan, they are also duty bound to safeguard the well being of the clan members, including women.¹¹⁷ In interviews conducted during my research projects, there was no evidence to suggest that these ideals had eroded or that women felt unjustly treated by customary rulings. However, as customary institutions increasingly lose authority, it seems likely that changes will be seen; at the same time, women are likely to become increasingly demanding of more “equal” rights as their knowledge of government legislation and surrounding laws grows.

Ways forward for securing pastoral women’s land rights

Many of the challenges facing pastoralists in general, and Borana pastoralists in particular, can be considered to be of such great importance that any discussion on individual elements of the complete picture would be irrelevant: how, for example, can we speak about pastoral *women’s* rights when pastoralists as a group do not have rights? Nevertheless, changes are occurring within Borana pastoral communities that are having a significant impact on women, and it is therefore appropriate to give them special attention.

Many of the processes of change occurring in pastoral areas cannot and should not be thwarted, being part of normal progressions of change and “development”.

Yet, it remains very clear that a large number of people in Ethiopia's rangelands, including in Borana, still depend upon transhumant and mobile systems of livestock production and will do so for some time to come. Although the opportunity of leaving the pastoral context may be appealing, women as well as men still have great ties to their livestock and livestock production systems, and it would also not be practical to settle all pastoral people, endowing them with adequate agricultural land.¹¹⁸

What is therefore required is the development of land tenure policies and legislation that take into account the needs and interests of all pastoralists, men and women.¹¹⁹ What I shall endeavour to do here is to highlight how more gender equitable policies and legislation can then be supported through their development and implementation, with an emphasis on ensuring that women, as well as men, benefit. I address three key issues in the Ethiopian context: understanding the role and rights of women in pastoral natural resource management; working with customary, government and religious institutions; and supporting women's voice and choice.

Understanding the current context

Before attempting to prevent or promote changes in local communities or their political, social and environmental contexts, it is vital to have a proper understanding of gender issues and the role that women in particular play in pastoral processes and practices. Good participatory approaches to gaining such an understanding and to development in general will encourage a situation of joint learning with and from communities, ensuring ample opportunity to reflect upon a situation and discover appropriate solutions. This process should be empowering in itself, and should assist community members to understand why a certain situation exists and how it persists. By doing so, they will thus not only be in a better position to change the situation, but they will also be agents of that change. From this base, change can then be pursued by making strategic choices about effective ways of working with different institutions. Participatory and reflective tools such as mapping of natural resources at district or landscape levels can be highly effective in improving the understanding of all stakeholders about natural resource use and management, including communities themselves. Further, such maps and the information they hold are central to negotiation processes over access to resources between different stakeholders, and in the defining of agreements between them.

Working with institutions

Only when land use planning, land administration and management is fully devolved to the community level with a reasonable measure of empowerment and flexibility to act, and integration of functions, is there likely to be any significant success in including and taking account of the majority of land interests in ways that are fair as well as relevant to the majority of rightholders.¹²⁰ Despite the many challenges that customary institutions face, they remain the most significant authority present in the majority of Ethiopia's pastoral areas. Furthermore, they have enormous indigenous knowledge about rangeland management and the dynamics of pastoral society and culture, and valuable skills necessary for the maintenance and adaptation of pastoral systems. It is thus vital to work with them.

This is not without its challenges: working with customary institutions can be complex and problematic.¹²¹ Customary institutions in pastoral areas have changed, and in many cases their authority is now being threatened if not weakened. An emphasis on individual needs and gain is increasing, destroying the cooperative, reciprocal and supportive relations so important for common property resource management.¹²² As a result, it may be the case that other community groupings and the development of new institutions are a better alternative than continued reliance on weak and failing customary institutions where revitalisation might be difficult, if not impossible. Communities and other stakeholders must identify the right institutions or groups for different resource management functions. In Ethiopia, further research is needed on the current spatial distribution of customary institutions responsible for natural resource management, their strengths and weaknesses, and potential alternatives that are acceptable to communities.¹²³

Government's presence and influence in pastoralist areas is going to grow. The Oromia Regional Government is one of two regional governments to have established a Pastoral Commission. This Commission has, amongst other things, been developing a water strategy and landscape-level land use plan (based on such variables as soil types) for the pastoral areas under its jurisdiction. The Afar Regional Government is similarly in the process of publishing legislation supporting the provision of certificates for a designated communal holding.¹²⁴ As such, it is vital that pastoralists – and the development actors working with them – engage and work with government at different levels.

In general, government officers at federal and local levels have good knowledge of government laws and regulations. Their understanding of customary laws and institutions, however, is somewhat simplistic and often obscures the intricacies and complexities of many situations and circumstances that arise under the customary system. As such, their knowledge about local and customary ways needs to be bolstered, preferably through continued field exposure and experience. NGOs can facilitate such exposure by way of including local government staff on project teams, and carrying out activities, assessments and research with local communities. Such strategies can likewise improve government capacity to effectively engage with pastoral communities. An additional approach entails providing training and support in the development of effective consultation structures and mechanisms for working with pastoralists, and women in particular.¹²⁵

There is also a need to lobby federal and regional governments to develop a well-founded, researched, and perhaps piloted system of land and resource tenure which begins with the incorporation of pastoralist needs, priorities, and experiences, while providing them with additional protection and management options to deal with contemporary pressures and challenges. Ethiopia is in the enviable position of being able to learn from the experiences of other countries in this regard, as well as from successful in-country processes, such as participatory forest management.¹²⁶ Civil society organisations must work together to help achieve this, and to facilitate improved working relations between government and customary institutions.¹²⁷ Indeed, it is becoming increasingly common for customary leaders to assume positions in local government, thereby enabling alliances between government and customary institutions in areas such as conflict resolution processes, for example. It is important to ensure that the benefits for community members are optimised by such relationships.

Government bodies also offer opportunities for promoting women's inclusion and rights. Government-led Women's Associations, for example, already exist in theory, and are arguably the most legitimate means through which women are able to exercise agency in local development. Such associations also have the potential to act as umbrella organisations for all women's interest groups, including those based around economic, health, and environmental issues. Women's Associations also have the advantage of providing social and political institutional legitimacy through the *kebele* structure, thereby providing a potentially easier and more effective entry point for NGOs and Civil Society Organisations (CSOs) working to strengthen women's engagement with customary institutions and government.¹²⁸ Nevertheless, much needs to be done to build organisational capacity to effectively engage with and represent pastoral women, their needs and priorities.

Finally, it is also important to engage and work with religious bodies, given especially the growing influence of Islam in the pastoral areas of Ethiopia. Indeed, some individuals are increasingly turning to the Sharia courts and institutions in matters of land access rather than to their governmental or customary counterparts. Moslem leaders have proved to be important actors in promoting women's rights in some areas, including, for example, with the stopping of female genital mutilation in many parts of West Africa.¹²⁹ As such they can be a valuable ally for women.

Supporting women's voice and choice

It is vital to identify how women's interests, demands, priorities and rights are to be taken into account within all existing resource management institutions. Although women may not have a visible and public role in customary decision-making bodies, it has been argued throughout that they do, indeed, seek to be consulted and have their interests taken into consideration. Men make few decisions without consulting their wives, and will often hesitate from reaching a conclusion at a meeting until they have done so.¹³⁰

Women must, however, be consulted first and foremost as pastoralists rather than as women. A constant source of frustration for me is development and government workers who state: "We consulted pastoralists and then we consulted women." Women *are* pastoralists, and are as vital to the pastoral system as are men. Though there may be the need to create an extra space for such consultations to take place, this should not be at the expense of separating them from their socio-economic and political roots.

Good practice tells us that for a social group to have its interests heard and taken into consideration, it needs presence and voice to communicate and negotiate: it is the voice and action of the social group rather than individuals acting on its behalf that makes a difference. To ensure women's specific interests are taken into account, the presence of women communicating and negotiating with the *jaarsa*, *Gada* and other pastoral authorities is therefore required.¹³¹ This does not, however, necessarily mean that all women must be present at all *jaarsa* (or other) meetings.

Effort should be better placed in strengthening the linkages between customary institutions, such as the *Gada*, and the existing and emergent forums where women's voices can be better heard in Boran society – including *siiqqee* and Women's Associations. A process needs to be devised in conjunction with customary institutions as to how to best facilitate women's presence and voice. This might be through the establishment of allocated sessions in which women can partake and

contribute on a regular basis; or mechanisms established to link parallel women's meetings or groups with those of men, and exchange information between the two. Training and support should likewise be given to community leaders in developing more effective consultation structures and mechanisms for establishing such linkages.

Although there is a generally well-developed understanding of gender equity principles amongst pastoralist communities, there nevertheless exists room for improvement; increased gender awareness on rights, laws, and how to claim rights and resolve conflicts can be facilitated. Moreover, open discussions amongst both women and men must be encouraged to permit space and time to reflect on the evolving nature of women's rights, and to give consideration to potential future changes, such as the removal of customary practices that contravene national legislation. Women's contributions to pastoral society and production systems can be a useful starting point for discussions on changes in relation to property in the future. As such, communities require support to facilitate their own development and change, prepare management plans, introduce monitoring and control systems, and plan for the future. NGOs and other development agents can assist in this regard.

In pastoral areas of Ethiopia, however, women are currently not well mobilised into groups, and particularly into groups that advocate for their rights. Most women are unfamiliar with the public sphere of decision-making, and have not been socialised to speak up, communicate and negotiate within it.¹³² As such, their capacity to engage in such ways must be strengthened. Although group formation has increased, for example with the promotion of savings and credit or income generation groups, these groups have tended to steer away from directly getting involved in women's rights. There are also few, if any, NGOs working directly with pastoral communities on rights issues. Pastoral rights is a highly politically charged subject; most NGOs thus prefer to either avoid working in this area altogether, or do so out of the spotlight. The Ethiopian Women's Lawyer's Association has, for example, carried out considerable work on women's rights in other parts of the country, but to date has little presence in pastoral areas. Work on rights issues across the country will be further challenged in future due to the introduction of the new proclamation regulating rights work of NGOs and CSOs: the Proclamation for the Registration and Regulation of Charities and Societies which was passed in 2009.¹³³

Conclusion

The most beneficial way of securing women's access to land in pastoral areas remains unclear, and very much depends on how the wider processes of change transpiring in pastoralist areas, and in Ethiopia generally, are manifest. Nevertheless, any developments must take into account gender issues, and must further ensure that they are to the benefit of both women and men.

This paper has described how pastoral women's access to resources are afforded protection under customary institutions, especially among the Borana, and more so than appears to be understood by most outsiders. This applies to women as both primary and secondary users of property: customary institutions take into account most, if not all, the different users of rangeland resources and provide processes of access. However, as I have also described, for rural communities where customary tenure and patriarchal values are still strong, *de facto* property rights in land and inheritance practices are likely to conform to patriarchal custom, regardless of formal legislation that espouses gender equality of rights. It is therefore important to work

with customary institutions to ensure that “patriarchal custom” does indeed protect women and that such rights are as equitable as possible.

Supporters of customary institutions such as the *Gada* have argued that women are afforded all the protections they need to access and “own” property necessary for maintaining their livelihood systems and ensuring their household security. It nevertheless remains the case, however, that women continue to be viewed as property themselves, and more often than not are excluded from many decision-making processes. Given also that divorce is not usually accepted within Borana culture, this situation does risk a continued subordination of women, their marginalisation and lack of empowerment. As a result, although customary institutions may be the most appropriate forum for managing natural resources, it is vital that ways to ensure and improve women’s rights are identified. Such opportunities are unlikely to appear overnight, but should be supported when they arise – ideally being generated by pastoral women themselves at a pace with which they feel comfortable. Development actors can assist women in learning about and capitalising upon such opportunities.

Government legislation also affords women property rights on paper. However, in Ethiopia, as elsewhere, when it comes to enacting legislation in practice there have been many challenges and problems. As a result, women’s tenure security has not been assured. In Borana, some land is currently being allocated to households by *kebele* with no provision of title or certificate; landholders therefore have no security or rights for such land beyond usufruct.

Lastarria-Cornheil argues that “a key issue for those concerned to protect women’s land rights is to consider when and where (spatially and institutionally) are formal and customary tenure systems appropriate in a specific context”.¹³⁴ Yet it may be impossible to provide the flexibility in any policy or law to take account of this. As such, some trade-offs may be necessary in order to develop a coherent and applicable set of policy and legislation, particularly at the federal level. When it comes to the regional definition and application of such policy and legislation, there will be more room for flexibility and context-specific incorporations. As Adoko and Levine have shown in the case of Northern Uganda, women can “fall between two stools” – that is, into the gap opening between weakened customary land tenure and strengthened formal land tenure arrangements which focus on individual (usually translated into “male”) land owners.¹³⁵ Effort therefore needs to be maintained to ensure that such a reality does not transpire in Ethiopia, and women gain a more equitable and empowered seat at the land reform table.

Acknowledgements

The experience on which this article draws has been obtained working for NGOs in Ethiopia, including Save the Children USA, CARE International (funded by USAID) and SOS Sahel Ethiopia (funded by IDRC). Primary data cited comes from interviews and focus group discussions carried out for these organisations, and remains their intellectual property. The views expressed herein are my own personal reflections and do not necessarily reflect the views of these organisations.

Notes

1. Seré et al., *Livestock Production*.
2. Behnke, Scoones, and Kerven, *Range Ecology*; Scoones, *Living with Uncertainty*.
3. Niamir-Fuller, “Managing Mobility.”

4. Hodgson, "Gender, Culture and Myth."
5. Hesse and Thébaud, "Will Pastoral Legislation Disempower Pastoralists"; Hussein, "Sustainable Pastoral Production"; Boku Tache, and Irwin, *Traditional Institutions*; Mearns, "Environmental Entitlements."
6. Dejene, "Fuzzy Access Rights."
7. Scoones, *Living with Uncertainty*.
8. Flintan, "Study on Good Practice"; Hussein, "Sustainable Pastoral Production"; IIRR, *Food Security*; Larsen and Hassan, *Sedentarisation of Nomadic People*; Adoko and Levine, "Falling Between Two Stools."
9. Flintan, "Study on Good Practice."
10. UNCCD, *Women Pastoralists*.
11. Lastarria-Cornhiel, "Privatization of Land Rights"; Leonard and Toulmin, "Women and Land Tenure"; Flintan, "Study on Good Practice."
12. Flintan, *Study on Good Practice*.
13. Niamir-Fuller, "Managing Mobility"; Hesse and Thébaud, "Will Pastoral Legislation Disempower"; Hussein, "Sustainable Pastoral Production"; KLA, *The Case for Women's Land Rights*; Mearns, "Environmental Entitlements"; Meir, "Pastoral Nomads"; Mussa, "A Comparative Study."
14. Shazali and Ahmed, "Pastoral Land Tenure"; KLA, *The Case for Women's Land Rights*; Mwangi, "The Transformation."
15. Larsen and Hassan, *Sedentarisation of Nomadic People*; IFAD, "Women Livestock Managers"; Mwangi, "The Transformation."
16. Atkinson, Taylor, and Matose, *Management of Some Commons*; Niamir-Fuller, "Managing Mobility"; Mearns, "Environmental Entitlements."
17. Leonard and Toulmin, "Women and Land Tenure"; Platteau, "Does Africa Need Land Reform?"; Lastarria-Cornhiel, "Privatization of Land Rights"; Steinmann, "Gender, Pastoralism and Intensification"; Larsen and Hassan, *Sedentarisation of Nomadic People*.
18. Joekes and Pointing, "Women in Pastoral Societies."
19. Athoo, "Pastoral Women."
20. IFAD, "Women as Agents."
21. Flintan, "Study on Good Practice."
22. Wawire, *Gender and the Social*; Joekes and Pointing, "Women in Pastoral Societies."
23. Talle, "Women at a Loss."
24. Joekes and Pointing, "Women in Pastoral Societies."
25. Mussa, "A Comparative Study."
26. EEA, "Transformation of the Ethiopian Agriculture."
27. SOS Sahel Ethiopia, *Pastoralism in Ethiopia*.
28. Mussa, "A Comparative Study," 1.
29. MOFA, "Statement on Pastoral Development"; MOFA, *Sustainable Development*.
30. Melaku Tegegn, "Will Good Governance."
31. Beruk Yemane, "Food Security Situation"; Boku Tache and Irwin, *Traditional Institutions*; Helland, "Land Tenure"; Mussa, "A Comparative Study"; Melaku Tegegn, "Will Good Governance."
32. Beruk Yemane, "Food Security Situation."
33. Ibid.; Boku Tache and Irwin, *Traditional Institutions*; Mussa, "A Comparative Study"; Melaku Tegegn, "Will Good Governance."
34. Wudineh, "Ministry to Take 400,000 hct from Afar."
35. Crewett, Gogale, and Korf, *Land Tenure in Ethiopia*; Luseno et al., "Community Natural Resource Management"; Bruce, Hoben, and Rahmato, *After the Derg*.
36. Constitution of Ethiopia (1994), Article 40(5).
37. Original Woldegiorgis, "Gender and Land Access."
38. WAO, "Implementing."
39. Original Woldegiorgis, "Gender and Land Access"; WAO, "Implementing."
40. Federal Rural Land Administration and Utilization Proclamations (FRLAUP) 89/1997 and 456/2005.
41. FRLAUP 89/1997.
42. Alden, *Governance and Land Relations*.
43. FRLAUP 456/2005.

44. Crewett, Gogale, and Korf, *Land Tenure in Ethiopia*.
45. Ibid.
46. Holden and Tewodros, "From Being Property." Compare with Daley, Dore-Weeks, and Umuhzo, "Ahead of the Game," on Rwanda, in this issue.
47. Constitution of Ethiopia (1994), Article 40(5).
48. FRLAUP 1997, Article 6.
49. FRLAUP 2005.
50. Helland, "Land Tenure."
51. The *Afar Pastoral Land Administration and Use Policy*, 2008 and the *Afar Pastoral Land Administration and Proclamation* No. ---/2010.
52. Luseno et al., "Community Natural Resource Management." The exact area of Borana land is unclear due to the unconfirmed boundary between that part of Oromia Regional State and the neighboring parts of Somali Regional State. This boundary has shifted a number of times since the current federal government came to power, including the giving away of about one third of the Borana rangelands and two important well clusters to the Somali region (Homan and Rischkowsky, "Integrating the Indigenous Knowledge").
53. Coppock, *The Borana Plateau*.
54. Luseno et al., "Community Natural Resource Management."
55. Coppock, *The Borana Plateau*.
56. Homan and Rischkowsky, "Integrating the Indigenous Knowledge"; Boku Tache and Irwin, *Traditional Institutions*.
57. McCarthy, Kamara, and Kirk, "The Effect of Environmental Variability."
58. Luseno et al., "Community Natural Resource Management"; Muir, "Customary Pastoral Institutions Study"; Boku Tache and Irwin, *Traditional Institutions*.
59. Kamara, "The Dynamics of Land Use"; Beruk Yemane, "Food Security Situation"; McCarthy, Kamara, and Kirk, "The Effect of Environmental Variability."
60. Luseno et al., "Community Natural Resource Management."
61. Kamara, "The Dynamics of Land Use."
62. McCarthy, Kamara, and Kirk, "The Effect of Environmental Variability", 8.
63. Ibid.
64. Kamara, "The Dynamics of Land Use."
65. Solomon et al., "Pastoral Dropout Study"; Luseno et al., "Community Natural Resource Management"; Coppock, *The Borana Plateau*; Boku Tache and Irwin, *Traditional Institutions*.
66. McCarthy, Kamara, and Kirk, "The Effect of Environmental Variability".
67. Boku Tache and Irwin, *Traditional Institutions*.
68. Watson, "Examining the Potential."
69. Ibrahim, "HIV/AIDS, Gender."
70. Ibid.; Muir, "Customary Pastoral Institutions Study."
71. Asmerom, *Gada*.
72. Ibrahim, "HIV/AIDS, Gender."
73. As explained by Muir, "Customary Pastoral Institutions Study."
74. Genet Jarso, personal communication 2009.
75. Flintan, "Gender and Value Chain Development"; IIRR, *Food Security*. However, the current status of *siqqee* is not clear.
76. Though described as "territorial" units here, it is recognised that they are defined and organised through socio-political systems that they should not be separated from.
77. CARE, *CARE Borana Rangelands Development Project*.
78. Watson, "Examining the Potential of Indigenous Institutions"; Helland, "Land Tenure in the Pastoral Areas."
79. Muir, "Customary Pastoral Institutions Study."
80. Of notable success has been the mapping, planning and implementing of activities at the local level including re-establishment of local management of dryland forests; rehabilitation of traditional water points; strengthening of dry and wet season patterns of mobility; the re-establishment of *dongora seera* – the principle of restricted settlement areas, where homes may be constructed; and the removal of private enclosures. See, Muir, "Customary Pastoral Institutions Study"; Boku Tache and Irwin, *Traditional Institutions*; Proud, "The Role of Customary Institutions."

81. Boku Tache and Irwin, *Traditional Institutions*; Watson, "Examining the Potential of Indigenous Institutions."
82. Flintan et al., "A Study on Women's Property Rights."
83. Holtzman, "Politics and Gastropolitics."
84. Flintan, "Study on Good Practice."
85. Flintan et al., "A Study on Women's Property Rights."
86. Flintan, "Gender and Value Chain Development."
87. Getachew, "Community? Forest Management'.
88. Ibrahim, "HIV/AIDS, Gender"; Flintan et al., "A Study on Women's Property Rights."
89. Compare with Daley, Dore-Weeks, and Umuhoza, "Ahead of the Game."
90. Genet Jarso, personal communication 2009.
91. Flintan et al., "A Study on Women's Property Rights."
92. Ibid.
93. Ibid. See Ibrahim, "HIV/AIDS, Gender," on other rules concerning status of a marriage, separation and division of properties.
94. Hodgson, "Gender, Culture and Myth."
95. However, in areas of Borana exposed to more "modern" styles of living, rectangular aluminum roofs rather than round grass roof huts are the norm: in these there are no divided areas for men and women, being based on urban non-Boran dwellings. It was said that there are more conflicts in these "iron roof homes," which could be due to those households who have had greater exposure to and opportunity to gain from "development" being more likely to argue over property, as well as the lack of separate spaces and separated property challenging personal domains and identities. See, Flintan et al., "A Study on Women's Property Rights."
96. Ibid.
97. Ibid.
98. Daniel, "Law and the Status."
99. Flintan et al., "A Study on Women's Property Rights."
100. Flintan, "Gender and Value Chain Development."
101. Flintan et al., "A Study on Women's Property Rights."
102. Ibid.
103. Under Sharia law, if there are no children to a marriage, then a wife is entitled to inherit one quarter of wealth and property left by her deceased husband: if there are children and grandchildren then she is entitled to one-eighth. See, Sameer, *Inheritance*.
104. Flintan et al., "A Study on Women's Property Rights."
105. Flintan, "Gender and Value Chain Development."
106. Ibid.
107. ORLAUP 56/2002; Article 15(2)
108. Proclamation to amend the proclamations No. 56/2002, 70/2003, 103/2005 of ORLAUP No. 130/2007
109. Holden and Tewodros, "From Being Property."
110. Boku Tache, personal communication, 2009.
111. *Oromia Rural Land Administration and Use Regulation* No. 39/2003, Article 5.
112. Crewett, Gogale, and Korf, *Land Tenure in Ethiopia*.
113. Potentially leading to further local environmental degradation.
114. Ibrahim, "HIV/AIDS, Gender."
115. A recently set up organisation, established with assistance from the Pastoralist Forum Ethiopia, aimed at providing a forum for pastoralist voice and representation and bridging gaps between pastoralists and government.
116. Nura Dida, personal communication, 2009.
117. Ibrahim, "HIV/AIDS, Gender," 98–9.
118. Mussa, "A Comparative Study," 11.
119. Examples of different land tenure systems suitable for pastoral areas abound. For example, legal recognition of customary bodies allowing them to apply for funding and generate income for rangeland and natural resource management (NRM) purposes, see Muir, "Customary Pastoral Institutions Study"; the introduction of by-laws (ibid.), Pastoral Codes or Charters (Hesse and Thébaud, "Will Pastoral Legislation") or other legal mechanisms to allow for customary use and management of land and natural

- resources (Alden, *Governance and Land Relations*); corporate tenure in hands of customary associations enjoying long (50 year) renewable leases for land and resources (Global Drylands Imperative, "Pastoralism and Mobility"); group ranches (Joekes and Pointing, "Women in Pastoral Societies"; Mwangi, "The Transformation of Property Rights"); the introduction of legislation that recognises customary ownership as "private" property together with the customary tenure system including provision of certificates of "ownership" and establishment of community "legal entities" such as Communal Land Associations (Adoko and Levine, "Falling Between Two Stools").
120. Alden, *Governance and Land Relations*; Atkinson, Taylor, and Matose, *Management of Some Commons*, 2006; Boku Tache and Irwin, *Traditional Institutions*.
 121. Harrison, "The Problem with the Locals"; Watson, "Examining the Potential."
 122. Cleaver, "Moral Ecological Rationality."
 123. Muir, "Customary Pastoral Institutions Study."
 124. Afar Pastoral Land Administration and Use Law Proclamation No.--/2010.
 125. This should not be confused with gender awareness training. Instead it should enable institutions to address the issues raised by gender awareness training. It should also result in generic consultation skills which can be used with respect to any social group and any issue (see Muir, "Customary Pastoral Institutions Study").
 126. A process is under way to pilot a process of "participatory rangeland management" in the pastoral areas of Ethiopia based upon good practice and lessons learnt from participatory forest management – see Flintan and Cullis, *Introductory Guidelines*.
 127. Some *kebele* have been more proactive than others in working with customary institutions and in helping to curb the privatisation of resources including land, passing by-laws limiting the maximum size of plot for cultivation to 1.5 hectares per household. Some *jarsaa* members are also elected *kebele* council or cabinet members, and often customary institutions are called upon to assist in resolving conflicts including over land. There are also incidences where customary institutions have backed up the NRM regulations of the *jaarsa* – by applying sanctions to offenders (Muir, "Customary Pastoral Institutions Studies").
 128. Ibid.
 129. Easton, Monkman, and Miles, "Social Policy."
 130. Genet Jarso, personal communication, 2009.
 131. Muir, "Customary Pastoral Institutions Study."
 132. Ibid.
 133. Ethiomedia Website, "Ethiopia Adopts."
 134. Englert and Daley, "Introduction," 10, citing Lastarria-Cornhiel, "Women's Access," 7.
 135. Adoko and Levine, "Falling Between Two Stools."

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