

# ANALYSEN UND BERICHTE

## Rural Women's Legal Status in Ethiopia

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### Introduction

Ethiopia is predominantly an agricultural country. Farming is the primary occupation of at least 85 % of the population. In 1980 out of the total population of 31065300, 26840400 or 86.4 % lived in rural areas.<sup>1</sup>

A breakdown of the rural population by sex is shown in the table hereunder:<sup>2</sup>

Rural population of Ethiopia by age group and sex					
Age	Number in (000)	Male		Female	
0-4	4743.1	2428.8	17.8 %	2314.3	17.6 %
5-9	4323.1	2181.1	15.8 %	2142.0	16.3 %
10-14	3252.5	1711.8	12.5 %	1540.7	11.7 %
15-19	2381.0	1256.1	9.2 %	1124.9	8.6 %
20-24	2055.3	994.8	7.3 %	1060.5	8.2 %
25-29	1917.4	901.7	6.6 %	1015.7	7.7 %
30-34	1703.8	819.6	6.0 %	884.2	6.7 %
35-39	1451.0	712.9	5.2 %	738.1	5.6 %
40-45	1199.3	600.7	4.4 %	598.6	4.5 %
46-49	970.2	491.3	3.6 %	478.9	3.6 %
50-54	773.2	400.9	2.9 %	372.3	2.8 %
55-59	602.4	338.0	2.5 %	264.5	2.0 %
60-64	491.6	294.2	2.2 %	197.4	1.5 %
65 & above	976.4	551.4	4.0	425.0	
	26840.400	113683.300		13157.100	

1 Rural area is defined as a locality with less than 2000 inhabitants.

2 Central Statistical office, Statistical Abstract, 1980, p. 38.

As the above figures show of these women constitute 49.01 % of the rural population. A comparison of these figures with those of a year earlier and population projections up to the year 1990 show a clear trend. In 1979 out of the total rural population of 26257600 males constituted 13386100 while females constituted 12871500 or 49.02 %; slightly more than their percentage in 1980.<sup>3</sup>

By 1990 the total population is estimated to reach 41123400 out of which 33885700 will be rural. Out of the rural population 16610600 or 40.01 % will be female.<sup>4</sup>

The trend which emerges from the above statistics is that in numbers women will continue to constitute almost 50 % of the population.

In view of the above and the potential contribution which this properly unutilized force can make to the development of the country, studies concerning the status of women and possible ways of encouraging them in the development process become crucial.

But before we proceed to consider the legal status of rural women in Ethiopia, a definition of what we mean by status and its relationship to the overall development processes in general and agrarian transformation in particular is in order.

»All human groups and cultures create social role and role expectation in order to facilitate relationship and understandings and to get standards of work participation. With the help of these role expectations it becomes easier for the individual to know not only how others in his environment are going to behave in a given situation but also what others expect of him.«<sup>5</sup>

Allocation of these roles and role expectations is made by society not simply on the basis of the personal attributes of individuals but by categorizing them on the basis of an outer and comparatively easily ascertainable criteria, such as age, sex, profession, education, ethnic characteristics etc., i. e. by determining their status. For status when briefly and simply defined is nothing but putting of an individual (or collective unit) into a certain category with social relevance.

Which status criteria are taken account of is largely culturally determined and hence vary from one country to another. Differences in the colour of one's skin and other ethnic characteristics may be fundamentally important in some places while in others, however, differences in age, sex, education or profession may be more significant. Eventhough, no studies on the hierarchy of these status criteria on the basis of their importance are available it can be safely stated that in rural Ethiopia sex is one of the major status criteria. The importance of sex as a status criteria and its pervasiveness is clearly shown by the rigid division of labour and social roles based on sex. As Rosita Forbes had observed »In Abyssinia each form of labour is exclusively masculine or feminine. For instance a male being even on the verge of starvation could not be induced to grind grain into flour between the might stones employed by his mother or his wife.

3 Ibid, p. 23.

4 Ibid, p. 48.

5 FAO, World Conference on International Women's Year »Role of Women in Rural Development«, 1975, p. 4.

The women prepare all forms of food and drinks and she would not dream of killing the smallest bird or beast for the kitchen.«<sup>6</sup>

Both males and females are required to conform to the society's role expectations and if they act contrary to their role expectations they risk disapproval. To avoid conflicts that might arise from deviations from prescribed social roles every society has devised adaptative and coercive mechanisms, such as moral precepts, customs, laws, religions beliefs and rationalizations, whose purpose is to integrate individuals into their societal environment.

In this paper we shall focus our attention on one of these mechanisms, law and attempt to evaluate its significance and impact on the status of rural women.

## II. Status of Women in Pre-revolution Ethiopia

Customarily women were accorded low esteem in Ethiopia. The low opinion held of women »Woman's work« is referred to derisively by men; »woman's languages« is an epithet for vulgar and trivial talk. Moreover it was not uncommon to hear a woman being praised »she is a man« or to hear a man held in contempt described »he is a woman«. These proverbial sayings reflected the social status of both sexes. One can go on citing similar sayings which reflected the low status of women, such as »women and donkeys need the stick« and many others. However as the fact is generally not disputed the above will suffice to indicate the low social status of women.

Economically the lot of rural women in pre-revolution Ethiopia could be summed in one phrase »tenant's tenant«. In a system where few strong landlords owned land, with very few women amongst them, the fate of most women was tied with that of their »tenant« husbands but worsened by the fact that the »tenant« husband was a »master« at home. Eventhough a few aristocratic women had a share of the land, the majority of women in pre-1974 Ethiopia were propertyless dependants of their husbands.

Obviously, pursuant to the formal laws there was no sex discrimination pertaining to the acquisition, ownership and administration of land. The civil code provided that there will be no sex discrimination in regard to the inheritance of land.<sup>7</sup> But despite this clear provision, traditional laws in most parts of the north did not allow women to inherit land unless the father died before giving her hand in marriage in which case she was entitled to a dowry. The only other time she inherited land was when there was absence of male issues. In the south women did not inherit land. As an exception to this general rule the Amhara women enjoyed considerable property and inheritance rights.

For other forms of property several customary laws prescribing a system of preference for the eldest or the youngest son were prevalent in several parts of Ethiopia. Among the oromo for example, »among the sons the angafa (eldest) had a critical position. He

6 Rosita Forbes, *From Red Sea to Blue Nile*, 1925, p. 86.

7 Civil Code, Art. 837.

inherited the family patrimony. If he had any talent, he was also likely to succeed his father in any ritual or political office or privileges. Within the family he had the authority to redistribute the cattle he inherited among the younger brothers as he saw fit. This gave the first born son considerable power; after the death of the father, the son decided whether his brothers were to marry, when they could marry, and how many cattle would be made available for their bride wealth payments.«<sup>8</sup>

On the other hand the customary law of Akele Guzai, provided that the house of the family will be inherited by the youngest son.<sup>9</sup>

At home the lot of the woman was not any better than her lot in the social arena. A visitor to Ethiopia in the early 19th century summed up the lot of the Ethiopian Women. »To the abyssinian woman falls the hardest of the communal tasks throughout a life which prematurely ages and destroys her.«<sup>10</sup>

Such observations were invariably made by other visitors and after a glimpse of such record of the past, Dr. Pankhurst has concluded. »The role traditionally ascribed to the Ethiopian woman was both arduous and exacting. Unless she had the good fortune to be of high rank, much of her work like that of beast of burden, consisted of carrying loads over long distances, or laboriously grinding corn on the basis of primitive technology. Like the rest of the population moreover, she suffered from poverty, disease and for the most part did not even share the inadequate system of education available to her fathers, brothers and sons. For her as for the rest of the population, it can therefore be said that the Golden Age lay not in the past, but in the future.«<sup>11</sup> Between the dark ages of the past and the Golden age of the future there lies the present reality which will be the focus of our attention.

### III. Current Status: Law and Practice

The Ethiopian Revolution of February 1974 abolished private ownership of land and the exploitative and outmoded social relationships based on it. The nationalization of rural land, the most important means of production in the rural areas, has undoubtedly given immense benefits to the exploited tenants and landless farmers. Moreover, it has created mass organizations to politicize and educate the masses to administer themselves. This fundamental change in the economic infrastructure and political ideology is bound to create changes in the role allocation between the sexes. In the following sections we shall be examining the changes in status of women and shall deal with the dual role of rural women; motherhood and participation in agricultural production.

8 Asmerom Legesse, *Gada: Three Approaches to the Study of African Society*, 1973, p. 25.

9 Akele Guzai is a district in the administrative region of Eritrea. Its customary laws were put in writing during the Italian administration of Eritrea. The Laws of Adghene Te Ghalaba, as the customary laws are known, are considered one of the most »modern« and »progressive« set of customary laws.

10 Rosita Forbes, *op. cit.*, p. 86.

11 Richard Pankhurst, »The Ethiopian Woman in former Times: an authology,« 1976, p. 4.

## A. Status in the family

In this section we shall consider the status of women in the family prior to and after marriage.

There is a marked difference in the upbringing of male and female children. »Females are trained primarily to become mothers and transmitters to their children of the community's cultural heritage; their contribution in this regard for which in many societies they may be highly esteemed, overshadows their performance as individuals. Men on the other hand, are generally valued according to their individual contributions to productive goals in the society and only secondarily for their role as fathers.«<sup>12</sup>

To assist them in their work rural women are primarily obliged to rely on their daughters who consequently are drawn into the same conditions of life and all too often fail to obtain the same educational opportunities as the boys. As was stated in a country report, »In Ethiopia it is widely expected from Ethiopian girls to assist their mothers in household duties and in the care of younger children. This means that in many instances a girl will not be free to attend school until there is a younger sister to take her place at home.«<sup>13</sup>

In addition to the need for assistance there is also a prevailing attitude that education is superfluous in the preparation of women to be good wives and mothers. So even if the economic reality of our country had enabled the expansion of the existing educational facilities unless there is a change in this pervasive and deeply entrenched attitude girls will remain tied to the home.

As shown hereinabove parental and family expectations of the female child are lower than the male child. The social environment continues to encourage males to high aspirations. Custom makes greater demands on the female than the male child. Child upbringing practices negate against the personal development of the female child. So that by the time the female child attains womanhood her orientation towards her position in society is more negative than positive.

In light of all the above it is thus no wonder that in 1970 the literacy rate of rural population was about 5 % with 9 % male and 0.5 % females literate.<sup>14</sup>

After the eruption of the Ethiopian Revolution massive political agitation coupled with several educational programs, commencing with the Development Through Cooperation Campaign and a series of literacy campaigns has radically changed the situation. According to the latest available statistics, up to the end of the 7th round which was completed in 1981 out of 13475900 adults who were registered in the literacy campaigns 7450668 passed the exams successfully. 48.7 % of those who successfully completed the program were women.<sup>15</sup>

12 FAO, Op. cit, p. 5.

13 Country report prepared for ECA, 1973, p. 7.

14 Central Statistical Office, Analysis of Demographic data of Urban areas covered during urban survey second round 1979-71 (Statistical Bulletin No. 10), 1977, p. 17.

15 Report of the preparatory committee of the 9th Literacy Campaign, 1983, p. 3.

Not only are adult women attending literacy classes but as a result of their attendance they are bound to realize the value of education and make every effort to send both sons and daughters to school. The saying that »if you teach a man you teach an individual, if you teach a woman you teach a family« seems to be quite valid in light of the rapid growth in the enrolment of female students as shown in the table hereunder.

**Student Enrolment by level and sex**

		1978/79	1979/80	1980/81
Grade 1-6	Male	934,713	1191,797	1,386,648
	Female	442,214	619,454	744,068
	Total	1,376,927	1,811,251	2,130,716
Grade 7-8	Male	104,282	119,721	135,708
	Female	58,255	66,363	75,013
	Total	162,537	186,084	210,721
Grade 9-12	Male	104,161	1119,768	139,888
	Female	60,110	65,449	76,988
	Total	164,271	185,217	216,876
Universities	Male	8,981	-	-
	Female	1,721	-	-
	Total	10,702	14,949	15,047
Total Students		1714,437	2197,501	2573,360

When we compare these figures with earlier ones we find that not only has there been a constant and rapid growth in female enrolment in schools but the rate of increase was higher than of male students. While in the academic year 1973-74 there were a total of 323566 female students enrolled in all grades including institutions of higher learning in the academic year 1980/81 enrolment excluding those in institutions of higher learning has gone up to 886069.<sup>16</sup> For the same period enrollment of male students has gone up from 724914 in the academic year 1972/74 to only 1659244 in 1980/81.<sup>17</sup>

The changes in attitude observed hereinabove must be a contributory factor for the constant growth in the enrollment of female students.

In addition to the lack of opportunity another important factor contributing to the low status of women is the early age of marriage. The Civil Code provides that »a man who has not attained the full age of eighteen years and a woman who has not attained the full age of fifteen years may not contract marriage.«<sup>18</sup> Similarly the Fetha Negast lays down

16 Central Statistical Office, Statistical Abstract, 1980, p. 260.

17 Central Statistical Office, Statistical Abstract, 1976, p. 232.

18 Civil Code, Art. 551.

the age of twenty as the legal age for a man and the age of twelve for a woman to marry.<sup>19</sup> While the Sharia states that the earliest period for a boy is twelve years and for a girl nine years.<sup>20</sup> In the Oromo culture males get married only after they are well over twenty, but girls are expected to be married at the age of sixteen. A girl is expected to be married at the age of sixteen. A girl who is still unmarried at the age of twenty is considered to be *haffa* or an old maid.<sup>21</sup>

Although the different laws impose different age requirements it is worthy to note that all of them uniformly set a lower age of marriage for women than for men. With the traditional outlook, observed earlier it is believed that men as breadowners should support a wife, whereas women at an earlier age are ready to be wives and mothers. The age difference between husbands and wives is even more accentuated in reality because girls generally tend to marry at an age below the legally set minimum. A sample survey conducted by the Central Statistical office on 1974 shows that while 69 % of the female population are married by the age of nineteen, the figure for males is only 5,9 % indicating the tendency of early marriage for women.<sup>22</sup> This state of affairs is even more aggravated in the rural areas where women marry at an extremely young age. Marriage being primarily a family affair and only secondarily an agreement between the two concerned individuals, instances where children are married even before they are born are not uncommon. This sad situation is being fought ardently by all concerned and as was stated in the 1982 report of the Central Committee of REWA the achievements in this regard are very encouraging.<sup>23</sup>

Education and higher age of marriage will assist in minimizing women's ill preparation for the roles which they in fact play and others which they can potentially play thereby enhancing their status in the society. Marriage presupposes the giving of intelligent consent and this requires both maturity of age and education. Moreover motherhood does not simply imply procreation but presupposes the capacity to bring up properly the nation's future potential. It is quite a social paradox that a group which is entrusted with this crucial task is very often neither equipped nor regarded as an essential part in the development process.

Eventhough life for the married woman in this sort of setting can be easily predicted, let us proceed to consider the legal status of women in marriage. The relationship in the household is officially regulated by the civil code of 1960. According to the provisions of the civil code, the husband is the head of the family and is entitled to:

- (a) exact obedience from his wife<sup>24</sup>
- (b) guides family management<sup>25</sup>

19 Abba Paulos Tzadua, *Fetha Negast; The Law of Kings*, 1968, p. 142.

20 Asaf Fyze, *Outlives of Mohammedan Law*, 1974, p. 94.

21 Emmanuel Negassa, *Legal Aspects of Tradition: Marriage among the Oromos of Wollega* (unpublished senior thesis, Addis Ababa University, Faculty of Law) 1969.

22 Central Statistical Office, *The demography of Ethiopia* (Statistical Bulletin No. 10), 1974, p. 40-41.

23 Central Committee of REWA, *Report to the Third Ordinary Meeting*, 1982, p. 8.

24 Civil Code Art. 635 (2).

25 Civil Code Art. 637 (1).

- (c) establishes the common residence<sup>26</sup>
- (d) protects and guides his wife's conduct<sup>27</sup>
- (e) restricts his wife's choice of occupation<sup>28</sup>
- (f) administers the common property<sup>29</sup>

Eventhough the code lays down certain conditions for the exercise of his rights as the head of the family in effect it legitimizes the man's dominance in family relations. An even more abominable treatment of the wife as a chattels for mere use of the husband is envisaged by article 2115 of the Civil Code. Injuries on the wife which render her companionship less usefull or less agreeable to the husband entitle the husband to claim damages against the tortfeasor. However no such rights are given to the wife where the husband is similarly injured.

We have focused our attention on the provisions of the civil code primarily because it is not possible to consider the numerous customary laws within the scope of such a short paper. Moreover when compared to the customary laws and practices the civil code is more »progressive.« As the drafter of the code has said, »while safeguarding certain values to which she remains profoundly attached, Ethiopia wishes to modify her structure completely, even to the way of life of its people. Consequently Ethiopians do not expect the new code to be work of Consolidation, the methodical and clear statement of actual customary laws. They wish it to be a programm envisaging a total transformation of society and they demand that for the most part, it set out new rules appropriate for the society they wish to create«.<sup>30</sup> If the protection of the rights of women included in this »progressive« law leaves much to be desired one can imagine what the situation will be under the customary laws.

However eventhough it is the lawmakers who propose since it is the society that disposes instances of an uneven correspondence between precept and consequence, purpose and outcome can be found across the board of the laws' operation.<sup>31</sup>

Thus eventhough the dominance of the husband is established in the law what do sociological studies in particular current ones reveal? A study of the status of rural women in two Ethiopian Woredas: Dangla in Gojjam administrative region and Dodota in Arsi administrative region was conducted in 1980. Eventhough the result of this study must be interpreted with caution because the sample studied may not be representative of the whole Ethiopian rural women, the findings of this study are quite remarkable. The table hereunder shows the questions and responses by Executive Committee members of Peasant Associations, Women's Associations and Youth Associations.<sup>32</sup>

26 Civil Code Art. 641.

27 Civil Code Art. 644.

28 Civil Code Art. 645, 646.

29 Civil Code Art. 656.

30 R. David, »A new Civil Code for Ethiopia«, *Tulane Law Review*, Vol. 37 (1962–63), p. 193.

31 H. Jones, *The Efficacy of Law* (1968), p. 26–27.

32 Eva Poluha »A study in two Ethiopian Woredas on the Economic activities of Peasant Women and their role in Development«, 1980.

## Attitudes about the present status of women at Law

### Executive Committee Members

		WA		PA		YA	
1. Do wives share in decision making about sowing of farm products? Yes	<b>Dangla</b>	10	100 %	10	100 %	10	100 %
	<b>Dondota</b>	8	73 %	10	91 %	8	80 %
2. Do wives share in decision making about buying farm inputs? Yes	<b>Dangla</b>	10	100 %	10	100 %	10	100 %
	<b>Dondota</b>	7	64 %	10	91 %	8	80 %
3. Do wives share in decision making about surplus income? Yes	<b>Dangla</b>	10	100 %	10	100 %	10	100 %
	<b>Dondota</b>	8	73 %	11	100 %	8	80 %
4. Who in the household decides about what to buy for the house?	<b>Dangla</b> husband	—	—	—	—	—	—
	wife	1	100 %	1	100 %	—	—
	both	9	90 %	9	80 %	10	100 %
	<b>Dodota</b> husband	—	—	—	—	—	—
	wife	2	18 %	3	27 %	4	40 %
	both	9	82 %	8	73 %	6	60 %
5. Who in the household decides about what to buy for the farm?	<b>Dangla</b> husband	1	10 %	5	50 %	1	10 %
	wife	—	—	—	—	—	—
	both	9	90 %	5	50 %	1	10 %
	<b>Dodota</b> husband	6	55 %	4	36 %	5	50 %
	wife	—	—	—	—	—	—
	both	5	45 %	7	64 %	5	50 %
6. Who in the household decides about what to sell from the house products	<b>Dangla</b> husband	—	—	—	—	—	—
	wife	1	10 %	3	30 %	1	10 %
	both	4	40 %	7	70 %	8	80 %
	<b>Dodotas</b> husband	—	—	—	—	—	—
	wife	7	64 %	1	9 %	3	30 %
	both	1	9 %	8	73 %	6	6 %
7. Who in the household decides about what to sell from the farm products?	<b>Dangla</b> husband	—	—	1	10 %	1	10 %
	wife	—	—	—	—	—	—
	both	10	100 %	9	90 %	9	90 %
	<b>Dodota</b> husband	2	18 %	2	18 %	3	30 %
	wife	—	—	1	9 %	—	—
	both	9	82 %	8	73 %	7	70 %

**Executive Committee Members**

	WA		PA		YA	
8. Who in the household decides what to do with the family income?	<b>Dangla</b>					
	husband	—	—	1	10 %	—
	wife	—	—	—	—	—
	both	10	100 %	9	90 %	10 100 %
	<b>Dodota</b>					
	husband	2	18 %	2	18 %	3 30 %
	wife	—	—	—	—	—
	both	9	82 %	9	82 %	7 30 %

The responses, are remarkable in that they are indicative of the discrepancies between the law in the books and the law in action. According to the »progressive« civil code provisions the woman's subordinate status is legitimized. These findings however indicate that women, at home, are not simply passive entities but participants in the decision making regarding domestic matters. As the responses to these eight questions show decisions at home ranging from the buying of household necessities to sowing of farm products are made by both spouses.

In addition to the above cited specific question a general but interesting question concerned changes in the condition of women after the revolution. To this the answers in both Dangla and Dodota were very similar in content. The answers not only inform about the improvements made, but also about the degrading situation the women were submitted to before. Statements like the following were common, »We were not considered as human beings before«, »now we are no longer beaten and kicked.« »they the husbands cannot just tell us to leave the house anylonger«, they think we can learn things«, »men have become kinder«, »they oppress us less«, »now we can go out without permission.«<sup>33</sup>

It is evident from the above findings that things have changed for the better for rural women. However despite this changes in status de facto, the law in force as stated earlier still legalizes the dominance of the husband. The question that one must address himself is thus when changed ideals and objectives have rendered unpalatable the certainties of the previous generation (or previous times, system) must social repose be maintained at all cost? The answer is certainly no, and it is imperative that the law in order to facilitate change must be made to tune with the times. These laws have ben challenged by women<sup>34</sup> and it is hoped that a revision of these laws will be undertaken in light of the changes that have taken place, and make life at home more democratic.

33 Ibid, p. 32-33.

34 Ethiopian Herald, 10th March, 1979.

## B. Employment and related problems

The stereotype image of married woman is not only seen as a housewife, but often fully identified by it. The Amharic term for a lady or a woman is Yebet Emebet literally the »lady of the house«. For this reason we tend to disregard the socio-economic roles of married women. However, although there may be slight variations due to cultural and environmental factors, an examination of the division of labour in the rural areas shows that woman often weed and manure, assist with harvesting and carrying the produce home. They are frequently responsible for storage while processing of grains is an activity solely of women. Furthermore women tend chicken, sheep, goats and cattle while men are responsible for transport animals. Finally in connection with marketing women are engaged in some petty trade or barter of food crops, spices, butter and its products, baskets and firewood while men trade usually in animals and farm equipments. In effect women are engaged in agricultural productions perhaps with the exception of ploughing which is said to be man's task. After observing this reality the International Labour Office's Exploratory Mission to Ethiopia concluded »the division of labour in the rural areas of the country demonstrates beyond doubt that substantial proportion of economic activity is performed by women. Thus the standard claim that 93 % of males and only 7 % females are economically active in Ethiopia is totally unrealistic.«<sup>35</sup>

The number of women participating in agricultural work is often underestimated, because the census includes only those women who receive remuneration for their work, while women who help in the family farm without remuneration are classified as house wives. Furthermore such a classification conforms to our stereotype image of the married woman. Due to the improper definition »in the bookkeeping system of development women and girls are generally seen as consumers and not producers. This alleged lack of contribution to the productive effort in combination with the general shortage of funds tends to give women low priority as recipients of public support.«<sup>36</sup>

Moreover as household activities generally have lower economic and social prestige those who are classified as »economically inactive« or not engaged in social production are bound to be relegated to low social status. It is for this reason that the term economically active in regard to the agriculture labour force need to be redefined.

In the rural areas almost 100 % are engaged in agriculture and women as was seen earlier are engaged as unpaid workers in the family farm therefore consideration of labour law provisions which determine the rights of »workers« the definition of which does not include this group would be academic.

35 ILO, Report of the Exploratory Policy Mission to the IEG, 1973, p. 118.

36 UNDP, Rural Women's participation in Development, Evaluation study No. 3, 1980, p. 12.

## C. Political and Civil Rights

Political and civil rights, in a general sense, are »rights and privileges or the influence by which the individuals of a state seek to determine or control its public policy.«<sup>37</sup> In the context of the rural community such rights basically deal with the participation in the basic decision making organs of that community, which currently are the Peasant Associations, Women's Associations and Youth Associations. Thus in order to fully determine the status of women in community affairs we shall consider their membership and participation in these decision making organs of the rural community, obstacles hindering their full participation and finally suggest ways and means to change the situation.

### I. Peasant Associations

The basic organizational structure in the rural areas are the peasant associations created concomitantly with the agrarian reform undertaken following the Ethiopian revolution of 1974. The objectives of Peasant Associations as stated in the Public ownership of Rural Lands Proclamation Art. 10 are the following:<sup>38</sup>

- (a) to distribute, with solicited assistance of the government when necessary, land farming the areas mentioned in article 8,
- (b) to follow land use directives of the government,
- (c) to administer and conserve public property
- (d) to build schools, clinics etc. with government's cooperation
- (e) to undertake villigazation programs.

These objectives were broadened by Art. 5 of the Peasant Associations Organization and Consolidation Proclamation which provides as follows. »In addition to those specified in the Rural Land Proclamation, Peasant Associations shall have the following powers and duties:

- (a) to enable peasants to secure and safeguard their political, economic and social rights.
- (b) to enable the peasantry to administer itself,
- (c) to enable the peasantry to participate in the struggle against feudalism and imperiation by building its consciousness in line with »Hebrette Sebawinet.«<sup>39</sup>

These were even further consolidated by Proclamation 223/1982.

As can be seen from the above objectives and powers granted to the Peasant Associations there is no doubt as to their key role in the rural community. As non-participation

37 Ludes J. Francis, *Juris Corpus Secundum* Vol. 72, 1951 p. 22.

38 Public Ownership of Rural Lands Proclamation, *Negarit Gazetta*, 34th year No. 26, 1975, Art.

39 Peasant Associations Reorganization and Consolidation Proclamation, *Negarit Gazetta*, 35th year, No. 15 1975, Art.

in this key decision making organ is bound to have major repercussion on the status of an individual or group of individuals the rules regarding membership and holding of offices are crucial.

Pursuant the Rural Land Nationalization Proclamation membership is open to »any tenant, landless person, hired agricultural worker or landowner with less than ten hectares of land«<sup>40</sup> without differentiation of sex. Prior to the revolution most rural women were landless and as seen earlier women constitute – about 50 % of the rural population, however despite these facts as the table hereunder shows in terms of membership in Peasant Associations women are unduly represented.<sup>41</sup>

#### Peasant Association established as of August 1982

Administrative Region	Number P.A.	Male	Members Female	Total
Harar	1352	370,715	13276	383991
Sidamo	1488	468,824	250418	719242
Shawa	5364	1190,618	136904	1327522
Bale	519	100,031	6159	106190
Tigray	157	38,253	17735	55988
Arsi	1086	212,341	23160	235501
Illubabor	961	143,563	2698	146261
Eritrea	188	28,129	10408	38537
Kaffa	1612	361,865	8177	370042
Wellega	2123	208,683	8015	216698
Gamugofa	795	170,435	8832	179267
Gondar	1052	291,727	29132	320859
Gojjam	1750	433,796	85283	529079
Total	19579	4507,175	657003	5164,178

As shown in the table out of 5164178 members only 657003 or 12.72 % are women.

What are the causes for such non-participation and what are its implications on the status of women? Eventhough attitudinal factor and other do have an impact one factor seems to be the misconception about the nature and functions of the Peasant Associations. As mentioned earlier originally, the main task of Peasant Associations was to act as an agent in land distribution, but in addition to this they were also given wide ranging powers. Land was distributed to a farming family and since by virtue of custom and the provisions of the civil code the husband is the administrator of the common property

40 Rural Land Nationalization Proclamation, op. cit, Art. 4.

41 Ministry of Agriculture, 1982 statistics.

naturally the land which was distributed to the family was registered in his name. So far everything is quite legal and had the activities of the Peasant Association been limited only to the distribution of land no problem would have arisen. However, in addition to their task of distributing land, Peasant Associations are entrusted with other important political and civil duties which by their very nature cannot be exercised by proxy. Thus the husband can represent the household in economic matters but he has no right to represent his wife or even his children who have attained the age of majority in political and civil matters. Unfortunately undue emphasis on the main task of the Peasant Associations i. e. distributions of land, without giving due consideration to their political tasks has resulted in excluding women from membership. The few women who have been registered as members of this associations must be heads of household de jure or de facto.

The implications of such non-membership on the role of women in the decision making process of the community are serious. The study conducted in the two Ethiopian woredas, mentioned earlier, reveals as follows in this regard:

#### Attitudes about the present status of women in the Community<sup>42</sup>

		WA		PA		YA	
1. Do wives share in decision making about what kind of development priorities the community should make? Yes	<b>Dangla</b>	2	20 %	3	30 %	2	2 %
	<b>Dodota</b>	—	—	—	—	—	—
2. Do wives share in decision making about the different contribution that the community should make? Yes	<b>Dangla</b>	—	10 %	—	20 %	—	20 %
	<b>Dodota</b>	—	—	—	9 %	—	20 %
3. Is the wife always consulted before a husband contributes anything to the PA? Yes	<b>Dangla</b>	1	10 %	4	40 %	2	2 %
	<b>Dodota</b>	1	9 %	7	70 %	7	7 %

When compared to the findings in connection with family relations these responses show a marked difference in that the role of women is minimal. This is even more so in light of the fact that in regards to these findings, the author has stated that due to the fact respondents when faced with a questionnaire often try to answer the question in a way that they believe is correct according to the social norms reigning, or sometimes with a mind to please the person questioning them, she has complemented this approach by participant observation. On the basis of this observation she has concluded »that the opinions expressed by the Dangla Peasant Associations and the Dodota Women Associations,

42 Eva Poluha, op. cit, appendix table 33.

although in the minority are closer to reality than the views voiced by the majority of the executive committees. This is due to the fact that their statements are supported by all the information gathered through observations and discussions with people working in the areas.«<sup>43</sup>

According to the views of the associations which are deemed to be credible by the author the role of women in the decision making of the community is quite negligible.

At this juncture it is important to point out that the government has already taken corrective measures to change this trend. According to the »Peasant Associations Consolidation Proclamation of 1982, »Any person (male or female) who lives by farming in an area of any kebele Peasant Association may be a member of the kebele peasant association in his area.«<sup>44</sup> The clear statement »male or female in the law itself as it does not give any room for interpretation persons entrusted with the implementation of the proclamation will now uniformly register women as members of these association and we are confident that their numbers and their participation will be enhanced in the immediate future.

As far as leadership is concerned Art. 5 of the above cited proclamation provides that any person to be elected as a member of the leading organ of any peasant association established at every level shall be a person who meets the following qualifications:

- (a) did not own more than ten (10) hectares of land and stands for agricultural producer's cooperatives,
- (b) has accepted the National Democratic Revolution Programme of Ethiopia,
- (c) is esteemed among his nearby dwellers for his integrity and hard work,
- (d) has not been convicted of misuse or waste of government or public property or corrupt practices or breach of trust,
- (e) is not deprived of his civil rights by a court of law
- (f) has no mental disease, is not addicted to alcohol and dangerous drugs,
- (g) is not less than twenty-one (21) years of age,
- (h) is an Ethiopian national.

These criteria are quite appropriate. Unfortunately as we have not been able to get figures in connection with leading organs with break-down by sex we are not able to make firm statements in this regard. However due to the fact that women members are few and cultural oppression has not given them much opportunity to prepare for leadership posts one can guess that the leadership posts that they hold will not be high. The problems of scattered dwellings are well known to all those concerned with rural development schemes. One way by which the villagization efforts can be intensified and basic infrastructures and supporting services can be made available to rural communities is by the organization of Farm Producer's Cooperatives.

Thus in the long run the functions of the Peasant Associations and service Cooperatives will be totally taken over by Producer's Cooperatives. Eventhough Producer's Cooper-

43 Ibid, p. 57.

44 Peasant Associations Consolidation Proclamation, Negarit Gazetta, 41st year No. 6., 1982, Art. 11.

atives were provided in the Peasant Associations Reorganization and Consolidation Proclamation,<sup>45</sup> in order to fill out details a directive was issued in 1979. Pursuant to this directive three or more peasants can form an Agricultural Producer's Cooperatives. In connection with membership Art. 9 and 10 provide that members of the Peasant Association and members of their family who are 18 and above can become members of the Producer's Cooperative. However family members of Peasant Association shall be entitled to become members of Producer's Cooperatives when there is no land shortage and there is a possibility of engagement.<sup>46</sup>

As can be seen from the table hereunder producer's cooperatives with 60926 members have already been formed.<sup>47</sup> However despite this rapid growth of cooperatives and the granting of conditional membership rights to women in February 1983 there were only 4568 women who were members of such producer's cooperatives.

#### Farmer's Producer's Cooperatives Established as of February 1983

Administratives Region	Number of Prod. Association	Numbers		Capital
		Female	Male	
Harar	96	142	4744	3111386.01
Sidamo	84	1177	10425	2282352.30
Shawa	182	686	8128	3121607.58
Bale	89	492	3947	1102077.44
Tigrai	3	22	83	110253.65
Arsi	85	192	3945	2237683.00
Illubabor	77	242	3198	53659.95
Eritrea	5	20	98	—
Kaffa	54	100	2174	598268.42
Wellega	90	743	6153	1145873.37
Wello	75	206	4015	158261.21
Gomu Goffa	18	217	2954	964503.18
Gondar	43	102	2094	1100472.93
Gojjam	120	226	4373	1334746.65
Total	1021	4568	56358	1722149.73

Since the governments credit and other policy is designed to encourage such cooperatives non-membership will entail economic disadvantage and thereby lower their status.

45 Peasant Associations Reorganization and Consolidation Proclamation, op. cit. Art. 8.

46 Dirutive on Farm Producer's Cooperation, 1979, Art. 9, 10.

47 Ministry of Agriculture, Producers Cooperative Statistics, 1987.

## II. Women's Organization

The second important decision making organ in the rural areas are the women's associations. Women's associations were originally created as sub-structures of the Peasant Association by the Proclamation for the Reorganization and Consolidation of Peasant Associations. Article 5 (4) of that Proclamation provided that the Peasant Association shall have the following powers and duties, »to establish cooperatives societies, women's associations, peasant defence squads and any other associations that may be necessary for the fulfillment of its goals and aims«.

However this organizational structure was changed by Proclamation which created the Revolutionary Ethiopia Women's Association.<sup>48</sup> In the preamble of this proclamation it is stated »In order to achieve these objectives it has been deemed necessary to establish a women's associations of Revolutionary Ethiopia under the political and organizational directions of COPWE.« As a result women's association are legally no more at the bondage of peasant associations but independent and on equal level with them. However it is not only the fact that legally women's associations are independent from the Peasant Associations but their objectives have been broadened. In the Peasant Associations Reorganization and Consolidation proclamation the objectives, powers and aims of women's associations were stated to be the following:

- (1) to do everything necessary to secure the rights of members;
- (2) to establish mobile teams which will closely follow the political, economic and social problems of its members;
- (3) to establish professional associations.<sup>49</sup> However, in Revolutionary Ethiopia Women's Association Establishment Proclamation, the following are stated as the purposes of REWA:

1. To propagate to women the theory of Marxism-Lennism with a view to raising their political consciousness and cultural standards;
2. To prepare women to occupy their appropriate positions in society and make active participation in socialist production activities;
3. To make every effort to ensure that the right of women as mothers is recognized and that they are properly cared for;
4. To prepare women to join hands with their class allies and to make active participation in the struggle to build socialist Ethiopia.<sup>50</sup>

When these are compared to the objective of women cited earlier, not only have the aims been more specified but they have been broadened to enhance the role that the associations must play not only to ameliorate the status of their members but to enable them to join hands with the masses in the development and construction of their country.

48 Revolutionary Ethiopia Women's Association Establishment Proclamation, Negarit Gazette, 39th year, No. 15, Art.

49 Peasant Association reorganization and consolidation proclamation, op. cit., Art. 10.

50 Proclamation Establishing Revolutionary Ethiopia Women's Association, Establishment Proclamation, Art. 3.

The widening of the purposes of the association will assist it in making its impact to be felt more and to leave a greater imprint on the society at large.

As regards membership it is stated that a woman:

- (a) who volunteers to struggle in every field for the implementation of the purposes and accepts the internal regulations of REWA;
- (b) is fifteen years old and above may become a member.<sup>51</sup>

In 1980 when REWA was established it had a membership of 4.2 million and in 1983 however it has about 5 million members composed of 19926 primary associations, 541 district associations, 110 provincial and 16 regional associations.

The creation of the national women's associations has assisted in pooling of resources and coordination of efforts. It has created self confidence amongst women and has given them a forum for discussing problems encountered by them.

The achievements of REWA in less than three years and its contributions to the alleviation of the political, economic and social status has been quite remarkable. As stated in the report of the third ordinary meeting of the Central Committee of REWA has amongst others performed the following tasks.<sup>52</sup>

(a) Political and ideological work – In order to enable women to grasp the aims of the revolution and to fully participate in it, fruitful politicization and propaganda works have been performed. Notable amongst these is the publication of a quarterly journal »Addis Hiwet« (New Life) by the Central Committee of REWA. In addition REWA's contribution in disseminating Marxist-Lennist philosophy by assisting in the distribution of »Meskerem«, »Serto Ader« and other ideological materials has been commendable. In some localities libraries have been opened by women's associations. The contributions of women in this regard have not been limited only to the above in addition women have been directly involved in the war to defend the integrity of their motherland. Those who were not directly involved in the war had rendered invaluable services by preparing and giving of material support to those in the war front and their families,

(b) Training and related activities: Women due to cultural and other factors, do not possess skills to enable them to participate in socially productive work. To change these state of affairs REWA in cooperation with the Ministry of agriculture has given training in home economics to 9222 women. As a result of this training the concerned women not only improved their living but are serving their communities by using and sharing their education with the other members of the Community. Furthermore in cooperation with the Ministry of Health it has given health education to women and has given training to more than 1000 traditional midwives.

Women's participation in the undergoing Literacy Campaigns, as seen earlier, has been quite high. In addition to their participation in the program as students and teachers, women's associations have and are still making big financial contributions to the program.

<sup>51</sup> Ibid, Art. 5.

<sup>52</sup> Central Committee of REWA, Report of the Third Ordinary Meeting, p. 6-8.

Women's association from three administrative regions, Arsi, Sidamo and Illubabor only have contributed 122,000 birr.

In connection with training we would like to point out that women's associations are creating job opportunities for women. In particular the association efforts to fight prostitution and to make women engaged in this degrading profession productive members of the society must be congratulated. In Arssi for example the women's association has been successful in getting 25 women employed as tractor drivers in ARDU (Arsi Rural Development Unit).

(c) Day care centers: – One reason that women have not been able to engage in socially productive work is due to the fact that they have been tied by domestic drudgery in general and upbringing of children in particular. To lessen this responsibility women's associations have been agitating for the construction of day care centers and so far as a result of the efforts of the government and the people 450 day care centers, have been built and are fully operative while many others are in the process under construction. One of the most important tasks and achievement of women's associations has been the raising of the level of consciousness of women by massive political education. An inseparable element of this process is to inform and educate women about their newly acquired rights and how they should proceed to enforce such rights.

In this regard, however, one must not forget the important role played by mass media. Several programs on the radio, T. V. such as »Law and Society« and »Women's forum« do inform citizens in general and women in particular about their legal rights and duties. These programs have not only been informative but have also succeeded in generating interest amongst the public in legal matters. However, this task should also be complemented by the regular educational system which should give courses in civics and other related areas which will enable individuals to know about their rights and duties thereby making them better citizens. Unfortunately such courses are not included in the curricula of either primary, secondary or tertiary level educational institutions. As the financial and manpower implications of including such courses in the curricula of primary and secondary schools can be enormous it would be unrealistic to suggest it as a short term action, we thus suggest the establishment of few model schools where this idea can be tested.

The achievements of REWA eventhough commendable, there are still problems which hinder an even greater performance. Amongst these are:

- (1) although women's associations in theory are legally autonomous, in practice they are most often subservient to the Peasant Associations. They are dependent on Peasant Associations for access to land and services;
- (2) low level of literacy of rural women, ill defined practical functions of the associations, lack of leadership and organizational training;
- (3) shortage of government trained personnel to work with the associations and to provide them with ideas and guidance for productive activities;
- (4) Insufficient capital and access to credit.

#### IV. General Observations and Recommendations

The Ethiopian Revolution of 1974 has abolished feudalism and private ownership of land thereby ending exploitative and outmoded social relationships. It has alleviated the status of the down-trodden and has set the path for a better future. Women have been subjected to double oppression, first as members of an oppressed class and secondly on the basis of their sex. Like the rest of the Ethiopian masses, rural women have reaped immense benefits from the abolishing of feudalism but they are still in the process of fighting reactionary customs, culture and law to fully liberate themselves from discriminatory practices on account of their sex.

The Provisional Military Government of Socialist Ethiopia, COPWE and the Revolutionary Ethiopia Women's Association and other post-revolution mass organizations have given full support to the causes of women. However, since changing such deeply entrenched cultural attitudes will need a long and consistent struggle to abolish in the rural areas women still make up an unprivileged group characterized by inferior social status. They are discriminated against and themselves develop negative attitudes towards social participation. They give in to the situation because of tradition and poor preparation for the role they could and should play in the development of their country. One question that is posed before us is what must be done at this stage to accelerate the process of alleviating the status of rural women?

Even though one can suggest various alternatives to do so, in order to make our recommendations more pragmatic and practical we must consider the objective reality, particularly those factors that are of immediate relevancy.

The first of these factors is Ethiopia's political ideology and policy. Our country's guiding philosophy, Marxism-Leninism (scientific socialism) basic tenets are the abolishing of exploitation of man by man and the creation of a just society. As Comrade Chairman Mengistu Hailemariam has stated on the opening of the Economic and Cultural Development Campaign, »We have triumphed over our class enemies politically and militarily. However our triumph will be decisive when we rid our country from poverty by constructing and developing our economy and by creating a new order where equality and justice prevail. The first measurement criteria of the new order is the freedom of women.«<sup>53</sup>

The second factor that must be considered is the target population and its tolerance to change. Massive political education in the post-revolution years has raised the political consciousness of the Ethiopian masses not only to discuss inequalities based on sex openly and freely but has equipped them with the ability to recognize and accept self-criticism. Finally the creation of mass organizations in post-revolution Ethiopia, in particular the creation of REWA in 1980 is an important factor that must be taken into account.

53 COPWE, »Ethiopian Women before and after the Revolution«, 1980, p. 24–25. (The English translation from the Amharic text is the author's).

In view of the above, i. e. government's heightened sensitivity to the causes and to the potential for increased participation in development by women, the increased tolerance for change by the Ethiopian masses and the creation of mass organizations which can assist to implement fundamental changes, the atmosphere is so conducive that we are confident that our recommendations will not be considered to be far fetched.

The first set of recommendations pertain to the changing of the material base. As was seen earlier women perform the most tedious tasks and unless labour saving devices which will lessen this burden are devised no matter what degree of equality they may enjoy they will not be able to fully participate in socially productive work and in the development of their country. In addition to labour saving devices, in order to lessen the burden of upbringing of children subsidized nurseries and kindergartens must be opened. Women must be mobilized to carry forward the literacy campaign until illiteracy is completely annihilated and must be given other relevant training. Finally, once we have partially liberated women from domestic drudgery, and equipped them with the necessary training we must open up work opportunities for them. Since these issues will be dealt in depth in other paper we shall stop our comments on these set of recommendation and shall proceed to consider the second set of recommendations.

The integration of women into the development processes, both as contributors and beneficiaries does not merely depend on the economic infrastructure but on the attitudes and values of the society at large and of women. Although values and attitudes are the products of a long socialization process, government by enacting legislative measures and taking administrative actions can greatly influence people's behaviour and this will gradually effect changes in attitudes. Legislative and administrative measures are therefore important instruments for guiding and institutionalizing change. In this regard therefore a review of current legislation and policies that have or may have a bearing on the status of women and their role in development must be undertaken. Law found to be discriminatory must be replaced by new ones which grant equal opportunity and accord equal treatment to women. Eventhough as already noted, the status of rural women in the family in reality is far better than it is in the books to institutionalize these changes and to lay a basis for an even better future we suggest that:

- (a) the minimum age for marriage be equal for both men and women. However, if this is not feasible at the moment, we suggest a strict observance of the currently existing legal norms defining minimum age requirements for marriage which is 15 for girls and 18 for boys.
- (b) The legal concept of a man as the head of the family, which is enshrined in the civil code, be reformed so as to give both spouses equal and joint responsibility in the management of the family and household,
- (c) the grounds of divorce be restricted to clearly specified serious causes.

As regards the status of rural women in the community as this is directly proportional to their participation in the post-revolution mass organizations, we suggest that all measures and practices which may impliedly restrict women's membership and full participation be revoked.

Finally, in order to ensure the implementation of the above proposals the strengthening and broadening of women's organization is essential. The creation of Revolutionary Ethiopia Women's Association is an important milestone in this respect and every effort must be made to enable the association to participate in the formulation and implementation of governmental plans and policy. The author is aware of REWA's representation in the Central Planning Supreme Council and other key decision making organs of the government. What is suggested is that this step in the right direction be maintained and continued.

## **V. Conclusion**

In this paper we have attempted to briefly discuss the legal status of rural women within the family (intra-familial) and their status outside it (extra-familial). Eventhough due to time constraint case studies could not be conducted on the basis of available material and earlier studies it has been found that the status of women within the family in post-revolution Ethiopia has been enhanced immensely. However their status outside the family or in the community does not show commensurate progress. One factor that has hindered such progress has been their non participation in the key decision making organs of the rural community: the Peasant Association. Eventhough the law did not make any discrimination on the basis of sex narrow interpretation had resulted in granting membership rights to household heads thereby excluding the majority of women. Subsequent laws have tried to rectify this by specifically providing that both male and female have the right to become members of these associations and we are confident that the state of affairs will soon be changed for the better.

However despite the radical changes in the status of women, noted hereinabove, family relationships are still governed by the Civil Code of 1960. In light of this we have proceeded to recommend that these laws be revised to be in tune with the changed reality. Furthermore as the role of women's associations in organizing women, educating them and implementing laws and policies is immense every opportunity must be accorded to REWA to participate in policy formulation and implementations.

## ABSTRACTS

### **Rural Women's Legal Status in Ethiopia**

By *Daniel Haile*

The paper briefly discusses the legal status of rural women within the family (intra-familial) and their status outside it (extra-familial). Eventhough due to time constraint case studies could not be conducted on the basis of available material and earlier studies it has been found that the status of women within the family in post-revolution Ethiopia has been enhanced immensely, However, their status outside the family or in the community does not show commensurate progress. One factor that has hindered such progress has been their non participation in the key decision making organs of the rural community: the Peasant Association. Eventhough the law did not make any discrimination on the basis of sex narrow interpretation had resulted in granting membership rights to household heads thereby excluding the majority of women. Subsequent laws have tried to rectify this by specifically providing that both male and female have the right to become members of these associations and the author is confident that the state of affairs will soon be changed for the better.

However, despite the radical changes in the status of women, family relationships are still governed by the Civil Code of 1960. In light of this the author recommends that these laws be revised to be in tune with the changed reality. Furthermore as the role of women's associations in organizing women, educating them and implementing laws and policies is immense and every opportunity must be accorded to REWA (Revolutionary Ethiopia Women's Association) to participate in policy formulation and implementations.

### **The Movement of the Non-Aligned – »Greatest Peace Movement in History«?**

By *Volker Matthies*

Non-Alignment has important national defence and security aspects, but the Non-Aligned States do not desire to, and cannot, constitute another military bloc. The Non-Aligned Movement is the champion of a universal international security system under the auspices of the United Nations. According to Nehru one had to create in Afro-Asia an »area of peace«, whose »mobilization of the moral violence of people« against »situations of strength« and military alliances would introduce an element of systemic flexibili-