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Policy Reform toward Gender Equality in Ethiopia: Little by Little the Egg Begins to Walk

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Summary. — There is growing interest in how reforms in different policy areas can be formulated in order to be consistent in promoting gender equality and empowering women. We use data from the Ethiopian Rural Household Survey (ERHS) to show how two seemingly unrelated reforms—community-based land registration, undertaken since 2003, and changes in the Family Code implemented in 2000—may have created conditions that reinforce each other in improving gender equity. Our findings suggest that the land registration process and the reform of the Family Code had mutually reinforcing effects on women's rights and welfare.

Key words — gender, reforms, Family Code, land registration, Ethiopia

1. INTRODUCTION

Kes be kes enqullal be-egrwa tihedalech

Little by little, the egg begins to walk
(Ethiopian saying)

Attention to gender equality remains an important development goal. The importance of gender equality is highlighted in its prominence in the United Nations Millennium Development Goals (MDGs), which have been commonly accepted as a framework for measuring development progress. Of the eight goals, four are directly related to gender: achieving universal primary education, promoting gender equality and the empowerment of women, reducing infant and child mortality, and improving maternal health. Closing gender gaps—which tend to favor males—has also been seen to contribute to women's empowerment. However, the term *empowerment* refers to a broad concept that is used differently by various writers, depending on the context or circumstance (see Kabeer (2001) and Ibrahim and Alkire (2007) for discussions and a review of concepts).

Other arguments for reducing the gender gap revolve around improving productivity and increasing efficiency, improved outcomes for the next generation, and more representative decision making, which are emphasized by Food and Agriculture Organization (FAO, 2011) and the World Bank (World Bank, 2011) in their flagship publications. Quisumbing *et al.* (2014) argue that the motivations for closing the gender gap are not mutually exclusive; rather, they reinforce each other. The linkages between women's empowerment and increased productivity and food security are emphasized by Alkire *et al.* (2013) and Sraboni, Malapit, Quisumbing, and Ahmed (2014), in their analysis of the newly developed Women's Empowerment in Agriculture Index. Closing the gender gap in assets—allowing women to own and control productive assets—both increases women's productivity and increases their self-esteem. A woman who is empowered to make decisions regarding what to plant and what (and how many) inputs to apply on her plot is likely to be more productive in agriculture. Similarly, an empowered woman is likely to be better able to ensure her children's health and nutrition because she is able to take care of her own physical and mental well-being (see Smith, Ramakrishnan, Ndiaye, Haddad, and Martorell (2003) and studies reviewed therein). Thus, regardless of whether efficiency, equity, or both are stated development objectives, various studies have shown that reducing gender gaps is key to meeting these goals.

If closing the gender gap is such an important development objective, are there complementarities with other development goals that could be exploited? Could different policy reforms have reinforcing impacts on gender equality? This paper explores the complementarity of two different reform processes in Ethiopia that began in the 2000s: the promulgation of the revised Family Code in 2000, and the community-based land registration efforts, which started in 2003. North's (1990) theory of institutional change argues that institutions change incrementally rather than in a discontinuous fashion because they are embedded in formal and informal constraints in societies. Although rules may change overnight because of political or judicial decisions, informal constraints are deeply rooted in customs, traditions, and codes of conduct, and thus change more slowly in response to deliberate policies (North, 1990, p. 6). However, institutional change may be reinforcing as well as path dependent (North, 1990, p. 99).

The possibility of mutually reinforcing policy reforms is relevant to Ethiopia, where gender norms related to property ownership, inheritance, and the division of assets after divorce favor men (Fafchamps & Quisumbing, 2002, 2005). Such gender disparities have important welfare consequences. Dercon

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and Krishnan (2000) find that poor women in the southern part of Ethiopia, where customary laws governing settlement at divorce are biased against women, suffer a greater deterioration in their body mass index when illness shocks occur. Fafchamps, Kebede, and Quisumbing (2009) find that the relative nutrition of spouses is associated with correlates of bargaining power, such as cognitive ability, independent sources of income, and devolution of assets upon divorce, and that several dimensions of female empowerment benefit the nutrition and education level of children. These results in Ethiopia are corroborated by findings in Asia and Latin America: in India, Panda and Agarwal (2005) find that women owning immovable property (land or a house) face a significantly lower risk of marital violence than propertyless women. In Nepal, women who own land are significantly more likely to have more say in household decisions, a measure of empowerment, and children whose mothers own land are less likely to be severely underweight (Allendorf 2007). Menon, van der Meulen Rodgers, and Nguyen (2014) find that land titling for women in Vietnam led to improvements in child health and education, and that these effects were stronger than in households with male-only or jointly held land use rights. Joint property rights for spouses and cohabitants in Peru had significant positive effects on women's empowerment, with the effects strongest for increasing women's decisions on large investments and agriculture, and less impact on daily expenditures, as market operations are traditionally seen as a female responsibility anyway (Wiig, 2013).

In this paper we use data from the Ethiopian Rural Household Survey (ERHS) to show how two reforms—the changes in the Family Code implemented in 2000 and the community-based land registration, undertaken since 2003—may have created conditions for gender-sensitive reforms to reinforce each other. To assess whether these reforms have the potential to have differential impacts on households, depending on the sex of the household head, household asset ownership, and other characteristics, we begin by examining how these household characteristics are correlated with changes in women's perceptions regarding allocation of assets upon divorce, and knowledge of and participation in the land registration process. We then analyze whether the two reforms were complementary. We use data from the 1997, 2004, and 2009 rounds of the ERHS, which covered approximately 1,300 households in 15 villages all across Ethiopia. The timing of the survey rounds, before and after these significant policy changes in Ethiopia, enables us to examine the potential complementarity of these reforms.

2. INSTITUTIONAL CHANGE: CONCEPTS AND RECENT ETHIOPIAN EXPERIENCE

(a) *A conceptual framework for understanding institutional change*

In his 1990 book, Nobel laureate Douglass C. North proposes a theory of institutional change that examines the interaction between formal and informal constraints to economic and political behavior. Among these constraints, one of the most important is property rights (North, 1990, p. 33). According to North (1990, p. 40), formal laws and property rights are only a small portion of the rules that govern society; informal constraints are probably more important and numerous in practice, come from socially transmitted information, and are considered part of culture. Although not discussed by North, gender norms determine how different cultures define men's and women's property rights and are part of the institutional framework that defines customs surrounding marriage (and marital dissolution), inheritance, and production relations. Because there are a large number of specific (formal, but mostly informal) constraints that affect a particular choice, institutions tend to change very slowly. Significant changes in the institutional framework involve changes in constraints, not only in legal constraints but also in norms of behavior. Only when it is in the interest of those with sufficient bargaining power to alter the formal rules will there be major changes in the formal institutional framework.

Yet, cultures do change over time. North (1990, p. 94) draws from work by Arthur (1989), who argues that small historical events can lead to one technology winning out over another, and thus, for changes to be self-reinforcing. If there are no increasing returns to institutions and markets are competitive, institutions do not matter. But, with increasing returns, all the self-reinforcing mechanisms hypothesized apply. In the context of institutional change, these mechanisms apply when there are: (1) large setup costs when institutions are set up for the first time (or when drastic changes are put into place); (2) significant learning effects for organizations that arise in consequence of the opportunity set provided by the institutional framework; (3) coordination effects directly via contracts with other organizations, and indirectly by induced investment through the polity in complementary activities; and (4) formal rules that result in the creation of a variety of informal constraints that modify the formal rules and extend them to a variety of specific applications. Adaptive expectations occur because increased prevalence of contracting based on a specific institution will reduce uncertainties about the permanence of that rule. In short, the interdependent web of an institutional matrix produces massive increasing returns.

One can apply this reasoning to the promulgation and implementation of policy reforms that promote gender equality and identify ways these self-reinforcing mechanisms could manifest themselves. First, institutional reforms, particularly constitutional reform or changes in statutory law, typically take time because of the need to build a constituency to support these changes, whether in legislative bodies or in the electorate. Second, other government agencies, as well as civil society organizations, gear up to implement these reforms, as well as increase knowledge of the reforms through legal literacy campaigns. Third, these reforms may lead to changes in behavior of elected officials and civil servants: for example, courts of law may rule based on the new guidelines regarding the settlement of marital disputes; once both spouses are allowed to own property equally, there may be support for efforts to register land jointly in men's and women's names. Finally, the formal rules that remove gender-based discrimination in property rights may induce parents to change their views toward their sons and daughters, rewrite wills to favor sons and daughters equally, and, seeing that the external environment has become more favorable toward girls, choose to invest in their daughter's human capital by sending them to school.

There is suggestive cross-national evidence of such reinforcing processes toward increased gender equality. Hallward-Driemeier, Hasan, and Rusu (2013a) track the evolution of key constraints to women's and girls' equal rights to property and restrictions on their legal capacity over the past 50 years across 100 countries using a database of legal indicators representing all geographic regions, legal traditions, and income levels. The authors examine which country characteristics and processes are associated with reforms, focusing on income growth, education, patterns of employment, conflict, women's