

Women and Land

in_focus

CASE STUDY
PAKISTAN

Owning land a path out of poverty in Pakistan

For decades, efforts to distribute agricultural land more equitably consistently excluded women. Then, a groundbreaking research project made women part of the discussion. It set the stage for a provincial campaign that for the first time in Pakistan's history transferred land to poor women.

In a country where 60% of the population lives in the countryside — and more than two-thirds of those depend on agriculture for their livelihoods — it is almost impossible to overstate the importance of having access to a plot of land.

In Pakistan, land ownership is recognized as the single most important factor keeping families out of poverty. Increasingly, more equal distribution of land is also acknowledged as key to halting environmental degradation and moving toward more sustainable forms of development.

Poor, landless peasants are typically driven to overuse the few resources around them, fuelling a downward cycle of environmental destruction and deepening poverty. With the security that comes from owning land, those peasants have a greater incentive to preserve, rather than plunder, resources.

The issue is of special interest to women. Pakistani women face a number of obstacles that make it all but impossible for them to own land. This puts them in a particularly precarious position, both economically and socially, and compounds the hardships they face.



Jenny Matthews/Panos

Researchers explored how land laws affect individual women in four provinces, including Khyber Pakhtunkhwa.

Widows face eviction

Even a woman whose family is fortunate enough to own land has security of tenure only as long as she is married. Unable to take over the title of the family plot, she faces the prospect of eviction and crushing poverty if she is widowed or divorced. Even though she has worked the land with her husband, a woman has no way of claiming it after the man is gone. Her only option is to give the land to her sons or another male relative, which leaves her vulnerable and dependent on others.

“Women must be recognized as constituting a separate group and must be accorded rights,” says Saba Gul Khattak. She headed a study on women and land for Pakistan’s Sustainable Development Policy Institute (SDPI), which was supported by Canada’s International Development Research Centre (IDRC).

Movement toward equality

The SDPI report focused national attention on the plight of landless rural women. It also offered concrete recommendations on how governments can help remedy the situation. Since then, there has been unprecedented movement toward equality. In Sindh province, for example, a land distribution initiative that began in 2008 has allotted 70% of its titles to women. This effort is Pakistan's first attempt to give women legal control of land.

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The breakthrough came in the wake of SDPI's successful efforts to broaden Pakistan's decades-long dialogue on land reform. Land ownership has been a major political concern throughout the country's history. The first attempt to reduce the concentration of holdings by large landlords was made shortly after Pakistan's independence, with the introduction of the 1950 *Provincial Tenancy Act*. Subsequent land reform initiatives in 1959, 1972, and 1977 sought to achieve the large-scale redistribution of land to peasants that the first effort failed to deliver. Success remained elusive, however, as powerful landowners managed to exploit loopholes in each set of laws.



Women in Pakistan have a theoretical right to own land, but face many roadblocks.



Greater equality in land ownership is seen as key to halting environmental degradation.

Still, successive attempts at land reform have produced incremental benefits and kept the issue in the public eye. Missing from this extensive national debate, however, had been any mention of the right of women to control property. The SDPI research project sought to address that gap.

Rights clash with reality

Theoretically, Pakistani women have the legal right to own land. Article 23 of the Constitution states that "every citizen shall have the right to acquire, hold, and dispose of property in any part of Pakistan." Islamic law, or sharia, also allows women to inherit property from their fathers, although it allows daughters a lesser share of an inheritance than sons. Adherence to that edict in other Islamic countries such as Somalia and Turkey means that women there are often registered as property owners.

But the theoretical guarantees have done nothing to put land under the control of women in Pakistan. SDPI's study found that the aspect of sharia that allows women to inherit land is not recognized by Pakistani clerics. The government has declined to intervene in this matter, stating that inheritances are a private concern.

Civil authorities have also ensured that women remain landless by failing to remove a number of bureaucratic roadblocks. For example, officials have neglected to enrol women on revenue records as tenants, making it impossible for them to claim an inheritance. They have also retained customary legal practices

that exclude women from property ownership. For example, a cumbersome process for requesting land titles discourages poor women from making claims. At an SDPI seminar, the special assistant to the prime minister for the social sector, Shahnaz Wazir Ali, noted: “We still practise medieval ways of keeping records that makes all documentation inaccessible to women.”

Gap between law and practice

A key goal of SDPI’s research was to make policymakers and non-governmental organizations aware of the discrepancy between land laws and actual practice, and of the real impacts of landlessness on women. The work was multi-faceted. First, the team arrived at a broad picture of the relationship between poor rural women and land by reviewing the historical and legal literature. To understand how common practices and the interpretation of land laws play out in the lives of individual women, it conducted wide-ranging interviews in eight communities in four provinces: Sindh, Balochistan, Khyber Pakhtunkhwa, and Punjab.

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These areas were chosen because they have different land dynamics, inheritance traditions, and ethnic backgrounds; different geographic and topographical characteristics, and land values; and a mix of micro, small, and large landholdings. The goal was to determine whether individual differences affected the experiences of women, and ensure that the study represented a diversity of experiences. Once in the communities, the team collected “life histories” from women who had been affected by rulings on access to land.

Researchers carried out focus groups and conducted interviews to gauge the attitudes of both men and women. One striking finding was that interviewees’ attitudes were often out of step with reality. For instance, most men said they believe that women are legally and morally entitled to own land and have the ability to work the land. However, none of these men had done anything to ensure that women in their family gained control over land.

Risks silence women

Some men opposed women becoming landowners on the grounds that this would disrupt gender relations and family structure. Some argued that women would be hampered as landowners by the practice of *purdah* that limits women’s contact with the outside world. Perhaps not surprisingly, men were more likely to make these arguments in areas where agricultural land is worth more.

Although some men felt that women’s lack of control over land was offset by the dowries and gifts they receive from families, women rejected the idea that these had equal value. Owning land in rural Pakistan is a huge advantage, providing not only economic security but also power and prestige.

An important conclusion was that women had limited options for pursuing change. Although women recognize their lack of access to land as unjust, few of them are willing to challenge the status quo. Reluctant to risk alienation from family — an important source of support and security — women also lack confidence in their ability to navigate the legal system. They also doubt that state institutions would act impartially. Many women believe the best they can hope for is a measure of security through their relationships with husbands and sons. One 71-year-old woman reflected: “Relatively speaking, women acquire some power in decision-making when they have children, but they can never be free.”



Some men argue that the practice of *purdah*, which limits women’s contact with men, would hamper women’s ability to own land.

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Paving the way for change

The SDPI researchers mapped out exactly how legal roadblocks and social attitudes prevent women from owning land. Then they set out to recommend ways for government and development agencies to help Pakistani women.

Those recommendations included:

- introducing joint titling systems that give women equal ownership alongside their husbands, thereby improving their position both within the home and in society;
- making legal services available to help women make land claims;
- revising marriage laws to allow divorced women control over land; and
- providing credit and agricultural inputs to women to better enable them to work the land.

SDPI researcher Wajihah Anwar believes that a key step forward “would be to bring inheritance and other family laws under a secular civil code, which would enable the state to enact gender-neutral laws. Even keeping within the confines of Muslim Personal Law,” she says, “the state could ensure that men and women get equal shares in inheritance.”

Even without legal reforms, however, change has begun. Shortly after the release of the SDPI report in 2008, the Sindh provincial government launched a land distribution plan that has seen more than 4,000 people — 70% of them women — receive land. Oxfam Great Britain and the Participatory Development Initiative (PDI) jointly provided the recipients with legal aid to ensure they received title to their lands, as well as technical support to help them grow crops.

In a newspaper report, Karachi-based economist Haris Gazdar remarked: “This scheme is the first I know of in Pakistan where women are targeted as exclusive or primary beneficiaries” of land reform. Although a PDI-Oxfam GB study noted flaws in the distribution process, many women report making money from their first crops. This income has allowed them to do things like pay off debts and buy their grandchildren new clothes. As a practical step forward and a model project, the Sindh initiative has broken ground for women in Pakistan.

This case study was written by Stephen Dale, with files from Rebecca Smith.

The views expressed in this case study are those of IDRC-funded researchers and experts in the field.

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This case study is one of five presented on the Women and Land in_focus website.

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