

# My land, my right

## Putting land rights at the heart of the Pakistan floods reconstruction

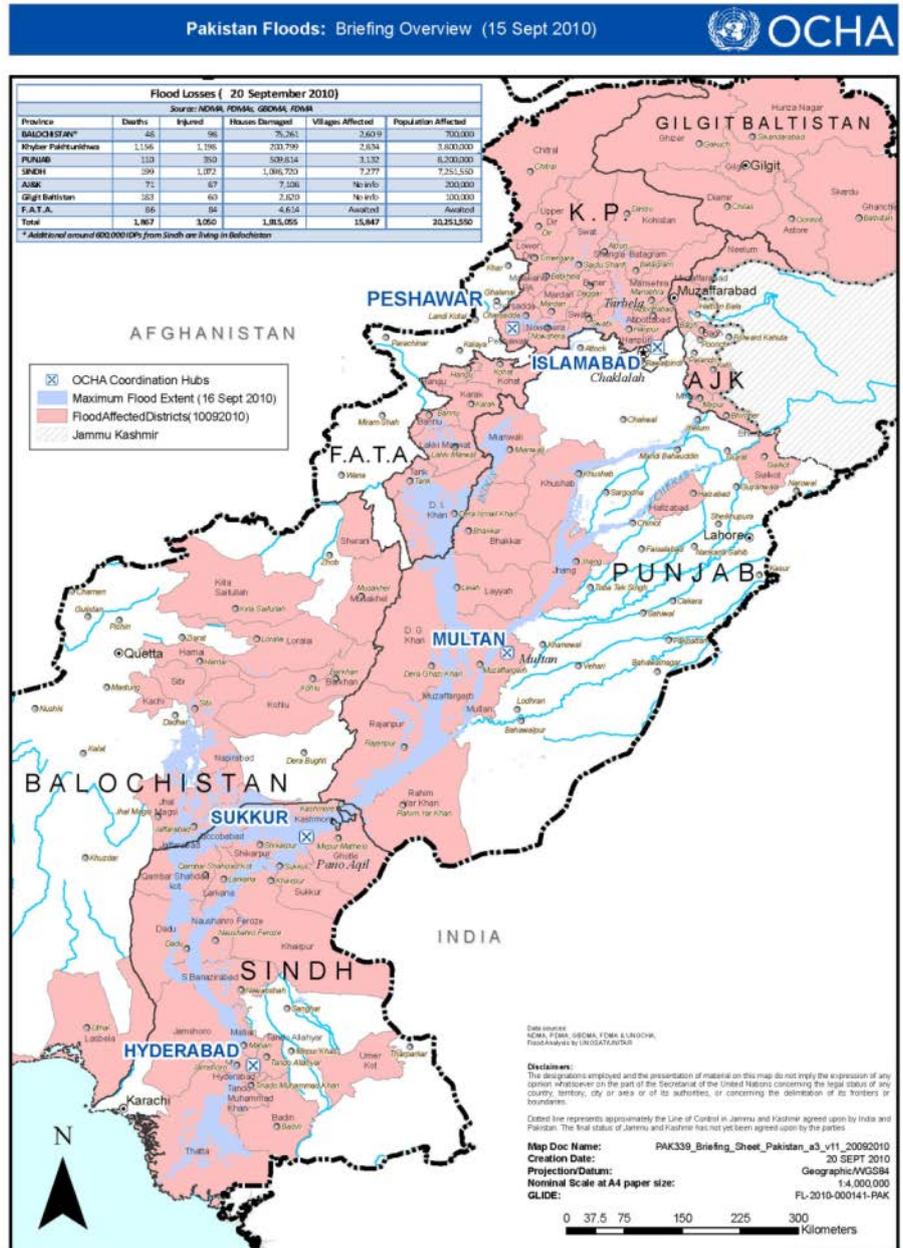
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Suhagan, a farmer with seven children, who can now earn money from growing crops after benefiting from a land distribution scheme in Sindh. Credit: Caroline Gluck/Oxfam

**The mega floods of 2010–11 hit Pakistan hard, both economically and socially, and have had a massive impact on land and agriculture. The path to recovery and reconstruction is long and full of challenges – but it is also an opportunity to tackle crucial structural issues such as crippling inequalities in people’s rights and access to land. Most people who live in the rural areas affected by the floods are landless. Lack of land ownership and insecure access to arable land are two of the major causes of rural poverty in Pakistan. The government of Pakistan should change how it approaches such issues to ensure comprehensive land rights for poor farmers, especially women. A comprehensive recovery and reconstruction plan that aims to ‘build back better’ must explicitly address land issues. Otherwise, millions of Pakistanis will remain trapped in deepening poverty, undermining the country’s recovery.**

# Map of floods



# Executive summary

In the aftermath of the 2010–11 floods, the path to recovery and reconstruction in Pakistan will be long and full of challenges. However, there is also an opportunity to tackle crucial structural issues such as crippling inequalities in people's rights and access to land. A failure to do so would not only condemn millions of Pakistanis to continued and deepening poverty, it would also undermine the scope and sustainability of the country's recovery from this disaster and its ability to cope with the next.

The mega floods of 2010–11 hit Pakistan hard, both economically and socially, and have had a massive impact on land and agriculture. Millions of poor people, mostly small farmers, lost their land and assets and have been displaced to camps or other places. Women have borne the brunt of the disaster and are particularly vulnerable.

The catastrophe was made worse because most people who live in the rural areas affected by the floods are landless. Not only did they have to worry about restoring damaged fields and irrigation canals, but for many, their very return depended on the whim of their landlords. Lack of land ownership and insecure access to arable land are two of the major causes of rural poverty in Pakistan. For millions of poor rural people, owning land or having reliable access to land means survival and having the foundation to build a better standard of living. Land provides a livelihood and allows poor rural people access to entitlements such as government benefits as well as credit for agriculture and business. Secure possession of land for residential purposes is only possible by having formal land ownership documents.

Securing land rights is critical if Pakistan is to overcome poverty and inequality: it can reduce poverty at both individual and household level and boost economic growth at national level. An emphasis on tackling land issues equitably in the post-floods recovery and reconstruction is therefore urgently needed.

This paper explores the condition of land rights and secure access to land by poor women and men in flood-affected areas. It highlights crucial gaps in current recovery and reconstruction plans, which fail to address land issues affecting the poor and socially marginalized people. It also provides recommendations for the government of Pakistan, the international donor community, landlords, and civil society actors to enable them to address land inequality issues and reduce landlessness and poverty in the country.

The government of Pakistan needs to change the way it approaches land issues to ensure comprehensive land rights for poor farmers, especially women, across the country. Current recovery and reconstruction plans by the Pakistani government and the international donor community, including the World Bank (WB) and the Asian Development Bank (ADB) as well as the government of Pakistan's Damage Needs Assessment (DNA) all make inadequate mention of land issues. There are no plans to conduct a comprehensive review of land issues and no clear strategy or

programmes that address land inequality issues for poor and landless women and men.

The process of post-floods recovery and reconstruction is an opportunity for the government, international actors, national organizations, and the private sector to contribute to minimizing the deprivation and economic vulnerability of poor and marginalized Pakistanis. The government of Pakistan should show responsible leadership by urgently implementing nationally led, pro-poor reconstruction plans for promoting land equality for poor women and men, which will reduce poverty and suffering among the flood-affected population. Now is the time to make sure that policies and programmes related to land distribution and ownership are pro-poor and target the most marginalized groups such as women and religious minorities.

Backed by the international donor community, and with appropriate participation by civil society organizations, the Pakistani government should implement a package of measures that strengthens the enforcement of tenancy rights and promotes more equitable ownership of land, especially for socially marginalized people such as women and religious minorities.

**The government of Pakistan should:**

- immediately conduct a comprehensive review of land issues in the flood-affected areas to find out the challenges, needs, and vulnerabilities of the landless and land insecure population;
- at all levels (both federal and provincial) explicitly incorporate land issues and land inequality in recovery and reconstruction plans, with dedicated resources;
- provide land to landless women and men for homesteads in economically viable locations, and if necessary acquire land for this purpose;
- increase women's ownership of land by providing land in women's names through the continuation and expansion of land distribution programmes such as the government of Sindh's Land Distribution Programme for Landless Women Haris and the Punjab's Jinnah Abadi Scheme;
- computerize all land records so there is less loss of land revenue records and a more transparent system of recording land ownership.

**The WB and ADB should:**

- support the government of Pakistan in incorporating land issues and addressing land inequality in recovery and reconstruction plans by providing both financial and technical resources;
- modify their own policies and programmes to focus more on the landless and vulnerable rather than wealthy landowners;

- support the government of Pakistan in computerizing land records.

**The UN should:**

- ensure that post-disaster responses create more secure tenure and land rights for the poor and the marginalized in general, and women in particular; to this end, to fully implement UN-HABITAT and UN-Food Agriculture Organisation (FAO) guidelines for rapid tenure security measures for returnees, protection and restoration of land rights of vulnerable groups, and secure rights and access to agricultural land for vulnerable groups, including tenants and women;
- support governments in conducting land needs assessments within the first six weeks of any disaster;
- develop programmes that safeguard landless women and men against arbitrary land grabbing.

**Landlords should:**

- show leadership in the recovery and reconstruction effort by writing off the debts of small farmers;
- play a constructive role as wealthy landowners and contribute to the rehabilitation of damaged and destroyed irrigation structures so that landless and poor tenants can resume agricultural activities quickly;
- responsibly uphold tenancy rights under the Tenancy Act by allowing the re-entry of those who had been on their land before the floods (without embarking on exploitative renegotiated terms) and to facilitate the swift reconstruction of homes on their properties.

**Civil society and the media should:**

- play an active role in highlighting the issue of land inequality and hold the government, the international donor community, and landlords accountable for adequately addressing land issues in recovery and reconstruction plans by monitoring progress, holding public meetings, and ensuring that meaningful consultations are held with affected people;
- ensure NGO plans to tackle housing and shelter recovery and reconstruction take into account land inequality issues, especially the risk that poor people may face dispossession from their homes where land rights are not assured.

## GLOSSARY OF TERMS

Tenancy Act – the Act governing the tenant-landlord relationship. A tenant is a person who holds land under another person and is liable to pay rent for the land. The tenant of a landlord operates under one lease or one set of conditions. The aim of this law is to accommodate landless people and to provide cover and support them against landowners and landlords.

Residential security – secure ownership or tenant rights to land being used for the purpose of housing/shelter; also known as housing rights.

Land security – secure ownership or tenant rights to land being used for the purpose of housing/shelter or agricultural purposes.

Collective entitlements – collective historical rights to land that a community has been residing on for several years (usually decades or centuries).

Sharecropping – a system of agriculture whereby a landowner allows a tenant farmer to use the land in return for a share of the crop produced on the land.

*Katcho* areas – riverine areas where property rights are poorly defined.

*Pukka* areas – non-riverine area; settled area outside the flood ‘bund’ (embankment or dyke where people usually have permanent houses).

*Benami* – a proxy land title. It is most frequently used by male relatives (husbands, fathers, sons, brothers) to assert effective ownership of property which is in a woman’s name.

# Introduction

*We have no land of our own and are dependent on the goodwill of landlords for work and building our house. We are not allowed to reoccupy our damaged houses or plots even after the water had receded weeks ago. The landlord has levelled our damaged houses for the next wheat crop.*

A group of landless tenants in flood-affected areas of the Jafferabad district, Balochistan.

Lack of land ownership and inequitable access to land is a major cause of rural poverty in Pakistan. Most people who live in the rural areas affected by the 2010 floods are landless. For millions of the rural poor, owning land and having reliable access to land for cultivation and housing is about survival. It is about having the foundation for building a better standard of living. For the rural poor, land is crucial because it is both a source of livelihood and allows them access to government benefits and schemes, as well as to credit for agriculture and business. Secure ownership of land for residential purposes is only possible with formal land ownership documents.

The 2010-11 floods have been devastating for millions of landless women and men – destroying their homes and livelihoods and wreaking devastation that will take years, if not decades, to overcome. It will significantly hinder Pakistan's progress towards its Millennium Development Goals. The floods resulted in a death toll of 1,700 people and the displacement of an estimated 18 million people across Pakistan.<sup>1</sup> Official estimates of the economic loss range from \$8.74 billion to \$10.85 billion. These figures include the estimated costs of early recovery for the provision of relief, rebuilding destroyed infrastructure, and other economic losses to individuals, communities, firms and the government.<sup>2</sup>

The floods have had a massive impact on land and agriculture, which has hit the country hard both economically and socially. Millions of poor women and men, mostly small farmers, have lost their land and assets. In the aftermath of the devastation caused by the floods, they have been displaced to camps or other places. With nearly half of the rural population landless before the floods, these displaced women and men are worried about the state of their land and how they'll go back to rehabilitate it as they are mostly dependent on their landlords. They are also worried that the floods have provided the powerful landlords with an opportunity to take over the land of poor farmers, since land boundaries have washed away and land ownership documents have been lost in the floods. Women are facing the brunt of this loss of land and livelihoods. They feel insecure because they do not have shelter and they have lost their means of livelihoods.

Before the floods the government at different levels had taken some positive initiatives to address land issues, such as the government of Sindh Land Distribution Programme. Prioritizing land issues in the post-floods phase is urgently needed. The government of Pakistan needs to change the way it approaches land issues to ensure comprehensive land rights for poor farmers, especially women, across

the country. Government and international donor communities' recovery and reconstruction plans, including the WB, ADB, as well as the Pakistan government's DNA, makes inadequate mention of land issues. There are no plans to conduct a comprehensive review of land issues and no clear strategy and programmes to address land inequality issues for the poor and landless women and men.

Securing land rights is linked to poverty and inequality since it can reduce poverty at both the individual and household level, and boost economic growth at national level. A comprehensive recovery and reconstruction plan that aims to achieve the objective of 'building back better' must explicitly address land issues, including land ownership, tenure, and residential security. Recovery and reconstruction plans that have a clear strategy and programmes for promoting land equality for poor women and men will reduce poverty and suffering among the flood-affected population. Now is the time to make sure that policies and programmes related to land dispensation and ownership target the most marginalized people such as women and religious minorities

This paper explores the historical context of land issues in Pakistan, the condition of land rights, and security of tenure in flood-affected areas, how the impact of the floods is magnifying the vulnerability of land rights of the poor and socially marginalized, and provides analysis of recovery and reconstruction plans. It also includes recommendations for the government of Pakistan, the international community, landlords, and civil society actors for addressing land inequality issues and reducing landlessness and poverty in the country.

## 2

# Background of land issues in Pakistan

## Land: means of livelihood

Land is not only a source of livelihood for over three-fifths of the rural poor, is also a means of reducing inequality and poverty. Sixty per cent of Pakistan's population lives in rural areas and 67.5 per cent of the rural population depends on agriculture for subsistence.

However, the land is owned and controlled by a few – the land elite who are usually influential because they will either be in parliamentary positions or successful businessmen. Not only do they own more land but they also have access to and control over market and economic opportunities in rural areas. Most landless farmers and labourers working for these influential landlords end up as bonded labourers. Women bear the brunt of this situation as they are denied economic opportunities due to lack of land ownership.

Zainab, a previously landless woman farmer living in district Thatta who received land under government of Sindh Land Distribution Programme before the floods, says:

*The effort that we would put on our own lands is due to it being 'our own' and the fact that all my extra efforts will pay off just for myself, that pleasure of working on my own land is something else while hardships on others' lands is something else. It is a blessing to work on our own lands and have our house on the land that belongs to us and there would be no hardships, no extra efforts and no violence [from the landlords].*

Despite their involvement in agriculture, livestock management, and waged domestic and household work, due to cultural and social barriers, women get lower returns for their labour, have non-existent access to markets, and have weak access, control, and ownership over key assets such as land.

## Prevalence of land inequality

Absence of land ownership or simply the lack of access to the use of land by tenant farmers and landless farmers, especially women, is considered to be one of the major causes of rural poverty in Pakistan. Land inequality in Pakistan is huge: only half of all rural households own agricultural land,<sup>3</sup> while the top 2.5 per cent of households account for over 40 per cent of all land owned.<sup>4</sup> Numerous studies have highlighted that districts with high land inequality have higher poverty and deprivation than districts with low land inequality.<sup>5</sup>

Rural Sindh, southern Punjab, and the tribal areas in Khyber Pakhtunkhwa (KPK) and Balochistan have the highest incidence of land inequality as well as the highest rate of vulnerability, chronic poverty, lack of influence in the market, and incidences of violence against women. As shown in Table 1, 50.8 per cent of rural

households in the three provinces of Sindh, Punjab, and KPK are landless. Sindh – the worst flood-affected province – has one of the highest rates of absolute landlessness (66.1 per cent) and the lowest share of land ownership (33.1 per cent).

**Table 1: Land ownership distribution, 2000: Sindh, Punjab, and KPK**

	PROPORTION OF RURAL HOUSEHOLDS (per cent)			
	SINDH	PUNJAB	KPK	ALL THREE
<b>LANDLESS</b>	66.1	47.7	45.0	50.8
<b>UNDER 1.0 acre</b>	0.5	6.4	14.8	6.9
<b>1.0 TO UNDER 2.5 acres</b>	6.8	14.1	19.0	13.6
<b>2.5 TO UNDER 5.0 acres</b>	7.1	11.5	9.8	10.3
<b>5.0 TO UNDER 7.5 acres</b>	5.5	7.4	4.7	6.5
<b>7.5 TO UNDER 12.5 acres</b>	6.0	6.2	3.4	5.6
<b>12.5 TO UNDER 25.0 acres</b>	4.0	4.1	1.6	3.6
<b>25.0 TO UNDER 50.0 acres</b>	1.8	1.8	1.0	1.6
<b>50.0 TO UNDER 100.0 acres</b>	1.0	0.5	0.4	0.6
<b>100.0 TO UNDER 150.0 acres</b>	0.2	0.1	0.1	0.1
<b>150.0 AND ABOVE acres</b>	0.2	0.1	0.1	0.1

Source: Based on Census of Agriculture 2000 and 1998 Population Census.

## Vulnerable groups

Historically, most of the people residing in flood-affected areas have no legal ownership of land, and possession is the only indicator of ownership. The most vulnerable are those people living in the *katcho* (riverine) areas of Sindh and South Punjab. In these areas, the issue of records of land ownership is an uncertain one, as cultivation is often carried out on land that has not been properly surveyed by the revenue department, which is responsible for maintaining land ownership records. This population has no secure access to the land that is not only the source of their livelihoods, but also the site of their homes. The poor and small farmers living in *pukka* (non-riverine) areas are relatively better off. Ownership rights of agricultural land are maintained on a regular basis and the farmers have records of formal titles of land ownership or are involved in formal tenancy arrangements. An important aspect to note is that most citizen-based entitlements are linked to having a fixed abode or house; therefore there is a direct link between lack of residential security and social marginalization. Hence, an important aspect of the early recovery and reconstruction process is to ensure the poor and vulnerable are not marginalized and missed out.

### Box 1

The government of Sindh began its Land Distribution Programme in 2008. During its first phase, 41,517 acres of land was distributed with nearly 70 per cent of beneficiaries being women. Most women surveyed in rural areas claim that being a 'land owner brings huge change'. Subsequently, a second phase was announced which only targeted landless women, and 53,224 acres of land was distributed among 1,700 women.

Shehnaz, a beneficiary of this programme, has had her life transformed after receiving four acres of land under the government of Sindh Land Distribution Programme: 'Previously I didn't have any social status and was thought of as "nothing" within my family and to my husband. It makes me really happy that now I have a status and recognition of my capabilities. It is only due to this land that today that I have come out, am walking around my lands and talking to you all.'

Women face numerous barriers in gaining and retaining legal land entitlements. Pakistan's constitution gives equal land entitlement to women, who do 70 per cent of all farming work. However, a household survey, published in 2005 by the International Centre for Research on Women shows women own less than 3 per cent of the land, and that even when women do own land, they may not have actual control over it (i.e. it is a *benami* or proxy title with real control exercised by a male relative). This situation is exacerbated by customary practices that override laws pertaining to women's rights and by the lack of supportive state structures and mechanisms for women's protection when they claim their rights. The institutionalized exclusion and marginalization of women is perpetuated by the lack of adequate policies, plans, and resources for women attaining and retaining land on the part of the state and public institutions. While research has consistently shown that for women secure access to land is critical for achieving gender equality and is a fundamental factor in ensuring food security, shelter, and space for livestock, it is also 'a source of security and power'.<sup>6</sup> This is clearly seen from Shehnaz's story in Box 1; land ownership has changed her life and status in society for the better.

## Legislative theory vs. reality

### Tenancy

Direct land ownership is not the only way in which the poor can have access to agricultural land – land can be accessed through tenancy – and each province has its own Tenancy Act.<sup>7</sup> Despite the legislative framework, poor farmers are often exploited due to poor implementation of the Tenancy Act and existing lacunas in the law. Nevertheless, tenancy is a potential way for poor farmers to have access to agricultural land and self-employment, and directly contributes to reducing landlessness. For example in Sindh, two out of three people don't own land, and 75 per cent of these people don't work on any land. That means only a quarter of rural landless households are able to grow food to support themselves. Despite the need for improvements in policy and practice, tenancy is an important avenue for the landless to be able to access land. Tenancy provides a means of registering the use of a plot of land with the local revenue board, with the participation of the landlord. Such registration provides assured access to the land for the lease period. However, further work needs to be done to ensure that tenancy laws and implementation take into account the power dynamics between tenants and landowners, and give tenants the legal support they need.

### Lack of residential security

*The state is compelled to provide housing to all citizens who are 'unable to earn their livelihood on account of infirmity, sickness or unemployment'.*

Article 38 (d), 1973 Constitution of the Islamic Republic of Pakistan

The right to adequate housing is explicitly recognized in Pakistan's constitution. Moreover, it is deemed a basic human right, which is

enshrined in the UN General Assembly's 1948 Universal Declaration of Human Rights and has also been recognized by key human rights treaties and conventions that followed it. This right applies in emergency situations, and it has been reiterated and further detailed by various other tools and instruments, including the Geneva Conventions (Art 147, IV Geneva Convention and Art 14, AP11), the Internally Displaced Persons (IDP) Guiding Principles (Principle 18b), and the Inter-Agency Standing Committee (IASC) Guidelines on Human Rights in Natural Disasters (Section B2). Nevertheless, insecure housing arrangements exist in most areas of Pakistan, especially in *katcho 'abadis'* (village settlements) and rural areas. The poorest and most marginalized individuals and groups are usually denied ownership of residential land. In most rural areas the poor are dependent on the landlord to provide a small piece of land on which to build their houses. This is usually an insecure arrangement – mostly agreed verbally, this agreement will be honoured for as long the landlord is happy with his tenants. If there is any conflict or a change in landlord's plans, the tenants can be evicted immediately. Security of residential land plays a key role in defining poor people's relations with the wider society and polity. Access to most citizen-based entitlements is linked to having a fixed abode and secure residential land. For example, the Benazir Income Support Programme (BISP) requires a computerized national identity card (CNIC), which can only be issued if a citizen has a fixed abode or home. Therefore, poor people who do not own any residential land are the most socially marginalized.<sup>8</sup>

### **Collective entitlements**

There is little recognition of landless people's historical rights and customary claim to communal ownership of land among policy makers and government officials. The absence of the necessary legislative framework to protect the rights of the poor has resulted in the exploitation of socially marginalized and indigenous communities, as seen in their experiences of oil, gas, and mineral extraction. Poor landless people do not benefit directly from the extraction of resources or the development in their areas, in terms of building of schools, drinking water schemes, or employment opportunities with the oil and gas companies. Additionally, there are no coherent national and provincial policies governing the use of forests, mineral, and marine resources, with the result that landless poor are exploited and do not get land entitlements or appropriate compensation if they are displaced from their place of origin.

### **Land grabs**

Land grabs occur in Pakistan in various forms. The most common one in rural areas involves influential landlords illegally occupying state land or forcefully evicting small farmers from their land and occupying it by using their power and patronage. In urban areas this is seen in the form of the land mafia illegally occupying land through violence and coercion (especially common in Karachi). The military, considered one of the largest landlords in the country, is involved in land grabs in different parts of the country. The most prominent example is the case of the Okara military farms (in the Punjab

province) where farmers, whose families have tilled the land for centuries, have been struggling for ownership for a decade now – and where the tenants continue to be denied property rights and are permanently at risk of eviction.<sup>9,10</sup> A more recent phenomenon in land grabs in Pakistan is linked to the leasing of large tracts of land to foreign governments. There have been reports in the media in the past few years that the government of Pakistan has been negotiating with Saudi Arabia to lease 500,000 acres of farmland.<sup>11</sup> The Ministry of Interior and Ministry of Food and Agriculture denied these reports; however, the Lahore High Court Chief Justice Khawaja Muhammad Sharif issued a court order that restrains the government from leasing or selling land to foreign countries, without prior notice being given to the court.<sup>12</sup> There has been no meaningful community consultation and political representation on the issue of leasing land to foreign governments, neither has comprehensive research been conducted that assesses how corporate farming, compared to small-scale farming, will impact on the majority of small farmers in the country.

### **Largely failed reforms**

Pakistan has seen three major land reforms and various government land distribution programmes in the last six decades, the majority of which have had limited impact on changing the status of the rural poor and their land ownership. Since the reforms were not implemented properly, most land-holdings still remain in the hands of a few families. Formal land reforms were instituted in 1959, 1972, and 1977. The third set of land reforms were initiated in 1977 by the Pakistan People's Party (PPP) government under the leadership of Zulfikar Ali Bhutto. It was proposed that land ownership ceilings be reduced to 100 acres of irrigated and 200 acres of unirrigated land. However, these land reforms could not be completed since they were declared 'unIslamic' by the military regime of General Zia-ul-Haq and supported by the Shariat Court.<sup>13</sup> In a country like Pakistan, such an interpretation leaves the issue of land reform stalled and unnecessarily subjected to opposition from religious parties and organizations.

The last three decades has seen sporadic efforts to tackle the issue of land inequality. In the 1990s, the civilian governments of both Benazir Bhutto (PPP) and Nawaz Sharif (Pakistan Muslim League (N)) announced different programmes to distribute state land among landless farmers, but no formal land reforms were initiated. During the military government of General Pervez Musharraf, land reforms and programmes remained completely absent from the political and policy agenda. The WB Poverty Reduction Strategy Paper, officially adopted in 2001 by the government of Pakistan, mentioned the distribution of state land only, and did not highlight the prevailing land inequality in the country nor address the highly unequal landlord-tenant power relations. Overall, land reforms have distributed just 7 per cent of total farm area since 1959, and they have failed to meaningfully reduce the concentration of land ownership currently in the hands of the wealthy.<sup>14</sup> Commentators describe Pakistan's failure to implement meaningful land and agricultural reform, as has happened in other East Asian states, as one of the determining factors in Pakistan's declining economy.<sup>15</sup>

Even though women's land ownership and secure access to land continues to be alarmingly low, in the recent years positive steps have been taken to increase land ownership among women. In 2008, the government of Sindh announced a major programme of land distribution of about 225,000 acres among the poor landless 'haris' (peasant farmers) in the province. The first phase of the programme was implemented in 17 districts of Sindh, and about 41,517 acres of land was distributed among 2,845 poor women and 1,184 men. Subsequently, a second phase was announced which only targeted landless women, and 53,224 acres of land was distributed among 1,700 women. Just before the floods in 2010-11 a third phase to distribute 95,000 acres was announced. Despite implementation challenges, the process has empowered 4,545 women in total, giving them increased authority within their households and communities.

# 3

## Impact of the floods

The impact of the floods was seen all across Pakistan, but the nature of flooding varied from area to area. In most parts of the country the flood waters receded after a few weeks, except in northern Sindh and eastern Balochistan where water remained for several months, constituting a major health hazard and a huge obstacle to resuming economic activities. Other areas are slowly restarting some kind of economic activity, though that is also hindered by the loss of assets, and damage to land, irrigation structures, roads, etc.

Understanding the complexities surrounding land issues is extremely important when designing recovery plans. It is important that key decision-makers, both in government and the international community (such as the WB, ADP, UN Development Programme) are fully aware of the needs of landless farmers and the challenges they face in having secure access to or ownership of land. Only then will it be possible to have recovery plans that adequately address the needs of the poorest people.

### Landless farmers and tenants

Most of the regions badly affected by the floods also happened to be the areas where land ownership is known to be highly unequal. The proportion of rural households which own land is low (in Sindh, two out of three households are landless), and large land-holdings account for a high proportion of the total flood-affected areas. Those who were displaced by the floods and lost their assets and means of livelihood consisted disproportionately of landless tenants and labourers. While land and agrarian systems vary between provinces, power derived from land ownership is a fact of life in nearly all of the affected districts. As Table 2 highlights, agriculture is the primary occupation in most districts and in certain districts, such as Jafferabad in Balochistan, landless tenants comprise as much as nearly 60 per cent of the farming population.

**Table 2: Land tenure pattern in flood-affected districts**

District	Landowners as proportion of rural households - per cent	Agriculture (not including labourers) as proportion of all occupations - per cent of adult males	Labourers (including agricultural labourers) as proportion of all occupations - per cent adult males	Landless tenants as proportion of all farmers - per cent	Area operated by tenants as proportion of all area - per cent
Dadu (Sindh)	28.1	48.2	25.4	16.5	15.9
Larkana (Sindh)	31.7	61.8	22.9	22.5	15.3
Thatta (Sindh)	24.2	62.3	22.2	3.9	4.7
Muzaffargarh	54.3	39.2	38.4	6.3	16.5

(Punjab)					
Nowshehra (KPK)	39.3	19.5	33.9	3.3	13.5
Jafferabad (Balochistan)	28.8	67.7	19.1	58.6	47.7
Year	2000	1998	1998	2000	2000

Source: Agricultural Census 2000 and Population Census 1998

Access to land, therefore, is closely correlated with social status and political power.<sup>16</sup> It is the poor landless tenants and labourers who have been hit hardest by the floods, and now face an uncertain future, with mounting debts and no immediate way to start earning the money necessary to rebuild their lives. A recent survey conducted by Oxfam shows that 85 per cent of people are worried about income poverty and that for over 70 per cent of people, getting a job was one of their top priorities.

## Degrees of land security among the flood-affected

There are many degrees of land security among the flood-affected population. A family who is not from a socially marginalized group, who has access to government entitlements and to patronage by the politically influential, will enjoy stronger land security. The most vulnerable people, those who lived in bonded conditions without any form of land security, see the post-floods displacement as an opportunity to come out of the debt trap that is their repressive landlord. For the purposes of this paper, we have focused on three broad categories of land security:<sup>17</sup>

Level of land security	Description of group	Impact of floods
Landless without secure residential entitlements	Neither own land, nor enjoy secure rights of possession over their homesteads.  Include tenants/ labourers living on privately owned land of their landlords; socially marginalized groups.	Rendered homeless since rights to residence are linked to economic relationship with landlord, i.e. residential land is usually an extension of access to agricultural land. Increase in prevalence of bonded labour.
Landless with residential entitlements	Have some degree of secure possession (at least of their homesteads).  Vulnerable to political and economic demands of the landowners.	More at risk of being dispossessed by influential landlords since land boundaries have washed away, especially in northern Sindh and southern Punjab.

		More vulnerable to landlords' demands, including support during elections, and the provision of customary unpaid service at particular times.
Smallholders	Owning some form of agricultural land (usually less than five acres). Inherited land from family – mostly men, women having inherited land/received as gift in dowry, or were beneficiaries of the government of Sindh Land Distribution Programme.	More at risk of illegal occupation and coercion by influential landlords since land boundaries washed away and land records destroyed (at household level).  Land damaged and assets destroyed so these small farmers do not have enough resources to start farming.

## Demarcation and titles

Land boundaries of both housing and agricultural land were washed away in the floods. This could result in potential conflict among neighbours and relatives surrounding the demarcation of their land for both housing and farming. In some cases, whole settlements have been flattened by the floods, leaving no signs to define the settlement, household plots, or farming areas. Hence, it is important that the revenue department (which is responsible for maintaining land records and conducting land surveys) proactively surveys the flood-affected areas to establish land boundaries sooner rather than later to avoid conflicts among communities and villages. Sufficient capacity should be provided to the district level offices to ensure timely attention to such issues.

There is no question that legal land titles are essential for secure ownership and to enable access to government and private entitlements. However, the absence of strong government regulation means that the poorest, especially women, are vulnerable to coercion and illegal occupation by landlords and other influential members of the community. A title is not always a guarantee of rights over land.

There is strong anecdotal evidence to suggest that in the scramble to reclaim land after the floods, politically powerful individuals were able to wield influence over land administration officials through bribes and patronage, or harass the landowners to the point where they ceded their rights.<sup>18</sup> The people living in *katcho* areas of Sindh depend heavily on their informal social networks and politically influential landlords for secure land possession.

## Box 2

The government of Sindh began its Land Distribution Programme in 2008. Some of the women land beneficiaries have had appeal cases filed against them – with 100 cases in districts Thatta and Umerkot in Sindh alone.

‘I never realised my first victory in life would be so tough. I was heartbroken when a landlord filed a case against my land application. Having no idea of the legal system I was initially so scared and decided not to pursue the case since I had no idea of the law or courts. But through encouragement and support of Oxfam and their local partner, Participatory Development Initiatives (PDI), I decided to fight my case and feel proud of doing that and winning my case.’

Suhagan, land beneficiary, district Thatta. Won her legal case and now has legal ownership of eight acres of land where she can sow crops.

This issue is not limited to the post-floods situation. During the government of Sindh’s Land Distribution Programme, a large number of influential landlords filed legal appeals against the grant of government land to the poor women on the basis that the land was not government land, but their own private land. There is a provision in Pakistan’s land revenue laws that enable anyone to challenge the grant of government land to any person. While it is important that people are able to make such challenges, the system is currently being grossly abused. Even a handwritten note, without any good grounds for appeal, can be submitted to the revenue department, and is sufficient to lodge a formal appeal. As soon as the appeal is submitted, the allotment process is halted until resolved by a revenue administrator or court. At times this can take months, even years, during which the women landowners are unable to move onto or cultivate their new property. Unfortunately, this law is being used largely by influential people against the poor women land grantees in Sindh province, hence the large number of appeal cases against these women land grantees (see Box 2). There have been nearly 100 cases lodged in the districts of Thatta and Umerkot, Sindh, alone. Oxfam and its local partner have supported some women with legal aid and have seen success in at least 15 cases. However, the pace of decision-making in the revenue courts is slow. The government needs to rebalance the law in favour of poor women landowners.

## Bonded labour

According to the International Labour Organization (ILO) ‘over 1.7 million people are estimated to be engaged in bonded labour in Pakistan, [the] majority of them are landless haris (farmers) in Sindh’.<sup>19</sup> Bonded labour is most common among agricultural workers and brick-kiln labourers, a disproportionate number of whom are women, alongside others from socially marginalized groups and religious minorities. There is a direct link between a lack of land titles or insecure tenancy and bonded labour – most landless farmers and their families are trapped in generational bonded labour. Bonded labour is prevalent in most of the flood-affected areas. There is anecdotal evidence that bonded labour will increase after the floods and that conditions for bonded labourers will worsen. Flood-affected people have told Oxfam and its partners of widespread coercion by landlords, whereby they are required to hand over the cash assistance received through the government WATAN Card Scheme and NGO cash grants to repay debts. Landlords have also forcibly transported farmers from their place of displacement to return to their land to start working again as bonded labourers. Several aid organizations working on housing, land, and property issues have expressed concerns that brick-kiln workers will be in greater debt in the aftermath of the floods.<sup>20</sup>

## Women’s lost gains

The government of Sindh was providing an agricultural support package to the women who had received land under the Land Distribution Programme to help them make their land productive. However, since the floods the agricultural support has been

suspended due to the reallocation of resources elsewhere. The women of the second phase of the Land Distribution Programme have received no support package and there has been no progress on the third phase of the Land Distribution Programme. Furthermore, the majority of the women from the second phase of the Land Distribution Programme and some from its first phase are still waiting to receive their legal ownership documents (Form-7). In the chaos of the aftermath of the floods, there is fear that these poor women landowners will be more vulnerable to exploitation and illegal possession of their land by big landlords and the politically influential.

It is feared by civil society organizations (both international and national NGOs) that progressive programmes such as the government of Sindh's Land Distribution Programme will be shelved or neglected in the aftermath of the floods crisis, which would be a huge loss in the critical gains that have been made in increasing the ownership of land by women. It is vital that the government of Sindh continues to invest in this scheme, ensuring that the paperwork and agricultural packages are delivered as planned. It is also an ideal time for other provinces, with the support of the federal government, to roll out similar schemes more widely in Pakistan.

# 4

## Recovery and reconstruction plans: where is land?

Developing recovery plans is an opportunity for the government, international actors, national organizations, and the private sector to contribute to minimizing the deprivation and economic vulnerability of poor and marginalized Pakistanis. It is the right time for the government of Pakistan to show responsible leadership by urgently implementing nationally led reconstruction plans for promoting land equality for poor women and men.

### The DNA needs to go beyond a token mention of land

In 2010 a preliminary DNA was published jointly by the WB, the ADB, and the federal government, with monetized estimates of flood-related damage and loss of income, as well as expected the public costs of recovery.<sup>21</sup> The DNA is thus far the most detailed statement of the proposed strategic priorities, policy direction, and implementation arrangements for post-floods recovery and rehabilitation by the federal government.<sup>22</sup> However, the DNA fails to put the needs of the landless flood-affected at the heart of its assessment, leaving the poorest and most vulnerable at further risk of being left behind in the reconstruction process.

The DNA does mention the importance of addressing land issues and taking special measures for targeting the landless, but it is done broadly, without any clear guidelines or action plan. It is critical that the government, as it finalizes its reconstruction plans, explicitly tackles land issues.

The DNA does highlight opportunities for distributing land among the landless, including women, when restoring livelihoods, providing basic infrastructure during reconstruction, and establishing computerized and transparent land recording systems. These are important recommendations that the government should incorporate in its reconstruction plans. They should also be a component in the transition and permanent shelter programmes that are being provided by international community actors as part of the relief and early recovery activities.

The DNA highlights that many displaced people do not own their homestead lands and that there might be conflicts and disputes over post-floods demarcation of homesteads. However, there is no mention of any specific strategy to address these land issues, nor is there any mention of a plan to conduct an assessment that analyses the problems flood-affected people might face in accessing land as they

rebuild their lives and livelihoods. UN-HABITAT is the lead UN agency on housing, land, and property rights. UN-HABITAT Pakistan carried out a 'Rapid Technical Assessment of Damage and Needs for Reconstruction in Housing Sector' in October 2010. Although it highlighted the damage in detail, it did not adequately deal with the complexities of land access and ownership issues in the flood-affected areas. In addition, there was no analysis of the existing power dynamics between landless people and their landlords nor of the impact this will have on return and reconstruction. The Housing, Land and Property (HLP) working group (consisting of a range of national and international actors), under the chair of UN-HABITAT, has since raised these issues and has given guidance to clusters and the early recovery working groups on how better to tackle these issues.<sup>23</sup>

Now is the time for government to look holistically at these land issues and, based on the findings of a comprehensive land assessment, develop a recovery plan. The recovery plan should specifically target groups that were vulnerable due to land insecurity even before the disaster.

Overall, the priorities in the DNA focus on landowners and the wealthy. However, the majority of the flood-affected are poor and landless tenants or labourers. This creates a serious risk that those who need compensation the most, will be the ones to miss out. The same is true with respect to the proposed subsidies to the financial sector to help it deal with non-performing loans. Since borrowers from the formal sector are exclusively the bigger farmers, the primary beneficiaries of this subsidy too will be people who are relatively better off such as landowners. The government must ensure that the most vulnerable receive the compensation they so desperately need.

Land ownership issues are not addressed at all in the proposed housing recovery and reconstruction strategy. The emphasis in the strategy is on the quality and design of reconstruction and its estimated costs. There is no costing for land acquisition by the government or private individuals. The government's plans should include a housing reconstruction strategy and budget that gives the landless poor legal titles and the resources to build houses that are flood-resistant. Through various forums the government has discussed the option of preventing people from rebuilding houses in high-risk areas. Should this go ahead, the government should provide alternative land for people from which they can earn a decent living. These locations should be identified and allocated with people's consent, and movements should take place in accordance with minimum standards for relocation. It is important that the government's plans address the issue of insecurity of land possession, especially if large numbers of landless poor people do not want to return to the exploitative set-up of their landlord at their place of origin.

## Adoption of international guidelines

It is now widely accepted, at least among the international community, that land issues should be tackled at the beginning of a crisis response and should address pre-existing inequalities.

This is essential if governments are to ensure a sustainable post-disaster recovery and rehabilitation plan that helps to lift people out of poverty. In all the major disasters of recent years – the Asia Tsunami 2005, the Pakistan Earthquake 2005 and the Haiti Earthquake 2010 – it was demonstrated that humanitarian as well as development responses must be anchored in a rights-based framework with direct targeting of the most vulnerable and marginalized. It was also found that there was a need for land programming within a few weeks of the disaster, and that there needed to be early assessment of institutions that provide access to land and protect rights to land. Vulnerable groups, including those who were vulnerable before the disaster needed to be protected against the risk of dispossession as well return to inequality.<sup>24</sup>

UN-HABITAT highlights two critical land issues associated with disasters. First, there is the concern that a crisis triggered by disasters might be exacerbated for many people due to the threat of dispossession if land records are uneven or of poor quality, or where power relations might place some displaced persons at a disadvantage. Second, where pre-disaster conditions were themselves marked by inequality and insecurity, post-disaster responses need to create more secure tenure and rights for the poor and the marginalized in general, and women in particular.<sup>25</sup>

None of this has been done in post-floods Pakistan. Hence, the government and international donor community should incorporate the key international guidelines on land into the recovery and reconstruction plans as a matter of priority. The first important step is to ensure that a land needs assessment takes place within the first six weeks of any disaster (as per UN-HABITAT's own guidelines). There must also be a clear plan for ensuring that poor people who have been affected by disasters are protected from land grabs by landlords.

## Reconstruction plans need to tackle land rights more effectively

The government's reconstruction plans need to address land issues explicitly and effectively. The plans should include the provision of legal support to settle land disputes, with government revenue officials designated to give speedy service for land demarcation and updating lost land records. The provincial government should also ensure that landlords are allowing tenants to return to the land, and that compensation is given to the landless poor for reconstructing houses and rehabilitating agricultural land. This is a critical opportunity to allot land to the landless poor, especially women, and thereby address the fundamental issues of land inequality. The federal and provincial governments should learn from schemes like the government of Sindh Land Distribution Programme and the Punjab's Jinnah Abadi Scheme, which provides formal settlements for those

without shelter, and ensures these and other schemes continue and are replicated in other provinces.

## Holistic plan that looks at social protection, agriculture and disaster risk reduction

The reconstruction plans need to have a holistic approach and explicitly address the vulnerabilities of the landless poor. The plans should move away from the past approach of targeting wealthy landowners, and instead target the landless poor. Agricultural investment should focus on ensuring that the landless poor have easy access to productive, rehabilitated land. The private landlords in the area should be held accountable for the restoration of damaged irrigation structures and for adequately addressing disaster risk reduction measures.

Now is also the time to address the issue of bonded labour. Conversations that Oxfam and its partners have had with flood-affected people have highlighted cases where landlords have forced people to come back to their land as bonded labourers and have taken repayment of debts from WATAN card funds. Even before the floods, civil society organizations were working on the issue of bonded labour and advocating to the government to declare as illegal the debt of bonded labourers. The government must tackle this issue to ensure that landlords cancel the debts that keep the landless poor in generational debt.

### Box 3

A timely reminder of the pitfalls of land inequality is to be found in Balakot, Manshera in northern Pakistan, where post-earthquake plans to relocate the town to a new model village location were never completed, despite money committed and construction started. This was heralded by donors in much the same manner as current plans, only to see limited buy-in from communities.

According to the Earthquake Rehabilitation and Reconstruction Authority progress report of June 2008, land under acquisition for this purpose was worth Rs1.5bn or \$17.5m.

The government should also provide better social protection and support to landless and tenant farmers, especially in times of crisis, as these are the people who most need support. Landlords continue to exploit landless people through the WATAN Card Scheme. Currently, land ownership or secure title is not a pre-condition for eligibility for the WATAN Card Scheme, but possessing a CNIC has been a pre-condition. This has posed a problem for landless women and men who have been dependent on their landlords to verify their addresses for their CNICs. It has also left landless Pakistanis more exposed to exploitation by landlords. Flood-affected people have told Oxfam and its partners that often when people have received payment via the WATAN Card Scheme, a percentage has been given to landlords for verifying their addresses. People living in *katcho* areas have also said that their cards had to be linked to the addresses of relatives who reside in the settled part of the district.<sup>26</sup> If their relatives' land was not affected by the floods, this has posed a problem in getting the compensation. This highlights how insecure landless people are and how dependent they are on others to receive compensation or benefits.

Additionally, it is important that the landless poor are freely allowed to rebuild their houses – and that these new houses are flood-resistant and are at a reduced risk from the next disaster. The government should ensure that housing compensation is flexible enough for the landless poor to rebuild to standards that best suit their living environment and allows for building flood-resistant structures.

## Involving communities

Civil society actors have raised the concern that the DNA has not adequately involved communities affected by the floods. Provincial level authorities have also been moving forward with various plans that have a significant impact on land rights, but without adequately involving civil society, especially the flood-affected landless poor themselves. An example of this is policy of model villages. Although not new to Pakistan, such endeavours must be grounded in meaningful participation of communities, with sufficient attention paid to the economic and cultural impact of such moves. Both the provincial and federal government must recognize that the key to disaster resilience lies with involving affected communities as well as state structures in these processes. The provincial authorities in Punjab and Sindh have discussed the construction of model villages for flood-affected people. Such initiatives can only hope to be successful by prioritizing the meaningful participation of communities and critically assessing their indirect impact on livelihoods, social networks and women's mobility. Box 3 outlines the challenges that were faced during the model village initiatives after the 2005 earthquake. Models for community involvement in restoring livelihoods and land do exist: development actors such as Oxfam have conducted numerous successful projects working with local partners and grassroots groups.

### Box 4

'I felt so vulnerable in the face of gigantic powers in front of me. Knowing nothing about the court system and spending months not able to cultivate my land. I thought as fate would have it my family and I would never have a life of ease – when we had been so close to becoming landlords. The support of Oxfam and its local partner, PDI has given me the confidence to speak for my rights. These are tears of joy now after having won my case in the revenue court of Executive District Officer (EDO) Revenue, Thatta.'

Raheeman Natho Mallah belongs to the small village of Taluka Jati, district Thatta.

## Land governance

The land administration system has many weaknesses. There is still no computerized land records system in Pakistan, meaning that all of the land records are paper files that are usually not updated. The system is also at the mercy of the 'patwari' (the local land revenue official who surveys the land and accordingly updates ownership and tenancy records). Over the years the patwaris have developed an exploitative attitude and only update records if there is a bribe or patronage to be gained. This has resulted in a Transparency International corruption perception report highlighting land administration as one of the most corrupt departments in Pakistan.<sup>27</sup> Senior government revenue officials and parliamentarians must recognize the importance of reducing the powers of the patwaris and improving the land administration procedures. A key step in addressing the issue of lack of up-to-date records and corruption is to computerize all land records.

There is also the issue of inadequate and slow support from the judicial system for poor people, especially women, when addressing land disputes. There are numerous examples from the government of Sindh Land Distribution Programme where women who were allotted land by the government had to wait months to get a decision in their favour. During this time they could not cultivate that land and they lost several seasons when they could have earned an income from the crop harvest. As is highlighted by Raheeman's story in Box 4, the fight to get justice from the revenue courts is not only an economic struggle, but an emotional one – and one which is quite often a long, drawn-out process.

Similarly, in the post-earthquake situation in Pakistan there were as many as 5,000 landless families (around 8 per cent of the total people affected) who remained without adequate housing for two years after the disaster.<sup>28</sup> Families who had been able to leave behind able-bodied men to physically guard their land were better able to secure their rights compared with those who had lost all their able-bodied men.

There is an urgent need to provide a timely grievance redress mechanism for those women who have received land under the government scheme as well as flood-affected people regarding land documents and resolving land demarcation cases. The government needs to have dedicated resources at the district level, through a legal assistance cell in the district revenue department, that provides timely support and especially caters to facilitating women applicants.

# 5

## Conclusion and recommendations

In Pakistan, effective recovery from the floods will not be possible without improving land inequality. All stakeholders, including landlords and the politically influential elite, need to play a constructive and positive role in the recovery and reconstruction process. This must be done by addressing the decades-old cause of poverty and deprivation – land inequality.

A serious effort needs to be made to immediately address land issues in recovery and reconstruction plans, and both federal and provincial level recovery and reconstruction plans must clearly spell out their strategy and programmes, with dedicated resources for taking action on this issue.

This is an opportunity to build a better Pakistan where the poorest people, especially women, can sleep at night, knowing they have a home that won't be taken from underneath them, and land from which they can earn a living. A range of solutions will be needed to achieve this, including strong tenancy rights that are realized, and more equitable ownership of land, especially for the socially marginalized like women and religious minorities.

### **The government of Pakistan should:**

- immediately conduct a comprehensive review of land issues in the flood-affected areas to find out the challenges, needs, and vulnerabilities of the landless and land insecure population;
- at all levels (both federal and provincial) explicitly incorporate land issues and land inequality in recovery and reconstruction plans, with dedicated resources;
- provide land to landless women and men for homesteads in economically viable locations, and if necessary acquire land for this purpose;
- increase women's ownership of land by providing land in women's names through the continuation and expansion of land distribution programmes such as the government of Sindh's Land Distribution Programme and the Punjab's Jinnah Abadi Scheme;
- computerize all land records so there is less loss of land revenue records and a more transparent system of recording land ownership.

### **The WB and ADB should:**

- support the government of Pakistan in incorporating land issues and addressing land inequality in recovery and

reconstruction plans by providing both financial and technical resources;

- modify their own policies and programmes to focus more on the landless and vulnerable rather than wealthy landowners;
- support the government of Pakistan in computerizing land records.

**The UN should:**

- ensure that post-disaster responses create more secure tenure and land rights for the poor and the marginalized in general, and women in particular; to this end, to fully implement UN-HABITAT and UN-FAO guidelines for rapid tenure security measures for returnees, protection and restoration of land rights of vulnerable groups, and secure rights and access to agricultural land for vulnerable groups, including tenants and women;
- support governments in conducting land needs assessments within the first six weeks of any disaster;
- develop programmes that safeguard landless women and men against arbitrary land grabbing.

**Landlords should:**

- show leadership in the recovery and reconstruction effort by writing off the debts of small farmers;
- play a constructive role as wealthy landowners and contribute to the rehabilitation of damaged and destroyed irrigation structures so that landless and poor tenants can resume agricultural activities quickly;
- responsibly uphold tenancy rights under the Tenancy Act by allowing the re-entry of those who had been on their land before the floods (without embarking on exploitative renegotiated terms) and to facilitate the swift reconstruction of homes on their properties.

**Civil society and the media should:**

- play an active role in highlighting the issue of land inequality and hold the government, the international donor community, and landlords accountable for adequately addressing land issues in recovery and reconstruction plans by monitoring progress, holding public meetings, and ensuring that meaningful consultations are held with affected people;
- ensure NGO plans to tackle housing and shelter recovery and reconstruction take into account land inequality issues, especially the risk that poor people may face dispossession from their homes where land rights are not assured.

# Notes

- <sup>1</sup> Official Pakistan floods response website. <http://floods2010.pakresponse.info/FactsandFigures.aspx>
- <sup>2</sup> According to the preliminary Damage and Needs Assessment (DNA) by the World Bank and Asian Development Bank (November 2010), some aid actors and Pakistani officials believe that the actual figures are higher. The Shelter Cluster Meeting Summary (11 January 2011) gives an example of the kind of discrepancies there appear to be: 'The DNA figures were introduced in mid-November but have proved to display big discrepancies when compared to the PDMA figures at district level. Field investigations by National Disaster Management Authority (NDMA) in early January 2011 have confirmed the veracity of the PDMA (Provincial Disaster Management Authority) figures. For example, in Dadu the DNA figures detail 24,000 damaged or destroyed homes, while the PDMA figures describe 168,000.' Pakistan Floods: Preliminary Damage and Need Assessment 2010.
- <sup>3</sup> Gazdar, Haris (May 2010) 'Land and Poverty – Situational and Power Analysis', Oxfam Research Report.
- <sup>4</sup> Gazdar, Haris (May 2010) 'Land and Poverty – Situational and Power Analysis', Oxfam Research Report.
- <sup>5</sup> A study carried out in 49 districts of Punjab and Sindh confirms that deprivation and poverty in high land inequality districts is about 10 per cent higher than in relatively lower land inequality districts. Social Policy Development Centre SPDC (2004) 'Social Development in Pakistan, Annual Report'.
- <sup>6</sup> Mumtaz, Khawar and Noshirwani, Meher M. (2005) 'Women's Access and Rights to Land and Property in Pakistan. Scoping study'. Ottawa: International Development Research Centre. Available at: [http://www.shirkatgah.org/\\_uploads/\\_files/f\\_17-Women\\_access-rights-to\\_land\\_property\\_in\\_Pakistan.pdf](http://www.shirkatgah.org/_uploads/_files/f_17-Women_access-rights-to_land_property_in_Pakistan.pdf)
- <sup>7</sup> The tenancy laws are enacted by Parliament to regulate the relationship between the landlord and the tenant. The term 'tenancy' is defined in the relevant law in Pakistan as a parcel of land held by a tenant of the landlord under one lease, and the tenant as a person who holds land under the landlord and would be liable to pay rent for that land. Its purpose is to accommodate landless people and to provide them with cover and support against the landowners and landlords. Each of the four provinces of Pakistan have their own tenancy laws: the Punjab Tenancy Act, Sindh Tenancy Act, KPK (previously known as NWFP) Tenancy Act and Balochistan Tenancy Act were enacted in 1887, 1950, 1950, and 1978, respectively.
- <sup>8</sup> Gazdar (2010) *op cit*.
- <sup>9</sup> Akhtar, Asim Sajjad (2006) 'The state as landlord in Pakistani Punjab: peasant struggles on the Okara military farms', *The Journal for Peasant Studies* 33 (3): 479–501.
- <sup>10</sup> Aoun Sahi, A.S. (2009) 'Pakistan: the tenants' struggle on Okara military farm, analysis and interview with the leader of Aujuman Mazarain Punjab', *The News of Sunday*, 19 April.
- <sup>11</sup> Elahi, Mubarak (2009) 'Leasing land to Saudi Arabia', *Dawn News*, 10 September. Available at: <http://archives.dawn.com/archives/61117>
- <sup>12</sup> Pakissan (2009) 'LHC restrains government from leasing land to foreigners', Pakissan.com, 14 October. Available at: <http://www.pakissan.com/english/news/newsDetail.php?newsid=21819>
- <sup>13</sup> General Zia-ul-Haq set up Shariat Courts at provincial and federal level. In August 1989 the Supreme Court Shariat Appellate Bench issued a majority judgement that the land reforms of 1977 were invalid and against the injunctions of Islam.
- <sup>14</sup> Mahmud, Almas and O'Neill, Linda (eds.) (2004) 'Land and Rural Poverty' in *Social Development in Pakistan: Combating Poverty. Is Growth Sufficient? Annual review*. Karachi, Pakistan: Social Policy and Development Centre (SPDC).
- <sup>15</sup> Cohen, Stephen P. (2011) *The Future of Pakistan*. Washington, DC: The Brookings Institution, p.24. Available at: [http://www.brookings.edu/~media/Files/rc/papers/2011/01\\_pakistan\\_cohen/01\\_pakistan\\_cohen.pdf](http://www.brookings.edu/~media/Files/rc/papers/2011/01_pakistan_cohen/01_pakistan_cohen.pdf)
- <sup>16</sup> Families who live on a landlord's land will usually vote for him or his relatives during elections. Since they are more or less dependent on the landlord for access to land for both agriculture and housing, they are a guaranteed vote-bank for that landlord. In turn, the more politically powerful the landlord, the more he is able to facilitate secure access to land.
- <sup>17</sup> In their post-floods guidelines the Housing, Land and Property Rights (HLP) Working Group came up with 13 categories of people affected by the 2010–11 floods. (Final Draft on Land Guidelines, 22 October 2010.)
- <sup>18</sup> Gazdar, Haris and Budhani, Azmat 'Land Rights and the Indus Flood 2010: Rapid Assessment and Policy Review', Oxfam Research Report, June 2011.
- <sup>19</sup> Ali, Ahmad (2009) 'The menace of bonded labour in Pakistan's agriculture sector', *tbl*, 15 June. Available at: <http://www.tbl.com.pk/the-menace-of-bonded-labour-in-pakistans-agricultural-sector/>
- <sup>20</sup> HLP Working Group Meeting, Protection Cluster, December 2010 'Suggested Actions for Clusters for Emerging Land and Property Issues'.
- <sup>21</sup> ADB/WB/GOP (2010) *Pakistan Floods 2010: Preliminary Damage and Needs Assessment*. Islamabad: Asian Development Bank, World Bank and government of Pakistan.
- <sup>22</sup> According to sector-wise estimates provided in the DNA, the total economic losses incurred as a result of the floods amounted to Rs 854 billion (\$10 billion). Direct damage to assets, stocks and inventories, including housing, agriculture, livestock and public infrastructure, was Rs 552 billion rupees, out of which housing (Rs 91 billion) and agriculture (Rs 315 billion) accounted for the largest share. The crop sub-sector within agriculture was estimated to have suffered direct losses of Rs 287 billion. All this damage is closely linked to investment that was made to rehabilitate land for agriculture, housing and shelter – and those feeling the impact the most are the vulnerable and uninsured small farmers.
- <sup>23</sup> HLP Working Group, 10 December 2010 'Suggested Actions for Clusters for Emerging Land and Property Issues'. This document details the suggested actions for clusters and early recovery working groups for emerging issues on land and property rights issues. These issues were discussed and given as

recommendations by the HPL Working Group to the Protection Cluster.

<sup>24</sup> UN-HABITAT (2010) 'Land and Natural Disasters: Guidance for Practitioners'. Nairobi: UN-HABITAT and UN FAO.

<sup>25</sup> UN-HABITAT (2009) 'Addressing Land Issues after Natural Disasters. Scoping Report'. Nairobi: UN-HABITAT.(2010a) 'Land and Natural Disasters: Guidance for Practitioners'. Nairobi: UN-HABITAT and UN FAO.

<sup>26</sup> The incomplete coverage of the *katcho* areas is also acknowledged by National Database and Registration Authority (NADRA) which announced that it would take measures to overcome this gap. It is also widely reported that durable construction was barred by law in the *katcho* area (DNA 2010, p 157).

<sup>27</sup> Transparency International (2010) National Corruption Perception Survey, Pakistan.

<sup>28</sup> UN-HABITAT (2009) 'Addressing Land Issues after Natural Disasters. Scoping Report'. Nairobi: UN-HABITAT.

**All websites last accessed 25 May 2011.**

This paper was written by Fatima Naqvi and Haris Gazdar, and coordinated by Claire Seaward. It draws upon the Oxfam Research Report 'Land Rights and the Indus Flood 2010: Rapid Assessment and Policy Review' authored by Azmat Budhani and Haris Gazdar. Thanks are due to Oxfam colleagues who contributed to its development, particularly Michel Anglade, Shaheen Chughtai, and Helen McElhinney. This report is part of a series of papers on Pakistan written to inform public debate on development and humanitarian policy issues.

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The information in this publication is correct at the time of going to press.

Published by Oxfam GB for Oxfam International under ISBN 978-1-84814-870-3 in June 2011. Oxfam GB, Oxfam House, John Smith Drive, Cowley, Oxford, OX4 2JY, UK.

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