



USAID ISSUE BRIEF

LAND TENURE AND PROPERTY RIGHTS IN PAKISTAN

LTPR ISSUES AND SUPPORT FOR THE TALIBAN

PROPERTY RIGHTS AND RESOURCE GOVERNANCE BRIEFING PAPER 4

SUMMARY

Rural discontent over chronic poverty, corruption, and the failure of the government to foster development is widespread in Pakistan. Land tenure and property rights are one aspect of these problems, undermining economic growth and fuelling conflict. Post-independence Pakistan has retained a feudal system of land tenure in which an elite class of landowners owns vast holdings worked by tenant farmers and laborers who live in persistent poverty.

The Taliban is building popular support based in part upon anger over unequal distribution of land and unfair owner-tenant contracts. The insurgents are thus exploiting deep resentment among landless tenants toward “wealthy landlords,” effectively “engineering a class revolt” with significant implications for the rest of Pakistan (Perlez and Shah 2009).

POVERTY AND LAND IN RURAL PAKISTAN

Seventy percent of Pakistan’s population and 74% of Pakistan’s poor live in rural areas; among the rural poor, the incidence of poverty is greatest among agricultural laborers and tenants (Islam 1996). Poverty in Pakistan is strongly correlated with landlessness. According to the World Bank (2009), 2% of households control more than 45% of all land, severely constraining agricultural competitiveness and livelihood opportunities. Anwar et al. (2002) found that poverty is highest (54%) among the landless, noting that only 0.08% of Pakistani households own more than 2 ha of land, and that unequal land distribution is the primary manifestation of poverty in rural Pakistan.

Recent analyses and articles suggest that landlessness, power wielded by the landed class, the government’s inability to administer justice, and disenfranchisement of customary and religious authorities have fostered strong resentment among the rural poor (Bagnash 2009; Escobar 2009; Haq 2009). The articles suggest that the Taliban will gain traction wherever they respond to the grievances of the rural poor and the landless. Plans to address Pakistan’s land tenure regime, land access of the poor, or the security of land rights are notably absent from current plans for development assistance. Addressing these issues will go a long way to mitigating the spread of insurgency movements that are capitalizing on social and economic dissatisfaction.

Inequitable land distribution, judicial corruption, and land tenure systems that marginalize the rural poor foster discontent and support for insurgents in Pakistan.

Key interventions and reforms should focus on encouraging and supporting continuing Pakistani government land reform efforts.

Support for land tenure and property rights reform should focus upon:

- Reform customary and civil land adjudication and conflict mediation venues and procedures.
- Support pilot programs designed specifically to strengthen access to land for the landless, and women headed households in particular. Providing access to government held lands might be an option in the near term.
- Support programming to strengthen urban land access and tenure security of poor households
- Support governance reforms that reduce government ownership of large farms that rely upon perpetuating inequitable land distribution and exploitive labor practices
- Recognize greater community control and management of land and water resources

A 2002 Asian Development Bank report notes that areas with high incidence of absentee ownership and sharecropping arrangements are correlated with high incidences of poverty (ADB, 46). The ADB report stresses that:

“One important result of the weakening of judicial institutions has been a general decline in the vitality and effectiveness of regulatory frameworks in the country... [particularly in the] enforcement and protection of property rights, especially for the poor” (ADB, 36).

Large landowning farmers have captured the benefit from significant investments in agricultural productivity associated with the Green Revolution of the 1960s—such as improved irrigation, fertilizers, seed varieties, access to credit, and major subsidies for agricultural inputs. Additionally, there is a pattern of bank lending in which family loans and “loans taken in the name of tenants but used by landlords” has resulted in large farmers “obtaining a larger de facto share of production loans than is prescribed by law” or readily apparent from bank ledgers (Qureshi 1993 as cited in Islam 1996).

The government initiated tenure reform and land redistribution measures in the early 1970s by discouraging share-cropping, prohibiting tenant evictions and the exacting of free labor, and otherwise securing land rights of the tenants. However, due to sporadic implementation and ineffective protection of tenants’ rights, evictions occurred widely, particularly in areas where landowners feared further tenant and laborer protections. Evictions, preferential credit for larger landowners, the high cost of agricultural inputs, and government policies in favor of mechanization resulted in further concentration of land ownership and increasing surplus of labor and landlessness in rural areas. In an analysis of change in land distribution patterns over time, Mahmood (1993) found an increased concentration of land and a reduction in total area sharecropped out to tenant farmers. Islam (1996) argues that land redistribution and a functional land market, based upon tenure reforms, would effectively increase the number of smallholder farms and result in absorption of labor in the agricultural sector, leading to wider rural employment.

ABSENCE OF LAND AND PROPERTY RIGHTS AS POTENTIAL SOURCES OF CONFLICT AND INSURGENT SUPPORT

The nexus of concentrated power and land ownership, unequal land distribution, and the state’s inability to protect rights of landless has been a source of popular discontent and support for insurgent movements in countries throughout the world.

Biswanger et al. (2005) provide numerous examples where incomplete and failed land tenure reforms were a source of populist discontent and subsequent revolt. They note that while policies that create and maintain inequitable land ownership may not necessarily lead to violent struggle, they clearly played a significant role in many cases (Biswanger et al., 34). They warn that “the social costs of failing to reform have often included peasant uprisings and civil war” (ibid., 31) and cite Mozambique, Zimbabwe, Guatemala, El Salvador, and Peru as examples where discontent over land tenure and ownership was a significant factor in popular support for insurgents. Conflict over land ownership and distribution has also played a significant role in recent conflicts in Nepal, the West Bank/Gaza, Sudan, Kenya, and Uganda.

“...the social costs of failing to reform have often included peasant uprisings and civil war” (Biswanger et al. 1993, 31).

The Pakistani military has played a role in enforcing the inequitable land tenure system and undermining the rights of rural citizens. A recent article noted that since the seizure of power by General Pervez Musharraf, “Pakistan’s military has acted with increasing impunity to enforce its writ over the State and to protect its grip on Pakistan’s ‘economic resources,’ especially land.” (Hindu Times, 16 January 2005). In Punjab, tenant farmers working on the Okara Military Farms have been subject to harassment, intimidation, and abuse by the military due to the efforts of tenant farmer associations to organize and protect their rights to land in the face of new contract arrangements that would have undermined their long-term security (FIAN 2004; Sahi 2009). The recent fighting in the Swat Valley and adjoining districts has displaced tenant farmers and laborers. One report highlights the vulnerability of displaced tenant farmers and their families, noting that their “plight...is much more than the land owners as they will be unable to resume farming since they will have nothing to pay to the landlords as land rent. What will be the source of the livelihood for the 230,000 members of tenant farmers’ families on their return?” (SAPP 2009, 5).

“Three in every 25 farmers of this region [Swat Valley] are tenants who don’t have ownership access to the land. They become 27,000 families, the plight of whom is much more than the land owners as they will be unable to resume farming since they will have nothing to pay to the landlords as land rent. What will be the source of the livelihood for the 230,000 members of tenant farmers’ families on their return?” (SAPP 2009, 5).

What is the potential appeal of Taliban efforts to landless people with limited livelihood options if the government fails to adequately respond to both short-term and structural barriers that undermine rural livelihoods, such as limited access to land? Pakistani government has failed to provide land reform and even the most basic amenities to most citizens. Recent analyses and articles by journalists and bloggers echo the assertion that landlessness, power and wealth wielded by landed families, the inability of government to administer fair justice and disenfranchisement of traditional customary and religious leaders have fostered strong resentment among the rural poor. They further suggest that the Taliban will gain traction wherever they respond to the grievances of the rural poor by administering

justice, redistributing land (Bagnash 2009; Escobar 2009; Goldberg 2009; Haq 2009), or give voice to the needs of the landless. A recent story asserted that the Taliban had “gained some adherents by imposing rough forms of land redistribution in some of the areas it controls, expropriating the property of rich landlords” (Rashid 2009).

The World Bank asserts that the current tenure system and the continued concentration of land and power among a very small class of landowners is a barrier to the robust growth of Pakistan’s agricultural sector. Even those critical of the means and stated aims of Taliban insurgents note that the government’s continued failure to address landlessness and uphold the rights of its most poor citizens provides populist fodder that the Taliban insurgents are effectively using in their propaganda efforts.

CONCLUSIONS AND RECOMMENDATIONS FOR STRATEGIC INTERVENTIONS

USAID and other donors have successfully addressed LTPR challenges in post-conflict and unstable countries in Latin America, Asia, Africa, and Europe. Programming options for LTPR assistance to the Government of Pakistan should include:

- Encourage and support the Pakistan government to redesign and implement the tenure reform and land redistribution programs previously attempted in the 1970s and 1980s.
- Support the establishment and reform of customary and civil land adjudication and conflict mediation institutions and procedures.
- Support nationwide efforts designed specifically to strengthen access to land for the landless, and women headed households in particular. Allocation and provision of access to government-held lands might be an option in the near term.
- Strengthen urban land access and tenure security of poor households by recognizing and documenting claims of poor households, and funding local dispute mediation and legal aid programs.
- Provide material support for land legislative and administration systems and provide training and sensitization to build a cohort of staff knowledgeable in LTPR concepts and practices.
- Encourage and support government divestiture of large farms that rely upon perpetuating inequitable land distribution and exploitive labor practices
- Reform forest and water rights to recognize greater community control and management of these resources.

A comprehensive development package aimed at addressing both the immediate and structural causes of rural poverty should focus on LTPR issues. The question is whether there is enough time to bring about profound changes in land policy and practice in the face of the festering social discontent of both rural and urban Pakistan.

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