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Between Protest and Policy

*Women Claim their Right to Agricultural Land
in Rural China and India*

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When and Why Do States Respond to Women's Claims?
Understanding Gender-Egalitarian Policy Change in Asia

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Acronyms

ACWF	All China Women's Federation
AMKM	Aroh Mahila Kisan Manch
IFAD	International Fund for Agricultural Development
MAKAAM	Mahila Kisan Adhikar Manch (Women Farmers' Rights Forum)
MGNREGA	Mahatma Gandhi National Rural Guarantee Act
NITI	National Institution for Transformation of India
PRADAN	Profession Assistance for Development Action
UP	Uttar Pradesh
WGWLO	Working Group of Women on Land Ownership

Summary

This research was conceptualized to ascertain the state response to women's extra-procedural claims making to land through collective and individual protests, demonstrations, public performances and women farmers' conclaves for building public opinion against the gender differential arrangements in land tenure and agrarian production system in India. An attempt was also made to understand China's policy on women's legal and equal rights to land since the 1950s. The author situates the discussion on women and land in the broader context of women's emerging agential power against the patriarchal forces of the state, market fundamentalism and social cultural norms that influence both formal and informal institutions at various levels. Women's claims are thus framed against two major related factors: an insidious state-backed development policy that keeps women dependent on the male as the head of the household; and a combination of institutional structures with social norms and legal rules that shut most rural women out of land and property ownership.

An analysis of land reform policies in China and India show that the state agencies speak simultaneously to two groups: the political elite raised with notions of gender-discriminatory forms of power who exercise influence through access to political and economic institutions; and the political constituency of organized rural women and men who wield influence through the right to vote, and therefore exercise power over the regime through the ballot box. The contradictory power bases of these two groups lead to a gap between policy rhetoric and implementation or gradualism constrained by social norms.

The research findings suggest that, as a consequence of the continued demand for women's entitlement to land, there have been some partial and fitful changes in policies and enactment of laws in the two countries. The women who acquired an entitlement to land gained greater social status and increased bargaining power over household assets, experienced a reduction in gender-based violence, and had more of a voice in land governance as well as decision making in socio-political affairs. However, these changes are punctuated with patriarchal disorders and reversals.

The author further notes in the study that the state, in most cases, has responded to women's protests and claims to justice and rights, in terms of formulation of policies and legal frameworks. However, these legal frameworks and policies have remained largely ineffective in changing institutions trapped in gendered norms and women's economic dependency. There has been no significant withdrawal of male power over land and productive assets despite the fact that women and civil society groups, in large numbers, have continued with the claim that the intrinsic value of justice and right to equality lies in ensuring women's autonomy and their freedom from violence and dependency relationships.

This study is divided into eight sections. The introduction outlines the conceptual framework and raises the major questions of the study. Section 2 discusses discriminatory social norms and attitudes. Section 3 describes the policy change in response to women's historical struggles for equality against the gender regimes in Asia, followed by women's right to land and inheritance in the two countries in section 4. Major drivers of policy change are discussed in section 5. Section 6 assesses change in the practice of women's lives. Some continued challenges related to the state's institutional structures and the market are discussed in section 7. The concluding section 8 suggests some desirable

policy and action towards mitigating gendered negative outcomes of past agricultural development.

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1. Introduction

A largely missing factor of women's claims to agricultural land in analyses of mechanisms and social processes of claims making has drawn attention to the necessity of this study.¹ This research was conceptualized to ascertain the state response to women's extra-procedural claims making to land through collective and individual protests, demonstrations, public performances and women farmers' conclaves for building public opinion against the gender differential arrangements in land tenure and agrarian production system in India. In the case of China, the research attempts to understand China's policy on women's legal and equal rights to land since the 1950s.

China and India experienced rapid economic growth since the 1990s, which has resulted in poverty reduction, as shown in several studies.² The 2013 World Development Indicators noted that in 2009–2010, the percentage of poor in China was 11.8 percent and 32.7 percent for India, with USD 1.25/day per capita as the international poverty line (World Bank 2013:28–29). However, the picture of this economic performance in terms of gender outcomes is different, with both countries ranking low in gender gap indicators: 0.65 for India and 0.68 for China (World Economic Forum 2015). Discussing the inter-country inequalities in the rising powers in Asia, a recent study noted that Gini coefficient increased by 24 percent in China and by 16 percent in India during the decade 1990 to 2000 (Nathan and Sarkar 2014: 280).

Women's organizations and feminist analyses have shown that the structural causes of gender-based discrimination result in women experiencing inequalities in the social, political and economic spheres.³ The growing inequality, high incidence of violence against women and girls, and gender discriminatory practices in formal and informal institutions have stirred extensive scholarly interest in social norms, attitudes and patriarchal institutions in recent years.⁴ An analysis of land reform policies in China and India show that the state agencies speak simultaneously to two groups: the political elite raised with notions of gender-discriminatory forms of power who exercise influence through access to political and economic institutions; and the political constituency of organized rural women and men who wield influence through the right to vote, and therefore exercise power over the regime through the ballot box. The contradictory power bases of these two groups lead to a gap between policy rhetoric and implementation or gradualism constrained by social norms.

This study explores policy changes and women's mobilization in making claims to agricultural land in the diverse socio-political contexts of China and India since the 1950s. The major questions are: how did women enable themselves and/or were enabled by the emergent states in the post-liberation societies of China and India? What were the processes that helped or hindered women's claims making? What is the way forward in terms of identifying policy measures and roles of civil society, including women's organizations, to advance their claims making to land and productive assets?

My concern in this study is not to identify similarities of structures and processes in the two countries; instead I attempt to explain the recurrent causes of women's claims to land, often followed by the state's responses to right a wrong suffered by women farmers. This comparative analysis of India and China, in the given variability of related structures and processes, combines specification of women's claims making with an

¹ Koopmans et al. 2005; Tarrow and Tilly, 2006; Tilly, 2008.

² Gittings 2005; Kelkar et al., 2003 ; Song and Chen 2006; Thorat and Fan 2007; Nathan and Sarkar 2014.

³ UN, 2013; UNICEF and UN Women, 2013; Kelkar and Krishnaraj, 2013; Perrons, 2015.

⁴ Eklund, 2015; Htun and Weldon, 2010; World Bank, 2015 UN Women, 2015; Sproule et al., 2015.

enumeration of practices, and recognizes the fact that the dominant ideologies and state interventions have been fundamentally different in the two countries. In his analysis of collective popular action, Charles Tilly (2008:74) categorically stated that every instance of a claims making “differs from every other one; the test of a good theory is therefore not so much to identify similarities among instances as to account systematically and parsimoniously for their variations”. He also emphasized that in different circumstances, the same causes that produce an event of claims making “also produce a number of other adjacent phenomena...Time, place, and sequence strongly influence how the relative processes unfold” (Tilly, 2008:74).

Since women are not a homogenous category, I framed the issue of rural, land-poor women’s claims making as a long-standing concern in the women’s movement for the right to own and manage land and other productive assets. I have tried to situate the discussion on women and land in the broader context of women’s emerging agential power against the patriarchal forces of the state, market fundamentalism and social cultural norms that influence both formal and informal institutions at various levels. Women’s claims are thus framed against two major related factors: an insidious state-backed development policy that keeps women dependent on the male as the head of the household; and a combination of institutional structures with social norms and legal rules that shut most rural women out of land and property ownership.

The research draws upon multiple research methods consisting of analytical reviews of published and unpublished material, field surveys, focus group discussions, semi-structured interviews and case studies to understand and generate experiences of women (and men) in claims making to their legal entitlements. The fieldwork was conducted in northwest China and in northern India with the assistance of Chinese scholars⁵ and local civil society organizations in the state of Uttar Pradesh (UP) in India.⁶ In China, field visits were made to three villages (La Shih, Tian Xi, Yi Hu) in Lijiang country in March 2011. I had discussions with 52 women and 10 men (with women in groups of three to four). The questions focused on the position of rural women, their work in production and social reproduction, and their share in household-based entitlement to agricultural land and its produce. In India, the field visits were conducted in 19 villages in the districts of Banda, Jalaun, Sant Kabir Nagar and Gorakhpur in the state of Uttar Pradesh in April 2013. The fieldwork reach included a total of 118 women, using a mix of quantitative and qualitative approaches.

The research findings suggest that, as a consequence of the continued demand for women’s entitlement to land, there have been some partial and fitful changes in policies and enactment of laws in the two countries. The women who acquired an entitlement to

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