



Women and property rights

# Who owns Bangladesh?

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AN IMPORTANT reason for Bangladesh's remarkable progress in recent years has been investment in education of health and education, especially for women. Pick any of the standard measures of development—maternal health, female literacy and life expectancy—and you find that Bangladesh is beating India.

It is young women who stitch garments worth \$20 billion in exports, women who own Grameen Bank, an embattled but Nobel-winning micro-lender, and women who have ruled the country as prime ministers since 1991—longer than men have managed, which might make Bangladesh unique in the history of the world's republics.

Yet look at distribution of land by gender and you might be surprised. There is a very short answer to the question "Who owns Bangladesh?" Men do.

No one knows exactly how unequal the distribution of property is (the government does not disaggregate its statistics by gender). But there is agreement that the share held by women is absolutely tiny. In 1993, the UN's Food and Agriculture Organisation (FAO) estimated that women in Bangladesh owned just 3.5% of the country's agricultural land. Twenty years on, this share has almost certainly shrunk further, to perhaps as little as 2%.

Bangladesh's legal system is secular on paper, but the areas of marriage, divorce, alimony and property inheritance are based on what is called personal law, which varies according to an individual's or family's religion. Muslim women are allowed to buy or be gifted property or access to khas land (fallow plots owned by the government), but the main route through which they acquire it is inheritance. (Following Hindu custom, Hindu and Buddhist women inherit nothing). The Islamic laws of inheritance are based on the local school of sharia, wherein a daughter is bequeathed only half what her brother inherits. Even a single generation of marriages and deaths does its bit to distribute land away from women. A widow receives one-eighth of her husband's property if they have children and one-fourth if they do not.

But to concentrate on the unfairness of the inheritance laws would be to ignore the broad majority of women (and men)—approximately two-thirds of Bangladesh's 160m people are landless. Imagine if seats on a public bus of the standard size were distributed in the same way that Bangladesh's productive land is. The conductor would have reserved only a single seat for all the women who might board. But he would be holding no tickets at all for two additional busloads of people, left waiting at the kerb.

Often women do not claim any of their inheritance, leaving it in their brothers' possession. Activists in Bangladesh call it the "good-sister syndrome": hoping that the brother will look after his sister's rights. In their experience, more often than not "the good brother does not reciprocate in the way the good sister anticipated".

In a study titled "Women, land and power in Bangladesh" Jenneke Arens, a Dutch researcher, finds that sons and husbands are often at fault.

*"Khadija, rich peasant widow, called me into her house. She was clearly upset: 'I inherited nine bigha (three acres) of land from my mama (uncle) who brought me up, but my sons have registered my land in their names, they took my fingerprint.'"*

The injustice has not gone unnoticed. There was a move towards a uniform family law in the early 1980s, one that would respect the rights of women and men equally, or at least less unequally. The Awami League (AL) of Sheikh Hasina pushed for it when it was in government in the late 1990s and between 2007 and 2008 an army-backed government drafted legislation to give women equal access, use and control of land. Indeed in its 2008 election manifesto the AL, which holds office once again, had vowed to rectify "discriminatory laws [that are] against the interest of women". But that item remained on the "to-do-list" of the same AL government that came to power after winning a landslide victory in late 2008. (It has however made some progress in other areas, such as protecting women from sexual harassment and violence.)

Various plans to change the inheritance laws have been met with violent protest by the Islamic right. It appears that even the AL government cannot afford to enforce the constitution in this matter; it calls for women to be recognised as having equal rights in every sphere of life. (The opposition Bangladesh Nationalist Party, which is strategically aligned with the conservative right, does not bother in the first place.) "Politicians are afraid to touch religion because they are afraid of losing votes, says Khushi Kabir of Nijera Kori ("We do it ourselves"), an NGO that fights for the rights of landless people. The formation in 2011 of a fundamentalist group called Hefazat-e-Islam ("Protectors of Islam") was a direct response to a plan for legislation which would ensure that all descendants inherit equal portions of an estate. And so the AL's three-fourths majority has made little difference.

The prospects for change look gloomy. But, as Ms Kabir says, "with the exception of inheritance laws, we are much better off than Pakistan." She points to some of Bangladesh's relatively progressive policies, including some that favour augmenting women's access to public land, as well as a judiciary that is much more sympathetic to women's rights than Pakistan's.

The government has also set in motion a project to digitise all of Bangladesh's land records (the European Commission has chipped in €10m, or \$13.3m). This will be very good, Ms Kabir thinks, because making the public records transparent would make women's claim official. A small step towards making those greedy brothers behave better, but perhaps an important one.

(Picture credit: AFP)

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