Exploring Gendered Dimensions of Ownership, Access and Use of Land-Based Resources in Post Crisis Swat, Pakistan

Utforsking av kjønnede dimensjoner ved eierskap, tilgang til og bruk av landbaserte ressurser i Swat-dalen i Pakistan etter krisen

Philosophiae Doctor (PhD) Thesis

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Dedication

To my mother who has translated her dreams into reality by making her daughters strong, independent and autonomous; to my sisters who enjoy the vision and progressive mind in a society which still functions on ancient Greek rules; to my brothers who are the proudest young men to see their sisters achieving the milestones professionally and lastly, to my father who didn't clip mine or my sisters wings and let us fly and explore the world.

Abstract

Gendered dimensions of ownership, access and use of land-based resources in rural economies in Pakistan are still negotiable and under-researched. Not only is land ownership highly gendered, but also it is underpinned by multiple power dynamics. Such issues become more complicated and complex in traditional and culturally strict societies like those present in the Swat Valley, Pakistan. Strict gender roles, highly gendered access to resources, and legal pluralism attached to various dimensions of ownership, inheritance and access, make the situation challenging to study and understand. In addition, Swat underwent two overlapping disasters, i.e. militancy and a severe flood, which created a 'complex emergency' and further complicated the situation. Men and women recovering from the effects of militancy in the area were soon hit by a devastating flood and reverted to early recovery mode. As a result, Swat society has seen changes in social structures and gender relations that were hitherto unknown. This study aimed to explore and understand the gender dimensions of different legal and practical systems involving land use, ownership, distribution, and access in post-crisis Swat. In addition, it examined the experienced\perceived changes in gender relations and livelihoods in upper and lower Swat, due to conflict and flood. Last but not least, it studied how gender and livelihood development projects were carried out in post-crisis Swat. The findings from the Swat context are then linked to the broader debate of human security. This research study used qualitative methods for data collection, including unstructured interviews, life histories of women, analysis of historical documents (i.e. *Riwaj Nama*[1] of Swat, *Nikkah Namas*[2] from the 1940s to 2000s, land records, decisions by *Jirgas*[3] regarding land settlements) and reports on gender projects from development organizations. Major findings reveal

[1] Constitution of Swat before the merger with Pakistan
[2] Marriage contract
[3] Village council that holds trials regarding disputes and conflicts in the village. Disputes include those about marriages and land ownership.

that the crises have heavily influenced not only societal structures, but also access and ownership issues. The legally recognized right of women's ownership, access and inheritance of land that is enshrined in the Constitution of Pakistan and in Islam is now gaining social recognition in Swat society; however, the judicial system and law enforcement remain weak. In particular, cultural barriers and narrow interpretations of religion hold sway to a large extent. Moreover, the lives of men and women have shifted in regard to livelihood changes, gender roles and power dynamics. Even *Pakhtoon wali* [4] has seen changes and adjusted the role of women who were previously 'invisible' or not studied. For instance, since the crises, the role of women in economic development is now receiving wide acceptance. Most of the practices around land ownership and access have roots in history, ever since the Yousafzai Pakhtoons entered the area in 16th century. However, the situation changed when the State of Swat came to an end in 1969 when the area was merged into Pakistan. Since the merger, shifts in political and economic structures in Swat have had both positive and negative impacts on people. Although they experienced elements of frustration, the merger provided a constitutional and statutory vehicle for women to access and own property. It opened new avenues for them that paved the way towards gender equality, although the process has numerous limitations and equality is still contested socially. The crises in the area have raised awareness and opened new ways of thinking for men and women. The influx of development organizations from across the country has brought new ideas and new cultures regarding work and thinking, which in turn have affected gender structures, thinking processes and roles and responsibilities of men and women.

[4] Standard code of conduct for Pakhtoons. A detailed discussion is given in Section 3.

Sammendrag

Kjønnede dimensjoner ved eierskap, tilgang til og bruk av landbaserte ressurser i rurale økonomier i Pakistan er fremdeles diskuterbare og underutforsket. Ikke bare er eiendomsbesittelsen svært kjønnet, den støttes også opp av sammensatt maktdynamikk. Slike spørsmål blir mer kompliserte og sammensatte i tradisjonelle og kulturelt strenge samfunn som de man finner i Swat-dalen i Pakistan. Strenge kjønnsroller, svært kjønnet tilgang til ressurser og juridisk pluralisme knyttet til ulike dimensjoner ved eierskap, arv og tilgang, gjør situasjonen utfordrende å studere og forstå. I tillegg gjennomgikk Swat-samfunnet to overlappende katastrofer, en militær katastrofe og en alvorlig flom, som skapte en «kompleks nødhjelpssituasjon» og som til sammen gjorde situasjonen enda mer komplisert. Menn og kvinner som var i ferd med å re-etablere seg etter de militære operasjonene i området, ble raskt rammet av en ødeleggende flom og vendte tilbake til en slags tidlig gjenoppbyggingsfase. Som et resultat av dette gjennomgikk Swat-samfunnet endringer i både sosial og kjønnsmessig struktur på en måte som man aldri tidligere hadde erfart. Denne studien tok sikte på å utforske og forstå dimensjonene ved ulike juridiske og praktiske systemer som omfatter arealbruk, eierskap, distribusjon og tilgang i Swat etter krisen. I tillegg har studien undersøkt opplevde\oppfattede endringer i kjønnsrelasjoner og levekår i den øvre og nedre delen av Swat-dalen, som følge av konflikt og flom. Sist, men ikke minst, undersøkte studien hvordan utviklingsprosjekter for kjønn og levekår ble gjennomført i Swat etter krisen. Funnene fra Swat-konteksten blir så knyttet til den bredere debatten om menneskelig sikkerhet. Denne forskningsstudien brukte kvalitative metoder for datainnsamling, inkludert ustrukturerte intervjuer, livshistoriene til kvinner, analyse av historiske dokumenter (dvs. *Riwaj Nama* [1]fra

[1] Swats grunnlov før sammenslåingen med Pakistan

Swat, *Nikkah Namas* [2]fra 1940-tallet til 2000-tallet, beslutninger truffet av *Jirgas*[3] angående landavtaler) og rapporter om kjønnsprosjekter fra utviklingsorganisasjoner. Hovedfunnene viser at krisene sterkt har påvirket ikke bare samfunnsmessige strukturer, men også spørsmål som gjelder tilgang og eierforhold. Den juridisk anerkjente retten kvinner har til eierskap, tilgang til og arv av land ifølge pakistansk grunnlov og islam, er nå i ferd med å oppnå sosial anerkjennelse i Swat-samfunnet, men rettsvesenet og rettshåndhevelsen er fortsatt svak. Spesielt står kulturelle barrierer og snevre tolkninger av religionen sterkt. I tillegg har det vært forandringer i levekår, kjønnsroller og maktdynamikk både for menn og kvinner. Selv *Pakhtoon wali* [4]har gjennomgått endringer og justert rollen til kvinner som tidligere var «usynlige» eller ikke studert. Etter krisene har for eksempel kvinners rolle i den økonomiske utviklingen fått bred aksept. Det meste av praksisen rundt eiendomsbesittelse og tilgang har historiske røtter, helt siden Yousafzai Pashtunere kom inn i området i det 16. århundre. Situasjonen endret seg imidlertid da staten Swat opphørte i 1969, og området ble innlemmet i Pakistan. Siden innlemmingen har endringer i politiske og økonomiske strukturer i Swat hatt både positive og negative følger for folk. Selv om de opplevde frustrerende elementer, har innlemmingen gitt kvinnene et konstitusjonelt og lovfestet middel for å få tilgang til og eie eiendom. Det åpnet nye veier for dem som banet veien mot likestilling, selv om prosessen har mange begrensninger og likestilling fortsatt er sosialt omstridt. Krisene i området har økt bevisstheten og åpnet opp for nye tenkemåter hos menn og kvinner. Tilstrømningen av utviklingsorganisasjoner fra hele landet har ført med seg nye ideer og kulturer i arbeid og tenking, noe som igjen har påvirket kjønnsstrukturer, tenkeprosesser og menns og kvinners roller og ansvar.

[2] Ekteskapskontrakt
[3] Landsbyråd som behandler saker vedrørende tvister og konflikter i landsbyen. Tvister inkluderer dem om ekteskap og eiendomsbesittelse
[4] Standardregler for god opptreden for pashtunere. Del 3 inneholder en detaljert diskusjon.

1. Introduction

"New wars"[1] and complex emergencies are phenomena that are present throughout Pakistan, and more specifically in northwestern Pakistan. In the recent past, the Pakistan Government has been heavily involved in what is often referred to as the 'war against terrorism' (Bari, 2000). Northwestern Pakistan, in particular, has been the epicenter of several Taliban vs government conflicts. Most of northwestern Pakistan shares a boundary with Afghanistan, and the majority of the population on both sides of the border are Pakhtoons. Although Pakhtoons in northwestern Pakistan and in Afghanistan were divided by the "Durand Line" established by the British in the 19th century, they continue to share close ethnic and cultural ties (Tarzi & McCloud, 2004). During the cold war, the Pakistan Government and the military supported United States forces in these areas in the war against the Soviet Union, and later in the civil war in Afghanistan. More recently, extremists and terrorists have taken advantage of the close ethnic and cultural ties across the border, thus aiding the spread of Talibanization on both sides (ibid.). Swat is one such example of conflict in the area it was completely captured by the Taliban in 2005, and then became a site of Pakistan military intervention in 2009 to clear the Taliban from the valley.

Swat became a 'complex emergency' area when, soon after the conflict, it was hit by another huge disaster, the flood in 2010. Duffield (1994) describes 'complex emergencies' as "essentially political in nature: they are protracted political crises resulting from sectarian or predatory

[1] Kaldor (2007) reflects on 'new wars' in her book *New and old wars*. "New wars" are phenomena or disputes that are caused by diverse combinations of state and non-state networks or actors who utilize identity politics to fight in the name of a label, as opposed to an ideology. The changing nature of warfare and contemporary violent conflicts have compelled researchers and scholars to coin new terms in order to understand these phenomena, e.g. 'new wars', 'post-modern wars', 'wars of the third kind', 'people wars', 'privatized wars', and 'hybrid wars'. On the other hand, some scholars have raised critiques and questions regarding the uniqueness of these 'new' phenomena'. According to them, they have persisted throughout human history.

indigenous response to socio-economic stress and marginalization" (p. 38). Duffield (1998, p. 90) goes on to illustrate that the term "emerging political complexes" is more appropriate to use than "chronic conflict and political instability", because such situations are "self-contained political systems" that develop from the debris of the previous nation state.

This research study used the Swat Valley as a case to examine how conflict and the subsequent flood have affected different aspects of the lives of local men and women. Taking Duffield's (1998) definition of a 'complex emergency' as an entry point, this study addresses the challenge of exploring how men and women in Swat have coped with these crises in diverse ways. How have gender roles, relations and responsibilities been shaped with respect to land ownership, inheritance, access and livelihood patterns? Further, how have women's livelihoods changed and how have men resisted, supported or adjusted to new gender roles, relations and responsibilities? Overall, land rights and livelihood patterns of any society can be indicative of how women and men organize relations and institutions more widely. These issues, however, are poorly addressed in the literature, and in development policy in the context of conflict and crisis, where gendered relations are often simplified and generalized (Nyborg, 2002; Nyborg, Nawab, Khan & Ali, 2012).

In order to understand these relationships, particularly in the context of crisis and post-crisis development, a multidimensional and an interdisciplinary approach is required. Using human security as an overarching concept,[2] this research draws on several bodies of literature including legal pluralism, customary rights, legal rights, religious rights, empowerment, power relations and livelihoods, to analyze the empirical data collected from field interviews and historical documents. This approach has enabled an alternative analysis of gendered relations in post-crisis Swat, filling

[2] cf. 'Freedom of fear' and 'freedom of want' concepts as presented in the Human Development Report (1994).

at least part of the gap of knowledge on the implications of gender-biased patterns of resource ownership following a crisis.

1.1. Setting the background of the study

On a global scale, debates over gendered land tenure systems investigate how women in various social situations can access, own, and control land. Power relations are an important focus as "they are key to understanding how contemporary tenure systems work in practice" (Cousins & Claassens, 2006, p. 2). Moreover, social institutions and networks also mediate the access to land (Berry, 1989). Another important aspect considered in studies of gender in land tenure systems is social capital, i.e. how effectively women can use existing customary practices to their advantage (de Haan, 2000; Bebbington, 2007). Social capital, for example in the form of social networks, plays a pivotal role in land access, as it allows "individuals both access to and control over resources", as well as the ability to negotiate (Griffiths, 2000, p. 93).

Women's land rights are deeply related to land tenure and privatization, i.e. women face extra constraints in customary and statutory tenure systems. Privatization and customary tenure are closely related to poverty reduction and agricultural advancement and productivity, which are also gendered domains (Peters, 2002; Kingwill et al., 2006). In other words, both women and the poor are marginalized in terms of participation in agricultural development (Whitehead & Tsikata, 2003; Peters, 2004). There are, however, many assumptions regarding women holding independent titles to land. For example, it is assumed that providing women with independent titles would contribute to household efficiency and poverty reduction, but these claims have not always taken comprehensive or adequate account of women's own rights and preferences (Whitehead & Kabeer, 2001). For instance, Razavi (2007) states that in male-headed households, women do not necessarily claim individual rights to own land "because membership in a household provides

them with a range of material and non-material benefits, and hence they are more interested in strengthening their household's access to resources, including land" (p. 1497). Dokken (2013) illustrates that female-headed households have smaller land holdings. In Ethiopia for instance, the same author argues that in spite of land reforms aimed at improving and strengthening women's rights, there is still very visible gender bias in access to land.

Building on the above illustrations, if we examine gendered land rights in the South Asian context, the work of Agarwal (1994) is a landmark and touches the ground realities of rural areas of Pakistan in particular, even twenty years after its publication. It is common knowledge that land inheritance systems and access to resources are favorable to women in both matrilineal and bilateral systems, giving women a relatively high degree of economic security, social security, and equality in marital relations (Agarwal, 1994). However, even in such democratic societies, practices of access and ownership become complex and conflated as circumstances change. For example, "interventions by colonial and post-colonial states, particularly in the legal and economic spheres, combined with complex processes of social and cultural change, eroded customary practices" (Agarwal, 1994, p. 153).

Tribal societies, in particular, have changed economically with evolving market forces and systems, new production systems, social division of labor, land relations, and above all, patriarchal ideologies that tend to be more influential in practice. All these changes have not only affected the social structure of societies, but also gender relations and gender dimensions regarding land dealings, livelihoods, and economic patterns and practices. To illustrate this claim explicitly, we examine the role of women in particular, since such changes have left very visible imprints on women's lives. Nevertheless, it can be argued that "their customary exclusion from major authority

in public bodies meant that they were unlikely to be the ones directing the change, and were seldom in a position to effectively protect their interests" (Agarwal, 1994, p. 153).

Issues of inheritance, ownership and access to land and other resources yield another fundamental question about gendered livelihood patterns in society. As Ellis (2000) argues, many households in rural areas are dependent on farming that does not provide sufficient means of survival. To overcome this issue, the majority of households explore diverse activities and income-generating opportunities such as livestock management, small-scale businesses etc. "Engagement in a diverse portfolio of activities also means nurturing the social networks of kin and community that enables such diversity to be secured and sustained. Thus, livelihood diversity has both economic and social dimensions and must be approached in an interdisciplinary way" (Ellis, 2000, p. 3).

The argument that women's economic needs are different from those of men remains a challenge to address in conventional economic theory and development policy formulation in the context of Pakistan. One of the major reasons for this is that development in Pakistan continues to suffer from gender bias. Development policies and projects tend to neglect 'gender and development (GAD)' discourses, in which there is a focus on roles and responsibilities of both men and women in societal development (Momsen, 2010), in favor of 'women in development (WID)' discourses, which focus on women as a separate entity or an additive element in the development process (ibid.). In WID approaches, for instance, the household is considered as a unit where members share the benefits of available resources equitably, irrespective of gender (Agarwal, 1994; Kabeer, 1994, 2001; Momsen, 2010). Women's independent rights to inherit, own and access land and resources challenges the model of unity of a household (Agarwal, 1994, 1994b; Kabeer, 2001; Paydar, 2012). For instance, Holden (2013) studied productivity and farming system development

under an input subsidized program in Ethiopia. He took the household as a unit, thus ignoring gender bias and the existence of inequality that prevails within household structures.

However, issues regarding gendered access to resources, female-headed households and structural inequalities are seldom explored, thus reinforcing the traditional unitary picture of a household. Holden and Ghebru (2013), on the other hand, explore links between food security and land tenure security. Their study revealed that land certification contributed to enhancing food quantity and beneficiaries, including for female-headed households. Agarwal (1994) links land issues to the welfare approach, in which she argues that households where mothers have access to land and land-based resources are the ones with better nutritional values, since women spend more money on the family and children's food, compared to their male counterparts.

For the past two decades, debate over gendered access to land and land-based resources has been a continuous process of negotiation and struggle involving multiple actors, stakeholders, policy makers and academics. Paydar (2012) argues that in both South Asia and sub-Saharan Africa, women's wellbeing can't be measured entirely on the basis of employment or other income generating schemes, and thus policy planning should consider women's share in landed property. Paydar (2012) reinforces Agarwal's (1994) argument that ideological and material barriers to women's ownership of land stem mainly from inheritance traditions. He emphasizes that inheritance is by far the predominate means by which land is acquired, especially in South Asia. Agarwal (1994) argues that three inter-related factors have begun to play a pivotal role in promoting women's ownership of landed property, i.e. "the buildup of gender specific empirical evidence and analysis; the mushrooming of women's organizations, loosely constituting a women's movement; and changes in the international context (p. 3)." Further to these circumstances, I argue in this study that the phenomenon of a 'complex emergency' has promoted

visibility of social and structural inequalities and gendered power distribution regarding land rights and access to economic opportunities. My argument is that the conflict and flood in Swat, having very strong gender and religious dimensions, have uncovered issues that the local men and women have been living with over a long period of time, which suddenly became visible and could be addressed in various forums.

1.2. Development programs and policies

Going back in time to the 1970s, the declaration of 1975-85 (the United Nations decade for women) played a significant part in highlighting women's issues in development processes by funding research and dissemination, increasing media coverage, and generating data on the status of women in countries around the globe. However, since then, development approaches have been charged with not being gender neutral (Rizavi & Miller, 1995; Nyborg, 2002; Momsen, 2010). Nyborg (2002) argues that in addition to failed development approaches, i.e. top down attempts, there is also a fundamental lack of understanding about how resources and access to resources in societies and communities are inherently gendered.

Considering the issue from a policy perspective, in South Asia in particular, there is no consensus on the cause of the gender gap, nor how it could be bridged (Agarwal, 1994; Kabeer, 2001; Ahmad, 2010; ADB, 2000). As a result, development programs and policies tend to treat gender as an additive category, enforced on existing policies and targeting women as a special group (Momsen, 2010; Nyborg, 2002). Dokken (2013) provides a policy illustration, and states that further gender sensitization is required, particularly regarding the land certification process, for instance. In addition, strengthening women's opportunities to cultivate their land and secure their tenure rights are further issues that require serious consideration. Paydar (2012) illustrates two policy implications regarding women's land rights and access to resources. He states that extra attention

should be paid to women's land rights, instead of focusing only on women's employment and economic autonomy.

In the developing world, land ownership and access play a major role in increasing women's wellbeing and bargaining power within and beyond the household unit (Agarwal & Panda, 2007), even though, as mentioned earlier, the household is not an undifferentiated unit on the basis of gender (Paydar, 2012). Nussbaum (2000) argues that men and women sharing the same household are tied by a bond of care and affection, but they are also distinct individuals who are in competition for resources in the same household. In the context of South Asia, and particularly in Pakistan, a major drawback is that development approaches remain gender biased.

Development projects launched in a rural context, for example in Pakistan, mostly use what Moser (1989), in her seminal work on gender and development, terms a 'welfare' approach. In such projects, the aim is to fulfill the basic needs and services of the target groups, such as food, healthcare and education. Such programs, however, fail to question the existing distribution of productive resources, power structures, division of labor and societal gender hierarchies. Governments around the globe, particularly in the global South, continue to undermine development by involving little or no participation or dialogue from the grassroots, and particularly from women (Kabeer, 1994; Agarwal, 1994; Paydar, 2012). Issues of women's land rights, access to resources, and gendered livelihoods of traditional rural societies have only recently begun to attract more attention.

1.3. The Pakistan context

Despite all the inherent complexity, the Government of Pakistan is taking initiatives at the policy level on issues regarding gender balance, women's land rights, and access to livelihoods and

resources. However, a critical analysis of eight of the government's five-year plans[3] revealed women's deprivation and gender disparities in the education, health, economic, and political spheres, even though the focus on women as beneficiaries of development is evident in the following five-year plans: the First (1955–1960), Second (1960–1965), Third (1965–1970), and Fifth (1978–1983) (ADB 2000). The conceptual shift came later, that is, in the Sixth (1983–1988), Seventh (1988–1993), Eighth (1993–1998), and Ninth (1998-2003) plans, which essentially consider women as active agents in the process of development (ADB, 2000, p. 21).

The first striking advancement was the inclusion of a chapter on women in the sixth five-year plan, which focuses on adopting "an integrated approach to improve women's status, with programs integrated into each sector. Specific government interventions will focus on problems of illiteracy, constant motherhood, and the primitive organization of work" (ibid., p. 23). The next three plans, i.e. seventh, eighth and ninth, show increased recognition of women's productive roles in the informal and agriculture sectors. The focus on integrating gender in all aspects of development and policy in the ninth five-year plan is a healthy sign of recognition of the need for women's integration into national development initiatives (ADB, 2000). The political shifts from democratic to military regimes played a critical role in creating gender disparities in policies and official development documents. For example, "the martial law regime of Zia-ul-Haq (1977–1986) initiated a process of Islamization by introducing discriminatory legislation against women such

[3] The Eighth Five Year Plan (1993-98) were launched period at a time of fundamental change in domestic and global economies. Most notable of these is the redefinition of the government's role in the economy, particularly as regards the balance between the public and private sectors, and consequently, a total re-orientation of economic planning. For details see SDPI Policy Paper Series # 5 1993.

as the *Hudood* Ordinance[4] and the laws of evidence, *Qisas* and *Diyat*[5]. He banned women from participating and from being spectators of sports and forced them to observe purdah by wearing *chaddars*[6]. At the same time, Zia's regime took many steps toward institutional building for women's development to dispel the impression of its antiwomen policies. After Zia-ul-Haq's rule, there has been a visible change in the policy context in favor of women. However, all successive governments failed to resolve policy contradictions created during this period. Discriminatory legislation on women continues to coexist with a Constitution that guarantees equal rights to men and women, and five-year plans committed to create greater opportunities for women to promote gender equity remain unproductive (ADB,2000 p:22)."

However, planned development has failed to address gender inequalities, and the reality continues to undermine development by involving little or no participation or dialogue at the grassroots level. For example, in the case of access to land and resources, government policy documents have consistently failed to address the issue of women's land rights adequately, due to a lack of understanding of the social and traditional realities of women's inability to claim their rights. This is despite the fact that women's land issues have critical linkages with women's empowerment (Ahmad, 2010). Neither the *National Policy for Development and Empowerment of Women* (2002), nor the draft report of the National Commission on the Status of Women *Policy Research on Women's Right to Inheritance and its Implementation* highlight and discuss the issue as a core concern.

[4] For details see: http://tribune.com.pk/story/146954/hudood-ordinance-the-law-is-in-line-with-islam-but-court-procedures-in-pakistan-are-not/

[5] For details see http://www.ncsw.gov.pk/prod_images/pub/Report_Qisas_Diyat.pdf

[6] A piece of cloth used to cover women's body

In Swat, these under-researched issues become more conflated due to the traditional nature of the society, the particular history of the area, shifts in political power, and the advent of the two major disasters that struck the area simultaneously.

1.4. Research questions

Keeping in view the complexities described above, and using human security as an overarching concept, the overall aim of this study is:

To understand how men and women in Swat experience legal pluralism to access land and property; how they have experienced shifts in gender roles and responsibilities, and livelihood patterns as an aftermath of crises; and how development organizations have introduced gender-based projects in such a traditional society to address structural inequalities.

The specific research questions that are addressed in the four research articles which comprise this study are:

A: What are the formal and informal institutions dealing with land distribution, ownership, access and inheritance in Swat? In addition, how do changes in the political system and the onset of crises affect the land rights?

B: How do men and women perceive the issue of denied land rights for women? What are the societal understandings of the issue? What are the local explanations of the issue, and how is the issue related to the wider concept of empowerment?

C: How have women's livelihoods changed, and how have men resisted, supported or adjusted to new gender roles and responsibilities? How have NGOs both understood and influenced gendered relations in their support of livelihood activities?

D: How have gender-based livelihood projects addressed or understood gender and gender relations in the study villages? As a consequence, have compromises been made in development approaches during the process?

1.5. Organization of the thesis

This thesis consists of four independent articles, together with an extensive and elaborated introduction that covers the theoretical perspective and provides an overarching framework for the study. The introduction attempts to expand the discussion regarding the conflict, flood and other under-researched issues that were beyond the scope of the articles.

Section 1 problematizes the issues under investigation, provides a strong background to the research and poses the research aim and questions. Section 2 explores the theoretical concepts that are applicable to the research field. Section 3 introduces Swat as a study area. Section 4 presents the research methodology and methods. Section 5 summarizes the articles written, and Section 6 draws upon additional findings of the study. Section 7 presents the conclusions.

The main research theme of this study is to explore the gendered dimensions of land and livelihoods in post-conflict Swat. Different research questions are covered separately in each of the articles, which are closely linked to the broader theme of the study and are based on in-depth empirical data from the field. The following are the titles of the separate papers:

1: Whose property whose authority? Gendering legal and customary practices in ownership and access to land: A case of Swat, Pakistan. **(Published: Abda Khalid, Ingrid Nyborg, and Bahadar Nawab "Whose property whose authority? Gendering the legal and customary practices in ownership and access to land: A case of Swat, Pakistan". Journal of Rural Studies volume 41, Page 47-58, 2015.)**

2: Bridging empowerment and land rights: Understanding gendered perceptions of women's land rights in Swat, Pakistan. **(Under first revision)**

3: Assessing and analyzing the impacts of conflict and flood on livelihood activities and changing gender roles in selected villages in Swat, Pakistan. **(Manuscript)**

4: Gender and development in Swat: Critical analysis of NGO approaches used in gender based livelihood projects in selected villages of Swat valley. **(Under first revision)**

2. Theoretical framework and its relevance to the research

From its very beginning, this study has used an interdisciplinary approach to better understand the processes that have occurred in post-conflict and disaster Swat, rather than simple reporting. Strands from different disciplines have been consulted and linked to the findings from the empirical data, in order to understand and explain the relevant issues. The interdisciplinary approach led me to review perspectives from security studies, development studies, feminist studies, religion and sociology. This approach has led me through different stages of this research, starting from problematizing the issue to data collection, and from data analysis to thesis writing.

2.1. Human security

The fundamental theory that is encapsulated in this research study is the concept of human security. In this study, human security refers to the way in which men and women in Swat have struggled regarding their economic wellbeing, access to resources, land ownership, and livelihoods during and after the crises. In studying human security/insecurity, I focused on linking the various dimensions of gender, livelihoods, and legal and customary practices in ownership and access to land and land-based resources, to the daily lives of men and women living in Swat. In particular,

I investigated women's rights and access to land ownership, inheritance and livelihood activities, and how they cope with various inequalities and insecurities.

Tadjbakhsh and Chenoy (2009) broaden the concept of human security and comment as follows:

> Human security concepts evolved at the time of great international shifts: the disintegration of the Soviet Union ended the cold war, lifting the shadow of bipolar politics that clouded relations between countries, but gave way to the recognition of new threats and conflicts in addition to the many unresolved ones. Simultaneously, globalization changed international rules for facilitating the faster flow of capital and technology by breaking down national barriers. New non-state actors came to play a critical role in the international political system, some as threats and others as bridges between communities and nations. In these circumstances, the role of the state started undergoing transformation and the traditionally accepted conception of power as contested. These shifts necessitated new thinking that would address problems and trade-offs linked with the age old question of development and security. (p. 1)

Human security has multiple definitions ranging from the popular view of security as the prevention of violence, to broader perspectives including the provision of basic life necessities, general human development, and environmental security. As illustrated by Tadjbakhsh and Chenoy (2009), the concepts of security and insecurity have relatively different understandings in different contexts. For some people, insecurity comes from economic loss; however, for others it comes from extremism, violation of human rights, conflicts etc. The same authors suggest that "Security needs to be redefined as a subjective experience at the micro-level in terms of people's experience" (p. 2). Human security is a contested term, in the fields of both international relations and development studies. It has emerged as a new theory or concept, acting as an entry point for critical analysis, a worldview, political agenda or paradigm shift (Tadjbakhsh & Chenoy, 2009).

Apart from the narrow state-centric understanding of 'security', its multifaceted nature means that the concept also addresses:

> … the respect for the principle of equal rights and self-determination of peoples, […] higher standards of living, full employment, and conditions of economic and social progress and development, […] solutions of international economic, social, health, and related problems, […] universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. (*Charter of the United Nations*)

While discussing human security, discussions on a wider range of issues such as poverty, disease, and environmental disasters come into play. It could be argued that moving to a wider understanding of the concept implies that all these issues fall under the umbrella of human security.

Numerous commissions have presented and endorsed human security as a theme. The 1994 *Human Development Report: New Dimensions of Human Security* presented by the United Nations Development Program (UNDP) has proven to be ground breaking in this field. As Timothy (2004) notes, the report stresses that social and economic insecurity endangers international stability:

> For too long, nations have sought arms to protect their security. For most people today, a feeling of insecurity arises more from worries about daily life than from the dread of a cataclysmic world event […] most people instinctively understand what security means. It means safety from the constant threats of hunger, disease, crime and repression. It also means protection from sudden and hurtful disruptions in the patterns of our daily life (UNDP, 1994, p. 3).

The *Human Development Report* (UNDP, 1994) redefines the security-development nexus by placing individuals and communities at the center of both security and development. It states that human security has two main categories i.e. "freedom from fear" (e.g. threats from war, conflict and state-sponsored violence) and "freedom from want" (e.g. preventable diseases, economic

hardship, poverty, developmental concerns) (UNDP, 1994, p. 24). Debates over this categorization reflect that 'freedom from fear' and 'freedom from want' are inter-related and provide a fundamental basis for human security. The report identifies seven categories of threats to human security: economic, food, health, environmental, personal, community and political (UNDP, 1994).

However, the gendered aspect of human security is still under-researched. Hoogensen and Stuvøy (2006) describe the limitations of the human security debate, and state that gender approaches are relevant and can offer forward direction to operationalization of the concept. In contrast to conventional human security analysis[7] , "gender analysis shows us that top-down articulations of security concepts – such as those from national governments or international organizations – often do not address the security needs of those 'below'. In addition, relying on 'existing mechanisms' has been a longstanding critique of the gender literature, as these mechanisms have so often overlooked gender violence (domestic and sexual) and/or violence against marginalized groups such as indigenous peoples within what are otherwise considered 'secure' states" (Hoogensen & Stuvøy, 2006 p:209).

Including gender analysis in human security debates will raise questions regarding inequality and power distribution. Many critical theory approaches are complementary to one another, while elucidating dominance and non-dominance based on race, ethnicity and class; however, the incorporation of gender makes theses disparities and inequalities more visible. Moreover, gender has been fundamentally devisive for both policy and academic analysis regarding war and peace.

[7] Notions of individual-oriented security were discussed in particular during the period of the Enlightenment (Leaning, 2004; Mack, 2004; Hoogensen, 2005c). Also, Wolfers (1952) poignantly noted that security prior to the world wars of the 20th century was associated particularly with welfare (cited by Hoogensen and Stuvøy, 2006).

Without gender analysis, a fundamental power relation is erased from reality (Hoogensen & Stuvøy, 2006). In the sub-section below, human security in the context of Pakistan is discussed, opening further avenues to other theoretical concepts [8]that can be used to address the issues in Swat.

2.1.1. Status of human security in Pakistan

Understanding the human security context and perspective in Pakistan requires an understanding of multiple dimensions of Pakistan as a state and as a society (Khan, 2013). Security in Pakistan is often viewed from the perspective of external expressions and linkages[9]. For instance, the national security narrative in Pakistan is based on concrete factors, foremost of which are the troubled relationships with neighboring countries. The geo-strategic position of Pakistan has attracted both westerners and communist bloc countries to play out their proxy wars in this region. Pakistan borders India to the east, a country with which Pakistan has long-lasting conflicts in terms of historical grievances such as the incomplete agenda of partition after 1947. Similarly, the country was involved in Soviet bloc politics during the years of the cold war. As a result, Pakistan developed into a security state, spending the majority of its budget on military upgrading rather than on citizen's welfare and wellbeing.

Corruption, ill-governance and mismanagement are additional dimensions that have threatened the security of the people of Pakistan (Khan, 2013). The weak and distorted rule of law has affected both judicial and social justice systems. In addition, economical stresses are growing multifold due to uncontrolled population growth. Although the Constitution of Pakistan ensures the human security of its citizens, there is wide gap between legislation and implementation in reality. The

[8] See section, 2.3, 2.4, 2.5, 2.6
[9] For details, see Khan (2013).

constitution notes that every citizen of Pakistan has "guaranteed fundamental rights, including equality of status, of opportunity and before law, social, economic and political justice, and freedom of thought, expression, belief, faith, worship and association, subject to law and public morality"[10]. In addition, the constitution ensures the provision of necessities of life[11]. "Constitution reflects a comprehensive framework for taking care of the human sufferings, deficiencies, inadequacies and insecurities. However, the actual profile of human security is different from what is pledged and promised in the constitution" (Khan, 2013, p. 57).

"The politico-economic and psychosocial environment of Pakistan is unique in nature. Ever since the birth of Pakistan as a state, it has been divided into different regions and territories. Even today, the Federally Administered Tribal Areas (FATA); the Provincially Administered Tribal Areas (PATA) in Khyber Pakhtunkhwa; Gilgit-Baltistan; Azad Jammu and Kashmir (AJ&K); and the so-called 'B areas' of Baluchistan have a status different from the rest of the country. This situation indicates that a significant part of the country is still not politically mainstreamed. The different status of the various territories mentioned above accommodates politico-constitutional insecurity in the country. Likewise, there are a host of socio-economic issues that are different from most other states in the world. Thus, there is a need to modify the UNDP's model of human security to cope with the security threats faced by Pakistan, an exercise that has not hitherto been attempted (Khan, 2013, p. 57)."

Keeping in mind the context of Pakistan, and further the crises that hit Swat (located in the Provincially Administered Tribal Area − PATA), the concept of human security is used in this study as a base for understanding changing gender relations as an aftermath of crises. If we analyze

[10] Preamble of the Constitution of the Islamic Republic of Pakistan, 1973
[11] Article 38 (d) of the Constitution of the Islamic Republic of Pakistan, 1973

the UNDP 1994 definition of human security through a gender lens, we may argue that it opens avenues for both men and women to be equally entitled to economic security, food security, health and environmental security (UNDP, 1994). However, feminists extend the concept by including sustainable development, social justice, and the protection of human rights and capabilities as central aspects of human security (AWID, 2002). This broader concept of human security invites thoughts and critical analysis about how gender influences the handling of threats or violence, and who decides what experiences in conflict situations are important for policy and development initiatives. Knowing people's perceptions about security and insecurity in conflict situations yields a very different understanding of the concept of human security (SIDA, 2006).

This discussion of the concept of human security in theory, and in the context of Pakistan in particular, has helped to set a foundation for gaining further insight and understanding of the notions of power inequalities, gendered vulnerabilities in access to and control of land and property, access to various livelihood strategies, and gender-based development in the study area.

2.2. Approaches to gender and development

In this section, gender is discussed at three different levels of analysis. Firstly, gender is explored as a concept, followed by a description of the history of gender in Pakistan, and lastly we focus on gender relations in Swat. This detailed discussion provides a firm foundation for understanding the context of gender in Pakistan in general and in Swat in particular.

Before embarking on a broader discussion about gender and development, and how different development processes either have affected or undermined gender, it is of foremost importance to understand exactly what the term 'gender' means. According to Fairbaun-Dunlop (2002), the idea of gender is often misunderstood, and sometimes conflated either with 'sex' or with 'women'.

However, gender identities vary in nature and are typically socially constructed (cited in Momsen (2010)). Mohanty (1984) elaborates, saying that gender relations refer to the equilibrium of power between men and women. Gender is seen as a cross-cutting theme, affected by multiple variations and differences in class, race, ethnicity, religion and race (Momsen, 2010). However, feminists, often homogenize women as being one group, based on the shared experience of oppression. Momsen (2010) argues that for better understanding of gender relations, "they should be interpreted within specific societies and because of historical and political practice. Different places and societies have different practices and it is necessary to be cognizant of heterogeneity within a certain global homogeneity of gender roles" (p. 3).

Time line advancement in this subject shows that the decade 1976 to 1985, the *United Nations Decade for Women*, was a milestone in stressing and emphasizing the invisible role of women in social and economic development in their respective countries. A major shift was seen in the approaches followed, in both the academic and policymaking arenas. Researches diverted their attention to understanding the complexities of women's employment. Policy makers shifted their focus from a welfare-oriented approach to a diversity of approaches highlighting the productive role women (Moser, 1989). Momsen (2010) illustrates that the development process offers different opportunities for both men and women, in multiple ways. Multiple studies around the globe explicitly reflect that as an aftermath of colonialism and marginalized conditions of poor countries of the Global South, economic transitions have contributed to increasing discrimination against women. For example, in the agricultural sector, the process of modernization has left obvious footprints on gendered labor patterns and altered ways of working. General observations reveal that these changing patterns in the division of labor and gendered relations have directly affected women's access to opportunities, in that they become relatively more dependent than

before (ibid.). Furthermore, Momsen (2010) states that “The pressure on gender relations of the changing status of women and of rapid economic restructuring, combined with growing impoverishment at household level for many, is crucial to the success or failure of development policies” (p. 2).

Peet and Hartwick (2009) are of the opinion that “feminism is made up of several diverse social theories, political movements and philosophies. Most of these are critical to existing social relations, especially gendered relations” (p. 240). Women get less in terms of material resources, social status, power and opportunities for self-actualization than do men who share their social location – be it a location based on class, race, occupation, ethnicity, religion, education, nationality, or any other socially significant factor (ibid.).Feminism has different ideas about the causes and consequences of gender inequality in society. The Marxist notion of feminism holds a primary position and gave rise to two different concepts of feminism. One is ‘radical feminism’, which speaks about the social organization of society. This viewpoint argues that women may claim equality with men based on an essential human capacity for reasoned moral agency (Lorber, 1994). A second school of thought is ‘socialist feminism’ which argues on the basis of the division of labor between men and women and believes that radical reforms are required in economic roles in households in particular and societies in general (Peet and Hartwick, 2009).

‘Liberal feminists’ also hold firm ground in the field of feminist studies. Bandarage (1984, p. 495) argues that social inequalities can be reformed through legal procedures and better behavior in attempting to understand a society. This school of thought focuses on correcting the flawed egalitarian system. Protagonists have tried to redefine gender roles and identify the point at which women were left out of development processes. Their claim that support should be redirected within societal structures led to surfacing the concept of ‘women and development’ (WAD).

Feminists have commented on development theories in various ways. For instance, “Scott (1995) argued that themes such as modernity, development, self-reliance, and revolution should contribute to a vision informed by gendered preoccupations and conceptions; these notions extend, she argued, to the dominant policies and practices of international institutions and revolutionary governments alike. She also believed that modernity’s rational, forward-looking male dominated public sphere was contrasted with feminized, backward, traditional, family oriented private sphere. For her, modernity in this context was a power struggle between rational modernity and feminine traditionalism in the passage towards “maturity (cited in Peet & Hartwick 2009, p. 250)”.

Post-structural feminists have critiqued the enlightenment notion and argued that all problems can be solved by reason (men), but also further radicalized their argument by stating that most of the problems originate in (male) reasoning (ibid.). Harding (1986) illustrates that feminists are moving from positions that stress the improvement of science, to those that favor transformations of the foundations of science, and cultures that value science. Smith (2002) perceives a growing gap between the responsible person a woman is as a wife and mother, and the person she is expected to be as a scholar. She argues that women scholars contribute to research that frames the lived experiences of the people living in a particular situation. She argues that women’s experiences that are written about and reflected on, differ from their real experiences in the home and family environment – in other words, official documentation misinterprets women’s experiences compared to what they are in reality (Smith, 1990, pp. 209-224, cited by Peet and Hartwick, 2009).

Major revolutionary change occurred in feminist discourse when women of color became involved (and also lesbian feminists and women from the South) (Rich, 1986). They argued that the claim made by feminists about universal suffering of all women across the globe is problematic. Lorde (1981, p. 99) argues that differences among women should be seen as strengths and that the failure

of academic feminists to recognize differences as strengths was a failure to reach beyond the first patriarchal lesson – 'divide and conquer'. Lorde (1981) prefers the lesson 'define and empower'. Similarly, Mohanty (1984) argues that feminist writings have presented women of the third world as a monolithic group, thereby suppressing their diversity, heterogeneity and experiences. Harding (1990) believes that feminism should incorporate both enlightenment and postmodern philosophies. Haraway (1988, 1991) notes that feminism is located between modern and postmodern schools of thought, which requires a feminist epistemology of objectivity that she calls "situated knowledge."

The focus on 'differences' has become a focus in feminist theory. Moore (1993) illustrates two notions of difference, namely the "difference between", highlighting the diversity of experiences not only between men and women, but also between women, and between men, and the "difference within". Feminist scholars from the South have emphasized the concept "difference within" and rejected the western feminist assumption of common women's interests (Anzaldúa, 1990 in Moore 1993., pp. 21).

Postmodern feminists critique both gender and development (GAD) approaches, because they represent third world women as 'other', and women in development (WID) approaches, which use images of women as victims, sex objects etc. (Peet & Hartwick, 2009). Postmodern feminists emphasize differences, focus more on marginalization (Hooks, 1984), and deconstruct the images of women in the South as an undifferentiated 'other' (Mohanty, 1991, cited by Peet and Hartwick, 2009). Similarly, Parapart and Marchand (1995) favor the post-modernist, bottom-up approach that "accepts and understands difference and the power of discourse, and that fosters open, consultative dialogue [that] can empower women in the South to articulate their own needs and agendas" (p. 19).

In this research study, I have focused on gendered inequalities regarding power relations, inequalities in access, control and ownership of resources, particularly land. In addition, structural inequalities in accessing livelihoods and the gendered aspects of gender-based development are explored. In the following section, gender realities in Pakistan are discussed, as a precursor to investigating the situation in Swat, the study area.

2.2.1. Gender realities and challenges in Pakistan

The status and role of women in Pakistan remain contested topics for debate and discussion. There is no clear, single narrative or discourse on these issues. In this section, I attempt to provide an overview of historical and present struggles and dominant narratives regarding the status of women and gender relations in Pakistan.

The lives of women in Pakistan demonstrate huge variation regarding social and economic status (Syed, 2009). There are women in Pakistan who lead highly professional lives and present an opposite picture to the millions of poor, illiterate women workers who struggle in terms of economic development (Patel, 1991, p. 84). Articles 25, 27 and 34 of the Constitution of Pakistan condemn and prohibit gender discrimination; however, the legal rights of women to participate in economic activities generally remain restricted to theory, regulations and policies (MIB, 2006; Syed, 2009). In reality, as elaborated by Mumtaz and Shaheed (1987), Pakistani women bear restrictions imposed on them in the name of tribal customs, patriarchal interpretations of Islam, and a deep-rooted feudal system. Numerous reports and surveys, such as those written by the UNDP, Economic Surveys of Pakistan, and Human Development reports present data confirming the depressed conditions of Pakistani women in terms of economic development. For example, the UNDP (2007) report shows that Pakistan has the lowest rate of female participation in economic

activity in the world[12]. Multiple explanations are given for the oppressed conditions of women in Pakistan. Among them, the one that is most debated is the role played by narrow interpretations of Islam, and cultural norms and values that greatly affect women's participation in activities such as education and employment (Ali, 2000; Syed, Ali & Winstanley, 2005). Nyborg (2002) illustrates, "it is important to be aware of the extensive degree to which women's interests have been neglected in various social sectors; thus understanding gender relations in Pakistan requires more than a study of national statistics .Exploring some of the discourses on gender relations at a wider level in society can serve as a backdrop for understanding the ways in which local women and men, and public policymakers might participate in, or be influenced by such a broader discourse. Current discourses both support and challenge what might at any time be the dominant discourse or gender ideology. This dynamic can be seen by briefly examining some of the historical discourses on gender in Pakistan (p. 31)."

Ali (2000), in explaining the legal and constitutional rights of women, says:

> In the context of application of women's human rights in Muslim jurisdictions, it is interesting to note that there is an equality norm deeply entrenched in the Constitution of Pakistan. It is inspired by the equality norm of human rights instruments adopted by the United Nations. Women are provided complete equality under the Constitution of Pakistan and this norm of non-discrimination is reiterated in many of its provisions both in the chapter on fundamental rights as well as principles of policy[13](pp.94)

She further illustrates," Article 25 of the constitution is the main provision affording equality before the law and equal protection under the law. This article has been successfully invoked in

[12] For details see UNDP, 2007 and Farzana Bari,2000

[13] The major difference between fundamental rights and those afforded as policy principles is that while the former are justiciable in court of law, the latter are not so enforceable.

areas that fall within the public sphere, such as rights to education and employment, in contrast to upholding women's equality within the private sphere where equality is more difficult to achieve (pp. 95)."

Gender relations in Pakistan cannot be well understood without exploring the history of Muslims and Islam in the sub-continent. After the war of independence in 1857, the British introduced new socio-economic and education systems in the subcontinent. These shifts in the social systems threatened Muslim elites and posed numerous challenges on how to cope with new laws, policies and regulations. Muslims from the elite, upper and middle classes experienced the situation as a shock and developed a deep sense of loss (Rashid, 2008). The power shift from Muslim to British rule also shaped gender roles and relations in Muslim communities, and reminiscences and reflections are still visible and experienced in present-day Pakistan.

In Pakistan today, there are many narratives and discourses on women's and men's roles and responsibilities in public and private spheres, which have arisen from various sources in Pakistan, e.g. religious orthodox groups and liberal feminists. As Alavi (1988) illustrates, in the short history of Pakistan, various narratives about gender relations tend to contradict discussions on the ground. Some are of the opinion that ideas on gender relations as westernized processes, with the 'Pakistan women's movement' being a cause of English, educated, upper class women full of westernized ideas, who are detached from Pakistani society. However, the rhetoric placing women's movements as a relatively new, western agenda can be challenged based on literature that shows evidence (Nyborg,2002;Alavi 1998; Rashid, 2008)of discussions about gender relations since the times of colonial India.

Discussions subsequent to British colonialization were mainly between three dominant powers in the region, i.e. Muslims, Hindus and British officers. The main issue discussed was *purdah* or segregation of the sexes. However, history shows that Mohammad Ali Jinnah [14]while officially demanding Pakistan also emphasized the awakening of political consciousness in Muslim women. Earlier years of political movement and activities by Muslim women in India were limited to organizing among themselves. Segregation, or *purdah*, was reinforced and reproduced in national level politics during the Muslim separatist movement i.e. 1937 to 1947). However, in the later years of the 20th, century, the strong segregation of sexes was challenged and debated in social discourses among Muslim elites (Rashid, 2008).

The above discussion illustrates that discourses on gender relations were present in national discussions as early as 1947, rather sporadically, and then later in an organized fashion. However, the nationalist interest suppressed the spirit of the discourse.[15] Although issues of self-fulfillment and modernization were put in the background, they did not disappear from the political arena. In the years following the great migration connected with partition (1947-1948), the women's movement took the form of relief organizations – the most well-known being the All-Pakistan Women's Association (APWA), headed by Begum Ra'ana Lia quat Ali Khan, the wife of the first prime minister (Mumtaz & Shaheed, 1987).

The whole gender discourse took a new turn when general Zia-ul-Haq took over control of Pakistan. During his tenure (1977-1985), gender relations and women's issues were once again a

[14] Fonder of Pakistan, also known as Quaid-e-Azam or father of the nation.

[15] When Pakistan movement was at its peak, the discussions that originated at the beginning of the movement went in the background because the main interest of the leaders and the masses was to achieve the separate country thus all the social discourses and narratives were ignored resulting in strengthening the conventional discourse regarding gender for instance.

focus on the political front. Many ordinances were passed at the time which were gender discriminatory. This shift in gender relation rhetoric is referred to as Islamization. Mumtaz and Shaheed (1987) state that "Zia revitalized the council of Islamic ideology, which under the 1973 constitution had the mandate to review existing laws and make recommendations for bringing them in line with Islam. The CII (Council of Islamic Ideology) was expanded and packed with conservative *Ulemas.*[16] Subsequently, the most reactionary suggestions, especially regarding women, came from this body" (p. 17). Major legislations introduced were the *hadood* laws [17]1979; the amendments to laws of evidence in 1984; and the draft ordinance on *Qais* and *Diyat*[18]. Weiss (1999) reports that enforcement of the *hadood* laws caused a stir in women's organizations and groups which condemned them by demonstrating extreme reactions and objections. These laws, together with many others, continued to be challenged legally, politically and in terms of policy, by women's movements in the 1980s.

Nyborg (2002) describes several setbacks to discourses on gender relations in Pakistan that have occurred in past two decades, particularly acceptance of *Sharia* [19]as the basis for laws in 1998 during Nawaz Shareef's term (1997-1999) of office as Prime Minister (p. 33). In comparison, Musharraf (1999 – 2008) was quite liberal in his policies towards women. During his regime, women's representation in government increased substantially and a minimum representation quota of 33 % was allocated (ibid.). Women representation had substantially improved at political

[16] Religious leaders

[17] The Hudood Ordinances are laws in Pakistan that were enacted in 1979 under military ruler Zia-ul-Haq's "Sharisation" or "Islamisation" process. For detail see http://www.pakistani.org/pakistan/legislation/hudood.html

[18] For details see page 38 of report of Human Rights Commission of Pakistan (2007)

[19] The code of law derived from the Qoran and from the teachings of Mohammed (P.B.U.H). in addition, sharia is only applicable to Muslims.

front. During the government of the Pakistan People's Party from 2008 to 2013, gender relations and women's development were focused on and major steps were taken.

The Zardari Government addressed harassment in the workplace in 2010, and enacted criminal law (amendments), the *Acid Control and Acid Crime Act, the Prevention of Anti-Women Practices Act,* and *the National Commission of Human Rights Act* in 2012. *The Women's Fund Act* was promulgated 2011 and twenty-six Shaheed Benazir Bhutto centers for providing financial assistance to women have been established in various districts. The current Nawaz government is also working progressively on women's issues. It is showing keen interest in implementing measures on envisaged women rights, as stated in the CEDAW convention. However, a wide gap remains between laws, policies and practices on the ground. Gendered malpractices continue for multiple reasons, as discussed in Section 2.1.1 (Human security in Pakistan).

In this research study, the gender perspective frames our investigation into inequalities and power relations in Swat, Pakistan. We acknowledge that gender relations are not fixed, but that "social relations and their corresponding actors are living, dynamic, and thus, re-creating gender inequality" (Richey, 2003, p. 420). In addition, gender is an important aspect of social and power relations, in that gender inequality is based on unequal distributions of power. Usually, policies fall into the trap of 'essentialising' women (Cornwall, 2000). We examine the operationalization of these concepts in the case of Swat, Pakistan, in relation to gendered land rights and changing livelihood patterns. In the following section, gender structures and limitations in the context of Swat are discussed.

2.2.2. Gender structures and limitations in the Swat Valley

As in the rest of Pakistan, strong family and kinship systems play an important role in structuring and organizing gender relations in Swat. As Kabeer (2011) illustrates, these structures are dynamic and continuously changing by their interaction with civil society, markets and the state in general.

Historically, life in Swat was organized in a tribal fashion and today the area falls under the PATA[20]. With the changing political and socio-economic environment, the area is no longer so tribal in its organization, although it continues to hold certain features that complement tribal societies, such as being religiously conservative and traditionally strict in nature. Eisenstein (1984) illustrates that the patriarchal nature of this Pakhtoon society transfers males and females into their own hierarchy of gender relations, placing men as dominant and privileged. According to Naz (2012), women in such societies are confined to reproductive roles as mothers and wives within the domestic domain, while men are expected to assume productive roles in domestic and public spheres. Haq (2002) claims that such ideologies and practices place all their activities including the control of women's reproductive abilities and sexuality in the hands of male members of society.

The Pakhtoon society in Swat practices classical patriarchy, and the average household fulfills the criteria defined by Kandiyoti (1988), also described by Kabeer (2011) as 'corporate lines'. Decision-making authority lies with senior males in the family, including the transmission and inheritance of property. In the majority of cases, this denies women their legal right to inherit, own

[20] The Provincially Administered Tribal Areas (PATA) are Pakistani administrative subdivisions designated in the Article 246(b) of the Constitution of Pakistan. No Act of Provincial Assembly can be applied to PATA whereas the Governor of the respective province has mandate parallel to the authority President of Pakistan has over Federally Administered Tribal Areas

and access property. The males of the households control not only property, but also access to livelihoods.

Marriage practices are strictly 'patrilocal' where women leave their natal homes, settle with their husband and become part of his patrilineal group (Kabeer, 2011). A woman's position in her marital life is tightly bound to her producing sons to inherit property and carry the family name into the next generation. This is the case in most Muslim societies, as described by Naila Kabeer (2011) in the context of Bangladesh. *Pardah*, which ensures gender segregation, is another prominent feature of Swat society. Strict *Pardah* controls the mobility of females and thus marginalizes them from mainstream economic development and opportunities in public spheres. In such societies, the males are the sole breadwinners, and all the financial responsibility lies on their shoulders i.e. providing women with food, shelter, clothing and food (Cain et al., 1979, p. 408). Kabeer (2011, pp:501) states that gender constraints confer upon women the status of "the protected group", limiting not only their free access to material resources, but also social interactions which are restricted to a woman's family and kinship group (Kabeer, 2011).

This patriarchal notion of gender construction increases women's dependency on their male counterparts and reduces their decision-making ability. It also suppresses their strength as individual human beings by preventing them from participating in mainstream development in their respective villages. Kabeer (2011) states that "the risks and uncertainties attendant on women's dependent status within such structures paradoxically engender in them greater incentives to comply with, rather than challenge, male dominance, and to manipulate the norms of male obligation and protection to shore up their own position within their families (p: 501)".

In societies like Swat, where interdependence between men and women is a prominent feature, accounts of identity and selfhood are different concerning gender roles and responsibilities

(Kabeer, 2011).Such relations are power driven and strictly patriarchal, where decisions, power and privileges are the domain of males in the family. Kabeer (2011) states that such gender relations "pervade all domains of society, rendering irrelevant the idea of an impersonal public sphere in which individuals enter as bearers of rights, equal in the eyes of the law" (pp:502). This notion of gender construction impacts the process of access to rights and overall gender justice in society, particularly in terms of women's empowerment and well-being. In traditionalist societies, women might renounce their own individual rights if they mean to avoid compromising traditional practices and their dependent status in their families (Kandiyoti, 1988).

2.3. Legal pluralism: The reality of conflated choices in Swat

In legally pluralistic societies [21]such as in Swat, women often face challenges and experience insecurities in trying to access their rightful claims to movable and immovable property. In this study, we focus on land in particular, and examine how conflated legal choices and cultural barriers create a situation of insecurity for women. "The Swat State was brought to an end in 1969. However, the rules, laws, and *Riwaj* of the State continued for the time being, under Section 7 of Regulation I of 1969[22]. Thus, Swat State's rules and *Riwaj* were also retained in respect to land ownership and inheritance. In the post-state period too, there are no uniform verdicts of the courts in respect to females' right to the land in inheritance. In most cases, however, this right is not upheld" (Sultan-e-Rome, 2008, p. 58).

[21] For details see Khalid et al., (2015)
[22] See PLD, Vol. 22 (1970), West Pakistan Statutes, p. 2.

Countries with a pluralistic functional justice system give rise to a situation that is termed 'legal pluralism' (Chaudhary, 1999), as in the case of Swat. In these countries or areas, multiple bodies of law are active at the same time, legislating on formal and informal rules and practices that become fundamentally accepted practice in that society or community (RDI, 2009). The rights and duties of people, clans, tribes and communities regarding land are rooted in the rules and norms formalized by local legal systems, which outline people's behavior and attitudes regarding land rights dealings and law enforcement (FAO, 2010). Hooker (1975) notes that the concept or practice of legal pluralism was born during colonial rule, when the authorities felt a dire need to develop an understanding of local legal systems and practices for the complete and comprehensive establishment of colonialism. Mehdi (2001) states:

> The concept of legal pluralism is directed to the social understanding of legal phenomena. The concept can be employed in understanding any system of law, religion or non-religious. It is a reaction against the legal positivist understanding of the law, where the sources of the law seem to be unduly limited. Concerning the simultaneous existence of customary laws and state laws in legal plural systems, different theories have been developed by sociologists and legal anthropologists…thus greatly in the understanding of plural legal systems. (pp. 43-44)

As illustrated by Woodman (1999), theories or perspectives of the social law differ from the viewpoint of lawyers as social legalism captures the social aspects of the society unlike law. In addition, various contributions from field studies have shifted the practice of jurisprudence from legal positivism to legal pluralism. Different theorists view the concept of legal pluralism differently, such as Griffiths (1986) who describes it as a "state of affairs, for any social field, in which behavior is pursuant to more than one legal order" (p. 2). Similarly, for Woodman (1997),

it is a "condition where the population observes more than one body of law" (p. 181). Chaudhary (1999) states that:

> It is not same thing to have legal plural possibilities within the traditional or official system as it is to have both the traditional and official justice systems with their subsystems. Most of the societies of the world, and especially post-colonial third world national states like Pakistan, have both traditional and official systems of justice with their subsystems which is sometimes known as legal dualism [23](p. 27, 28)

Another way of looking at the term generally is what Vanderlinden (1989) refers to as multiple laws or legal solutions offered to similar cases in the society. Adamson Hoebel, a renowned anthropologist, reflected on Pakistan's legal system, describing it as follows:

> The legal system of Pakistan does not constitute a neatly integrated completely whole; it is made up of an undetermined multiplicity of subsystems. Many of these are disjunctive in their relations to others. Most obvious among these systems is the Formal National Law, which arches as an ethereal dome above all the lesser system (…). Deeply embedded in the village and tribal areas of Pakistan is a vast array of local folk systems of law varying from village to village and area to area (…). Folk law too is a relatively uncharted universe (…). Ideologically, it incorporates Islamic law, but the folk ignorance of Islam is in fact profound. (Hoebel, 1965, p. 44, cited by Chaudhary, 1999).

Mehdi (2001) states that "in the context of Pakistan plural normative orders exist widely on different levels starting from different interpretations of *Sharia* to the customary sphere. The issue of normative orders are law or not is not central in many instances. Because of their great dominance, they are in many instances the only norms for social control" (p. 46).

[23] Legal dualism is another term used for legal pluralism.

The same author further illustrates that Islamic law itself is pluralistic in nature and can be analyzed from various perspectives. The major reason for the pluralistic nature of Islamic law lies in the multiple interpretations and re-interpretations that originate from *ijtahad* [24](Hammd, 1999; Balz, 1999 cited in Mehdi, 2001). In societies like Swat, *Sharia* and customary practices function in parallel. It cannot be denied that local customary practices play a vital role in creating diversity, distinctiveness, individuality and identity in different Muslim societies (Mehdi, 2001). Hakim (1993) notes that Islamic law has the flexibility to accept customary laws, as long as they do not contradict Islamic teachings.

In this study, the term 'legal pluralism' converges towards Sally Moore's (1978) concept of semi-autonomous fields[25]. For her, the law is a dynamic concept that is practiced in semi-autonomous social fields in such a way that it produces rules and laws according to the society and its particular setting; and simultaneously these rules interact with rules and laws present in the wider society or the state laws (ibid.). In particular, the rules and laws originating from these semi-autonomous fields are flexible because they are continuously changing, contested or practiced differently. These notions of legal pluralism and semi-autonomous fields provide an entry point to study gendered access to and ownership of land in Swat, Pakistan.

2.4. Empowerment and power

'Empowerment' is another important implied concept necessary for understanding access to land and resources and changing gendered livelihoods in Swat. In recent decades, governments around the globe have recognized women's empowerment as an important goal in the development

[24] Ijtihad is an Islamic legal term meaning "independent reasoning" or "the utmost effort an individual can put forth in an activity."
[25] For more details see: Moore, 1978

process (Shamshad, 2007). This study attempts to contextualize the concept of empowerment in the framework of Pakistan and Swat, particularly in relation to women's land rights in the Swat Valley.

It is important to understand 'empowerment' in general, before relating the concept to women's economic development. Although empowerment has been defined and discussed by multiple international organizations and researchers, they share some common ground. Shamshad (2007) states that the term empowerment is often used loosely; Chambers (2005, p. 8) notes that empowerment "means that people, especially poor people, are enabled to take more control of productive assets as one key element. Participation, decentralization and empowerment enable local people to exploit the diverse complexities of their own conditions and to adapt to rapid change". The World Bank (1996) defines empowerment as:

> … the process of increasing the capacity of individuals or groups to make choices and to transform those choices into desired actions and outcomes. Central to this process are actions which both build individual and collective assets and improve the efficiency and fairness of the organizational and institutional context which govern the use of these assets. (p. 1)

The problem with Chambers' (2005) definition is that he does not distinguish between men, women and the power struggles between them, or different institutions, classes, and ethnicities present in the area. He has generalized the concept and stepped over the contextual complexities related to the term. The World Bank and other organizations take top-down approach to execute the process of empowerment. However, in this study, we examine women's empowerment using a bottom-up approach. For example, according to Malhotra and Shuler (2002), empowerment strengthens the agency of, and empowers women to control resources; it strengthens their role in decision-making processes that impact deeply on their lives. The same authors further illustrate

that the understanding and definition of empowerment vary between development organizations and feminist activists. Feminists believe in empowering individuals and women's groups and organizations, which again shows variations depending how various feminists conceptualize empowerment (Sen & Grown, 1987; Jahan, 1995; Kumar, 1993). The concept of empowerment promotes the process of change from grassroots levels, rather than from the top down (see Kabeer, 1999; Jejeebhoy, 2000). Kabeer (1999) illustrates empowerment as a multi-dimensional process, i.e. firstly it considers the pre-conditions or the resource assets (i.e. assets that may be used by women to improve their economic status), secondly it consists of agency, and lastly the outcome in terms of change or initiation of the process of empowerment(Kishor, 2000).

It is evident from the literature on gender and empowerment that without understanding the relevant socio-cultural and economic contexts, the role of gender in development cannot be understood (Malhotra & Shuler, 2002). Shamshad (2007) notes that "empowerment is a multidimensional process that refers to the expansion of freedom of choice and actions in all spheres (social, economic, and political) to shape one's life. In current academic and political discourse, empowerment refers to a process or strategy whereby a qualitative and sustained improvement in people's lives is brought about. Three inter-related prerequisites of empowerment need to be borne in mind. First, empowerment needs to be viewed in an integral, holistic framework, including economic and political processes, social and cultural dynamics, the constitutional and legal framework, education, human rights, the role of central and state government as well as voluntary agencies, and the perception and participation of the group or the community that is the beneficiary of empowerment. Second, a distinction needs to be drawn between the ideal of empowerment and the prevailing reality of disempowerment. Third, empowerment is a normative, value-laden concept. Therefore, all discussions of empowerment

should take into consideration the impact of political, social and moral values on the goals and strategies of empowerment (Parsaad, 2002, cited by Shamshad, 2007, p.141).” By following this holistic view of empowerment, sustainability can be aimed not only on economic, but also on social dimensions.

Kabeer (2001) and Moghadam and Senftora (2005) state that women’s empowerment is a process that stirs and challenges power structures and gender relations, thus working at two levels. Firstly at the individual level it encompasses health, education and employment of women, and secondly at the collective level it involves organizing and mobilizing people to take collective action to solve issues and problems. The conceptualization of women’s empowerment in relation to land rights examines the ways in which unequal gender relations might influence women’s rights to hold land. This notion of empowerment focuses on women’s ability to challenge structural oppression and male dominance, both inside the home and in the wider society.

Agarwal (1994) claims that entitling women to hold land and allowing them access to resources not only empowers them economically, but also strengthens their ability to challenge social and political gender inequalities. The same author relates empowerment to the collective action of women that not only uplifts their self-confidence, but also polishes their strengths in defying oppression. Empowerment not only challenges gender inequality, but also reduces and can eventually eliminate it. Collective efforts by women’s groups is a way forward to bring about such change, and introducing independent rights to hold land is a solid step in the right direction (Agarwal, 1994). Agarwal (1994) defines women’s empowerment regarding land rights as “a process that enhances the ability of disadvantaged (powerless) individuals or groups to challenge and change (in their favor) existing power relationships that place them in subordinate economic, social and political positions” (p. 39). She argues that land rights would increase women’s

‘freedom to achieve’ meaning that achievement is concerned with what we manage to accomplish, and freedom offers real opportunities to accomplish what we value. Freedom here reflects a person’s “capability to function” (Sen, 1992, p. 31, cited by Agarwal, 1994 p. 39).

Researchers studying empowerment from the feminist point of view, e.g. Rowlands (1995 pp:13), view empowerment as a process in which “women become able to organize themselves to increase their own self-reliance, to assert their independent right to make choices, and to control resources which will assist in challenging and eliminating their own subordination”. For feminists, women need to be the acting agents in terms of achieving empowerment, not simply receivers or participants. As agents, they deal with the power relations that exist in society, in order to achieve empowerment.

2.5. Power in empowerment

The concept of empowerment can be better understood when the term ‘power’ is discussed and understood at the same time (Kuokkanen & Leino-Kilpi, 2000). In the context of access to land, resources, livelihoods and gender relations, the term ‘power’ has contested connotations. The term is connected with the hierarchal organization in a society, where power may lie either with the male in the family, or in an institutional setup, with certain authorities. Sheldon and Parker (1997) state that in critical social theory, power is discussed in relationship to coercion and domination. Power is reciprocally related in society, which means that an increase in power for one party has to be adjusted by another party compromising his or her level of power. This process of adjustment of power within a social setting is termed ‘legitimation’ (ibid.).

Michael Foucault (1978) gave a sociological and post-modernist view on ‘power’. For him, the world in itself is extremely complex, contrary and polymorphic, and the exercise of power is

universal as it erupts from everywhere in different forms. Personifying power is complicated as it includes all human interactions. Furthermore, power and knowledge are closely entwined. They have reciprocal relationship, i.e. where there is power, there is knowledge, and power increases through knowledge. In the area of power relations, man[26] acts as both object and subject. On the other hand, Kuokkanen and Leino-Kilpi (2000) illustrate that the true sense of power cannot be understood merely by asking a question such as: Who has access to power? Alternatively: What are the implications of power? A better understanding of power may be achieved when exposure to the concept is focused on the individual level. Encapsulating power in notions of action, domination or control presents only one side of the coin. The other side presents the picture of manipulation of thoughts, attitudes and social relationships (ibid.). McKay (1994) and Gilbert (1995) note that power cannot be described only in terms of causal relations, ordinance or delegation. More specifically, it consists of a dynamic web of social relations, including perceptions of basic human desires, attitudes and behaviors.

Taking these notions of power as an entry point, I introduce the question of power relations and gender, i.e. how do men and women negotiate and interact with each other, particularly regarding resource (land) access and ownership? Also how does the societal structure dominate and suppress one gender (female) in favor of another (male), and create barriers on multiple fronts in accessing various rights? Thirdly, how do power relations function in households in terms of livelihood access? I take this opportunity to reflect more upon the issue of power.

Feminists who question power relations between the sexes basically make two assumptions, i.e. men and women have different experiences that need to be explained, and the oppression of women

[26] Here man is used in the sense of “al people”

is not a subset of some other social relationship (e.g. economic class), but rather is grounded in a system of male power, which most feminists refer to as 'patriarchy' (Flammang, 1983, p. 178). For liberal feminists, power is the opportunity to gain access to key decision-making positions. They argue that both the economy and society will extract more benefits if women have equal opportunities to rise into positions of power, and also that governments should launch programs to ensure equal opportunities for both men and women (ibid.). Liberal feminists explain that the lack of power for women is embedded in terms of sex roles and socialization. They argue that men and women are not naturally masculine or feminine, because gender is a human construction. Gender constructions are designed by societies to establish a specific mode of division of labor in households, the workplace and in electoral politics (ibid.).

Liberal feminists have probed understanding of the "concept of the weak"; which in turn carries the connotation of a certain "power of the weak". Janeway (1975) observes that:

> … most studies of power are written for the powerful, but by looking at the ruled as well we can see power as something other than a dominance-submission relationship. She says that just as the weak are ambivalent about the powerful, so are the powerful ambivalent about the weak. The powerful feel guilty and need legitimization of their power by our consent either in secular or mythical terms. The power of the weak includes distrust and disbelief, bonding and joint action (Janeway, 1975 cited by Flammang 1983 p. 185)

Radical feminists and liberal feminists agree on the point that "roles must be changed". Nevertheless, how and where to change roles remains a point of contention between the two schools of thought.

> More specifically, liberal feminists are content to provide a functionalist explanation: roles function to preserve male power, so men will seek to perpetuate them and women

> should attempt to change them. Radical feminists would agree, but they would also push their analysis beyond the question how is male power perpetuated? And why do men have power which gets expressed in gender roles ? (Flammang, 1983 p-187)

Most frameworks used for understanding the dynamics of power in society are neutral. They do not question the unequal distribution of power in society, the power dynamics of gender, or of race, class, or any other form of oppression. In order to address this lack of direction, many feminists have re-addressed the concept of power (Rowland, 1997). Pheterson (1990) notes that people who are denied power and influence in society internalize the messages they receive about how they should behave and what they should expect from society. Rowland (1997) suggests that

> … these people might adopt it as a survival mechanism. For example, if power is defined as 'power over', a gender analysis shows that men wield power predominantly over other men and by men over women. Extending this analysis to other forms of social differentiation, power is exercised by dominant social, political, economic, or cultural groups over those who are marginalized. Power, in this sense, is finite supply, if some people have more, others have less. (p. 11)

However, there are multiple ways of approaching and conceptualizing power in empowerment studies, with a major focus on the process of empowerment . Viewing power as 'power to', 'power with' or 'power within', all reflect very different meanings and processes of empowerment (Rowland, 1997). We can argue that feminist power frameworks have drawn inspirations from Foucault's thinking. Foucault (1978)illustrates that power can be located and is relational. Its existence lies in exercising it. He further emphasizes the idea that power consists of networks of social relationships among subjects who are, to a least a minimal extent, free to act. "However, feminists incorporated gender analysis of power relations that includes not only the more tangible expressions of power but also an understanding of how internalized oppression creates barriers to women's exercise of power, thereby contributing to the feminist belief in empowering individuals

and women's groups and organizations, which again shows variations depending on how they conceptualize it. (Sen & Grown, 1987; Jahan, 1995; Kumar, 1993 cited in Rowland, 1997, p. 14)."

Various researchers who work on the topic of women's empowerment have discussed power relations as a prerequisite for the process of empowerment. For instance, Batliwala (1994) draws a line between personal and collective empowerment. According to her, "empowerment is thus not merely a change of mind set, but a visible demonstration of ….change which the world around is forced to acknowledge, respond to, and accommodate as best it may" (p. 10). The same author believes in the re-distribution of power, especially within the household domain. However, she also points out a very interesting insight, which is one of the arguments presented in the context of South Asia, particulary in relation to the redistribution of power and resources. Her main argument is that the process of empowerment should start with women's own experiences and realities that will ultimately enhance self-recognition promote critical thinking and deepen understanding of the structures of power together with gender issues.

Kabeer (1994) focuses on deconstruction of the notion of power in order to define and understand empowerment from a gender perspective. She states, "The multi-dimensional nature of power suggests that empowerment strategies for women must build on 'the power within' as a necessary adjunct to improving their ability to control resources, to determine agendas and make decisions" (p. 229). She further explains that "power from within needs experiential recognition and analysis of issues to do with women's own sub-ordination and how it is maintained. Such power cannot be given; it has to be self-generated" (p. 229). The same author, however, confines her analysis to grassroots and does not take it beyond or enter into micro level analysis of empowerment of individual women. Here, we have extended our analysis to life experiences of individual women

and tried to note how the personal, relational and collective dimensions of empowerment are interrelated in the society under study.

After understanding power and empowerment in the context of Swat, it is important to link these concepts to women being denied rights to land access and ownership. The conceptualization of women's empowerment in relation to land rights examines the ways in which unequal gender relations might influence women's rights to hold land. It focuses on women's ability to challenge structural oppression and male domination both inside the home and in wider society. All three dimensions of empowerment, i.e. personal, relational and collective, become active when gendered land rights and women's empowerment are under discussion, since every level is important and leads to the next level in an effective way. Agarwal's (1994) extensive work on women's land rights in South Asia also provides arguments based on empowerment and access to land and property.

2.6. Livelihoods in periods of crisis

The concept of 'livelihood' became the center of debates around the mid-1980s. Prominent contributors to the field is Robert Chambers who criticized the top-down research direction and practices in the field of development and proposed the 'livelihood approach' that addresses the actual livelihood strategies of people. It focuses on the ground level i.e. where people are, what they have and what their needs and interests are (Chambers, 1989a, p. 1). The livelihood concept is in clear contrast to the traditional economic development focus on income and employment which had been unsuccessful in addressing the fundamental building blocks on which the poor build their lives and livelihoods (Schafer, 2002).

In conflict-affected societies, people may be suffering the effects of direct physical threats or they may be recovering from long-term livelihood damages (Shanmugaratnam, 2008).There are huge variations in how people cope with the stresses and frequent shocks, for example, poor people struggle more for shelter, food supplies and income (Maxwell & Smith, 1992; FIFC, 2004). On the other hand, rich people can stabilize the hazards of conflicts, for example, if the household owns or has access to income, assets and reserves (Chambers, 1989).

Generally, livelihood revival is achieved in multiple ways which reactivate people's living conditions, contribute to their survival, and lower the vulnerability level caused by conflict or other disasters. As illustrated by (Jaspars & Shoham, 2007), during a conflict situation, short-term coping strategies may be observed, such as quick reactions to rescue lives and livelihoods; however, over time, the trends in, and extent of reactions may fluctuate. Coping strategies are temporary responses employed by households in an effort to adjust or compensate for shock. Coping comprises tactics for maintaining consumption when confronted by disaster, such as drawing down on savings, using up food stocks, gifts from relatives, community transfers, migration, sales of livestock, sale or abandonment of fixed assets such as land, houses and so on (Ellis 2000, p. 62). According to Akroyd and Duncan (1998), there are two types of coping strategies: those that are reversible and those that are irreversible. The reversible coping strategies are those that do not create perpetuate damage to livelihoods for instance, diversification of existing livelihood strategies (Scoones 1998). Unlike reversible, the irreversible coping strategies cause permanent damages, for example, migration of families after disasters (Corbbet 1988). According to Devereux (1999) irreversible strategies are survival strategies, as they actually reflect an inability to cope. Households and people who are involved in normalizing their lives and livelihoods describe coping strategies as temporary responses (Shah, 2010). Emergency coping

strategies, as illustrated by Ellis (2000), include people utilizing their savings, stored food stocks, or sometimes the help of relatives and friends. Other common ways of coping with a disaster situation is to sell livestock or fixed assets such as land or houses, or in extreme cases, to migrate to other areas.

Many studies (e.g. Orero et al., 2007) reveal that conflict leaves strong impacts on macro and micro economies of households, including the loss of employment and market failure. Indirect effects of conflict may be observed on income, prices, wages, access to markets, access to places of safety, social, economic and political institutions, relations in the community, and increasing levels of insecurity (Justino, 2009). Some risks affect the wellbeing of people, communities and households differently and may be felt more directly than others (Dercon, 2000).

Livelihoods provide people with access to the necessary resources that help them achieve their survival and long-term wellbeing (Jaspars et al., 2007), and lower the extent of vulnerability that results from a disaster. The safety of livelihoods, as Chambers (1989) illustrates, depends on the safe ownership of, or access to savings and income opportunities, which in return helps to stabilize risks, lower the extent of shocks and meet surprising events. Production based analysis of poverty cannot reflect completely whether or not people have secure livelihoods (Schafer, 2002). Sen elaborates on this idea by discussing famines, arguing that the major problem is lack of entitlement on the part of individuals to resources such as available food (Sen, 1981; Drèze & Sen, 1989). Further, Chambers and Conway (1992) reflect on entitlement with respect to access. According to them, access refers to the chance of utilizing a resource or service in order to obtain information, food, income or employment. However, in these frameworks of entitlement and access, the gendered aspect has been overlooked. Furthermore, in the studies mentioned, inequality in power relations, cultural contexts, and local complexities are not discussed explicitly.

Diversification of livelihoods is a key factor that complicates the study of livelihoods. For example, "livelihood diversification overlaps various mainstream policy discussions in rural development, including household coping strategies (Davis, 1996), household risk strategies (Carter, 1997), intra-household relations (Hart, 1995), rural growth linkages (Hhazel & Haggblade, 1993), rural non-farm activity (Fisher et al., 1997), rural urban migration (Stark, 1991), and rural poverty (Jazairy et al., 1992) (Ellis, 2000 cited at p: 5)". Fragmented penetration into the diversification of livelihoods reflects that there are conflicting propositions about causes and consequences (Ellis, 2000). "Diversification can occur both as a thought-out household strategy (Stark, 1991), and as a spontaneous response to crises (Daevies, 1996). It is multifaceted and can present a number of challenges, as reflected by a number of researchers (Adams, 1994; Evans & Ngau, 1991; Zoomers & Kleinpenning, 1996; Carter, 1997; Hart, 1994; Bryceson, 1999a). Diversification not only lessens, but can also heighten levels of rural inequality. It performs simultaneously as a safety valve for the rural population, and as a means for rural elites to build up wealth. In addition, it not only benefits productivity on farms, but can also cause a decline in agriculture by thinning critical resources (Ellis, 2000, p. 5)."

There are multiple causes and consequences of livelihood diversification, such as location, assets, income level, opportunity, institutions and social relations. The exhibition of these causes and consequences varies in different context and circumstances (Ellis 2000, p. 6). In particular, livelihoods become more vulnerable during complex emergencies. Duffield (1994) defines a complex emergency as follows: "Complex emergencies are essentially political in nature: they are protracted political crises resulting from sectarian or predatory indigenous responses to socio-economic stress and marginalization" (p. 38). Terms like 'emergencies' and 'chronic conflict' can be used interchangeably (Schafer, 2002); in particular, the word 'chronic' reveals the persistence

of such situations. Compared to chronic conflicts, 'acute' emergencies can occur periodically, where political instability exists without necessarily any 'emergency' and where humanitarian attention is not necessarily required (ibid.). Duffield (1998, p. 90) illustrates that 'emerging political complex' is a more appropriate term to use than 'chronic conflict and political instability' because complex emergencies are 'self-contained political systems' that develop from the debris of the previous nation state.

In conflict situations, gender and livelihoods become more complex to investigate and to understand. Conflicts affect people dynamically, not only physically, but they also impact livelihoods immensely, which take a long time to recover (FIFC, 2004).

After a comprehensive discussion on the conceptual framework used for the study, the following section describes in detail the study area and its significance.

3. The study area

3.1. Description of Swat

The Swat district falls under the provincial control of Khyber Pakhtunkhwa in the frontier region of northwest Pakistan. Swat is located about 150 miles from Islamabad and about 100 miles from the provincial capital, Peshawar. The entire population of the district is estimated to be around 1.7 million, although reliable census data is unavailable (Nyborg et al., 2012) A significant number of ethnic minorities reside in Swat, including Kohistanis, Gujars, Tirwoli, Khattaks, Miyangans, and Sikh minorities. The dominant group is the Pakhtoons (mainly from the Yousafzai tribe) and the dominant language is Pashto. Regardless of their ethnicity or tribal backgrounds, the people of Swat share a common identity and history in many ways (Sultan-e- Rome, 2008).

3.2. History of Swat

The Yousafzai Pakhtoons captured Swat in the 16th century and later became the dominant tribe in the area. Sultan-e-Rome (2008) illustrates that Swat has a history of several encounters and disputes with neighboring states. Miangul Abdul Wadud was nominated as the new king (1949-1969)of Swat (ibid.). Abdul Wadud, alias Bacha Sahib,[27] (1949-1969)played a significant role in the development of Swat because of his visionary views regarding the notion of 'state' (ibid.).

In December 1949, Abdul Wadud abdicated his throne in favor of his son, Miangul Abdul Haq Jahanzeb. Like his father, Miangul Jahanzeb, had the development of Swat at the top of his agenda. He notably boosted developmental work and gave priority to the education, communication and health sectors in Swat (Sultan-e-Rome, 2008). However, the following years brought numerous instances of disharmony and resistance from within and outside the state, which eventually resulted in termination of the independent State of Swat on 28 July 1969.

3.3. Crises in Swat

Before the merger with Pakistan, Swat had its own legal, social, cultural and political frameworks which were functional from 1917 to 1969. In 1969, the state was merged with Pakistan, with complete abolishment of previous systems of rules and legislation. However, the social structures and status of the citizens remained the same as before the merger. For example, the status of the clergy, the landless, and women can be traced back to the Pashto era, which is necessary in order to understand the modes and scale of conflict in recent times in the Swat Valley (Sultan-e-Rome, 2008).

[27] For detail, see Sultan-e-Rome, 'Miangul Abdul Wadud' in Celebrities of NWFP, Vol. 1 & 2, 2005, pp. 69-93.

Since its merger into the State of Pakistan, Swat has remained prone to political and social instability. In particular, setbacks in Swat can be linked directly to two major political crises that occurred in the 1980s and one major natural disaster in 2010. The first event was in 1989 when a group of local people from Swat petitioned the Peshawar[28] High Court to give a verdict that the Provincially Administered Tribal Areas (PATA) Regulation of 1975, a legal framework different from the rest of Pakistan, was unconstitutional. The second event i.e. initiation of movement of Tehrik-e-nafaz-e –Sharia-Mohammadia (TNSM) [29]started in early 1980s, extended until the 1990s. And then led to major crises in 2005. This event was coupled with existing social, cultural, class and gender resistance, and has largely defined the volatile situation in the Swat Valley in recent years (Hussain, 2011).

The legal movement in 1989 was initiated to challenge and eliminate marginalized legal command, while the second event was initiated under the religious umbrella of TNSM which gained wide-ranging support in Swat in the name of Islamic reforms. The ideology of the movement was based on the provision of justice, abolition of power structures, and other socio-cultural resistances that were dominant in the valley (Hussain, 2011).

It is important to understand the modifications that took place in the context of Swat, in terms of religious power, socio-cultural dynamics, gender dynamics and legal battles, in order to follow the complete picture of the later conflicts (Hussain, 2011). The conflicts in Swat from 1989 to 2008 need to be understood at the ideological, socio-cultural, institutional, structural and geo-strategic levels (Hussain, 2011; Sultan-e-Rome, 2008).[30]

[28] Provincial capital of the Khyber Pakhtunkhwa province
[29] Taliban movement started under the leadership of Molana Fazalullah
[30] Khadim Hussain, "The truth about PATA regulation", Dawn, April 3, 2008, http://www.dawn.com/2008/04/03/ed.htm

As mentioned above, the conflict in Swat had multiple dimensions[31]. Here I choose to discuss religious and gender dimensions, which are closely relevant to the current study.

3.3.1. Religious dimensions

It is extremely important to understand the religious dimensions of the conflict, since the conflict started in the name of religion and later took a more violent turn. While discussing the religious dimensions of the conflict in Swat, the history of the area cannot be neglected.

The Swat Valley is a cradle for ancient civilizations ranging from Buddhism to Islam which appeared in 1100 AD. The introduction of different civilizations and religions played a vital role in shaping a blend of practices, which is referred to as *Riwaj* (customary practices). The religious leadership that evolved in Swat influenced not only the politics of the area, but also the conflict (2005-2009) that arose. Lindholm (1979, p. 489) states that "Pakhtoons usually never accept a call during the time of a crisis other than the one that demands loyalty to God rather than to a person".

When Miangul Abdul Wadud took power, he obliterated the power of these religious groups. He also formulated a legal system which was a combination of decisions governed by the *Wali,*[32] *Sharia* and *Riwaj* (Masood, 2009). A prominent example of such changes is women's inheritance rights[33] (Sultan-e-Rome, 2008). Orakzai (2012) highlights the fact that the socialist government of Zulfiqar Bhutto (1973-1977) threatened the elites and landowners, who referred back to Islam to protect their interests. During Benazir's[34] term in 1989, various events took a more serious turn when private land ownership and women in leadership were declared to be 'un-Islamic'.

[31] For details see Orakzai (2012)
[32] The ruler of Swat
[33] For details see Paper 1: Whose property whose authority? Gendering the legal and and customary practices in ownership and access to land: A case of Swat, Pakistan
[34] Benazir, daughter of Zulfiqar Bhutto was the first female prime minister of Pakistan

Furthermore, the Soviet invasion and post-September 2011 events further shaped Islam as a transitional factor that became prominent in the region and has shown consequences in the form of crises in Swat (ibid.).

3.3.2. Gender dimensions

Orakzai (2012) states that gender cannot be overlooked when analyzing the conflict in Swat. Although gender was not initially the central issue, the conflict later took a turn (2006-2008) and focused on the destruction of girls' education in the area, and threatening and killing working women. The conflict in Swat has been referred to as a "war on Pakistani schoolgirls" (Hassan, 2009). In 1990, the society slowly started to recognize and accept the importance of female education, notably under the 'enlightened moderation' policy of President Musharraf, which called for women's empowerment and education (Musharraf, 2004).

The encouragement of working women resulted in a comparative upgrade in the status of women. Sadly however, during the post 9/11 era, women's empowerment and women's education again became the center of conflict. Ali (2010) estimates that 35 % of schools were affected and 190 government schools for girls were burnt, while 8,000 women teachers were left without jobs. Manzoor (2008) analyzed and explains these attacks as a defensive mechanism from militants who considered and presented women's education and liberation as a threat to Pakhtoon culture and religion, and also as an idea imported from the West. Later surveys indicate that the number of school-going girls declined from 120,2000 to 40,000 (2006-2008)(Washington Post, 2009).

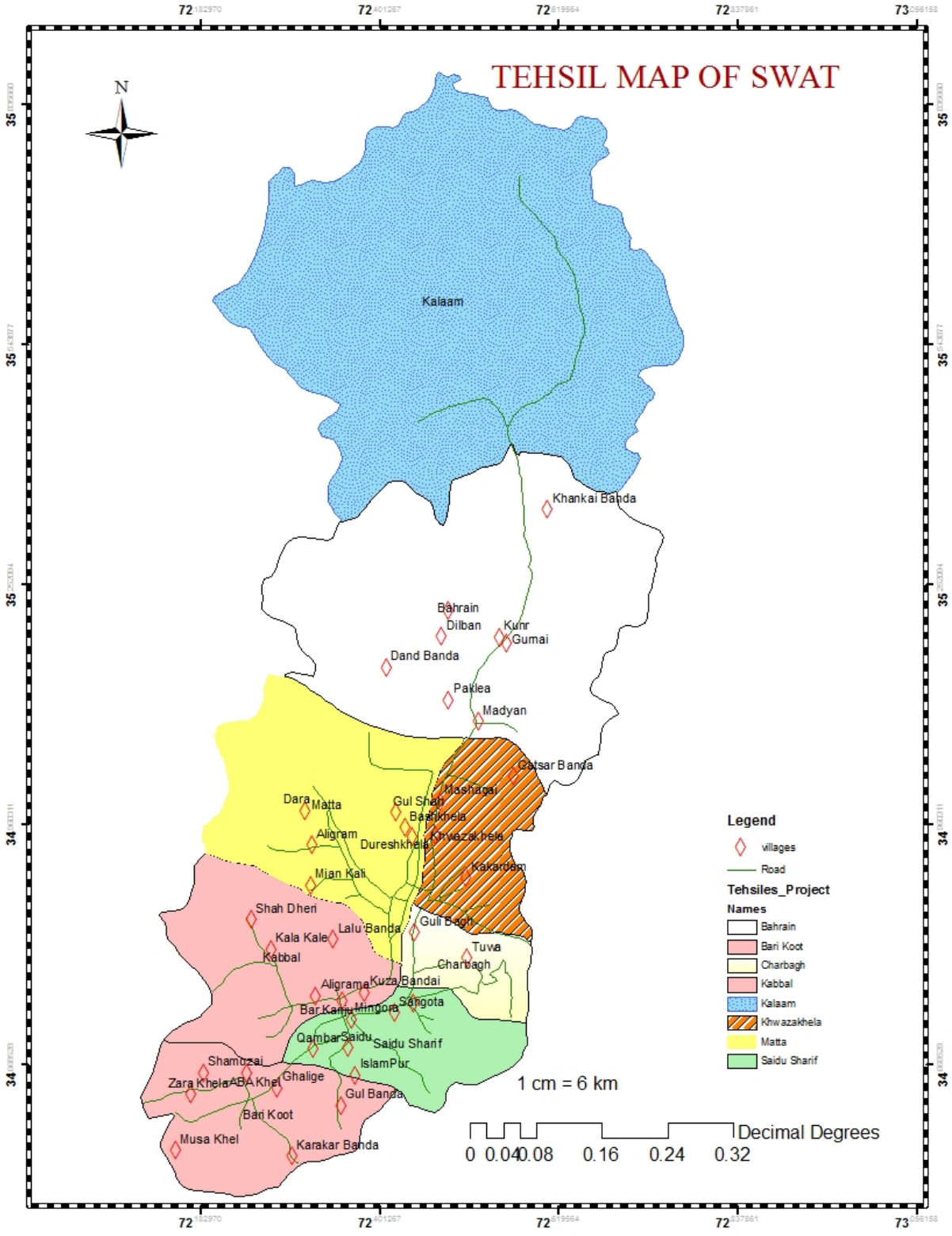

Figure 1: Map of Swat

Source: UNICEF Pakistan

3.4. Society and culture

To better understand the under-researched issues addressed in this study, it is important to have a clear understanding of the society in which the research was conducted. Swat is extremely diverse with various ethnic groups, all of which have resided together over the centuries and follow the same code of conduct, called *Pakhtoon wali*. Below is a brief discussion about Pakhtoons in general and *Pakhtoon wali* in particular.

3.4.1. Pakhtoons and Pakhtoon wali

Various ethnographers define the Pakhtoon people differently. The most widely accepted definition is given by Ahmed (2006, p. 3): "All Pukhtoo speaking people, the ethno linguistic group living in Pakistan's North-West Frontier Province now called as KPK, are termed as Pakhtoons[35] 'Pathan' is another common term for Pukhtoons used by people living elsewhere in Pakistan." During the fieldwork in Swat, when men and women were asked to define a Pakhtoon, they gave a similar definition, namely "the ones who speak the Pukhtoo language are Pakhtoons; together with that they also perform Pukhtoo". Pukhtoo here refers to the standard code of conduct of the Pakhtoon dominant areas, more generally referred to as *Pakhtoon wali*. *Pakhtoon wali* is a code of conduct that evolved originally in Pakhtoon tribes, but has been adopted (with minor adjustments) by other minorities residing with them.

Spain (1995, p. 23) describes Pakhtoons as "the largest tribal society in the world", since according to the 2002 demographic survey, there are sixty Pakhtoon tribes, comprising six million people in Afghanistan and ten million in Pakistan (Shinwari, 2000). Another important distinction provided by Barth (1981, p. 105) is that speaking the Pukhtoo language is not the only important criterion

[35] Also see Hoti 1942

for qualifying as a Pakhtoon. A Pakhtoon must also do Pukhtoo i.e. live according to *Pakhtoon wali*. Furthermore, Ahmed (1980) states that Pakhtoon identity is strongly attached to the concept of 'honor', particularly in tribal areas where people are expected to follow *Pakhtoon wali* in order to become a respectable member of the society. Last but not least, lineage and genealogy also define Pakhtoon populations. For example, Barth (1981, p. 3) illustrates that Pukhtoo speakers from the dominant land-owning Yousafzai tribes are also Pakhtoons so as a Pukhtoo speaking "nai" barber. Both are Pakhtoons, but their lineage and genealogy create a difference in their levels of access to resources, power and other facilities.

Famous anthropological studies on the Pakhtoon society have revealed that *Pakhtoon wali* is an 'ideal standard' based on principles of *badal* (revenge), *melmastia* (hospitality), *nanawatee* (refuge), *tor* (female honor) and *tarberwali* (agnatic rivalry) (for details see Ahmed, 1980; Barth, 1986; Grima, 1998; Lindholm, 1982; Singer, 1982; Ahmed, 2006).

In her study about Pakhtoon women in northwestern Pakistan, Ahmed (2006) adds another dimension to the concept of *Pakhtoon wali*, arguing that females may not be excluded from it. According to her, many concepts of *Pakhtoon wali* (e.g. hospitality, revenge, rivalry) have deep connections with gatherings such as weddings and funerals. She further argues that these events form a "work of life" through which *Bibianne* (elite women) maintain their inter- and intra-family relations. Her work shows that women have a very strong presence in *Pakhtoon wali*, although it may, in many ways, be invisible. Although Ahmed (2006) focuses on a specific segment of women in Pakhtoon society to provide an alternative view to the concept of women being seen as 'idle' and with low social presence, her study does add a feminine aspect to the practice of *Pakhtoon wali*. This research study adds another dimension to understanding what *Pakhtoon wali* means for men and women concerning issues of inheritance, access to and ownership of immovable property.

In addition, we investigated how livelihood patterns are discussed, perceived and practiced when changes are brought about by crises, both visible and invisible.

Religion is another important aspect that complicates the case of Swat. People observe religion in their daily lives, but generally, religion is entwined with strong cultural norms and traditions. For most important issues, choices are made between culture and religion, and are driven mostly by male heads of families. All power relations, decision making and societal practices are driven by the dictates of *Pakhtoon wali*. However, the effects of crises have been imprinted on different segments of the society, and the complex emergency punctured the thought processes of men and women in the area, as well as the general practice of *Pakhtoon wali*.

3.5. Development in Swat: History to the present day

Swat is a Pakhtoon dominated region in which development activities were, and still are to some extent, very male centric. Development in Swat cannot be separated from the dominant culture of the area, which directs that women are confined to the reproductive roles of motherhood and wives (Naz, 2010). The development period in the region can be broken into two parts i.e. pre- and post-merger, as discussed in the following sub-sections.

3.5.1. Pre-merger development era

In Swat, before the merger with Pakistan, there was a very effective education system, a swift judiciary system, and infrastructural development was very prominent. Proper measures were taken to eradicate socio-cultural inequalities, such as in education, for both males and females, and the state presented a model of progress in northwestern Pakhtoon society (Sultan-e-Rome, 2010). However, significant changes occurred in the society during Miangul Abdul Wadood's (1949-1969) rule. He tried to maintain a balance between traditional values, Islamic laws, and modern

norms and developments (ibid.). My argument is that traditional values were so strong that they have continued to show their imprints on both religious values and modern development. Although considerable changes were brought about in social structures, power and leadership remained with the elites in the area (Sultan-e-Rome, 2010).

3.5.2. Post-merger development in Swat

In 1969, General Yahya Khan, the chief martial law administrator and president of Pakistan, ended the State of Swat. This change brought both positive and negative effects and had impacts on the land and the people (Sultan-e-Rome, 2010). Dimensions of development also changed in the valley after the merger with Pakistan. The judicial and development systems have seen a gradual decline in efficiency, together with slow operational timings of activities (ibid.). Together with decline of efficiency in state departments ;in the 1980s, development in Swat entered another phase in which the Government of the Khyber Pakhtunkhwa province extended support to upgrade the economic and social structure of the area (Geiser, 2012). A number of development initiatives were launched in agriculture, irrigation, livestock management, dairy production, resource management and forestry, with the help of the provincial and district government. However, the sustainability of these projects came into question, as the economic growth achieved was marginal (ibid.). One of the obvious shortcomings of the state-led model was their non-participatory approach to development.

Prospects for participatory development became imminent with the diversion of international development funds towards Swat at the end of the 1980s Community-based organizations (CBOs) were initiated to act as platforms for dialogue between community members, donors, non-governmental organizations (NGOs) and state representatives. However, even this change in the development paradigm failed to achieve the desired goals (Geiser, 2012).

3.5.3. Development after crises

A major influx of development organizations was evident after the 2008-2009 military conflict was over, when the internally displaced people (IDPs) started returning to Swat after three months of displacement. With the help of local partners, donor organizations introduced hundreds of livelihood projects during the emergency phase. The majority of projects were extended to a second phase of rehabilitation when the area was struck by another disaster, the flood in 2010. It reversed the development process, returning the area to emergency status.

Numerous gendered livelihood projects were introduced to rehabilitate the men and women in Swat in the aftermath of the crises. Elahi et al. (2015) highlight the loopholes in the process, arguing that the ground realities regarding the gendered basis of livelihood projects turned out to be quite different from project documents and strategic plans. As a result, the role of development projects in empowering men and women in communities, and the dynamics of local institutions were not recognized. However, implicit changes are noticeable in raising awareness among men and women about self-reliance, education, jobs, access to local resources, livelihoods, and participation in the local political system (Elahi et al., 2015).

The same authors further illustrate the pre- and post-crises scenarios and the differences between them. In pre-crises projects, interventions were for the purpose of improvement and change in people's lives, but the problems of extent of participation, capabilities, equal distribution of resources, knowledge of management and practices, reduced the broader goal of sustainability. After the crises, the situation became more complex and unclear. There are multiple, overlapping factors which make the participatory process difficult. if not impossible. However, on the broader scale, changes have been seen, and the disasters brought not only destruction, but also increased awareness and the hope of positive change (ibid.).

This is one side of the picture, which reflects upon the process of interventions; the other side is what is actually happening on the ground, as told through stories of the people. As Nyborg and Nawab (in press) found, there is a complete lack of documentation on the analysis of local responses to the conflicts and flood, and how Pakistani institutions and private families responded to the IDP situations and the flood. Thus, development after the crises is rather challenging and difficult; however, government, civil society and development organizations are operational at different levels and extending services to the people. A major challenge is the mis-coordination of various government departments and development organizations, together with the need to involve civil society in order to achieve sustainable development (Nyborg & Nawab , in press).

4. Research methodology

The following section will cover the detailed discussion on methodology and research approach and research methods.

4.1. Research approach

Research methodology is the path that leads to answering the research questions of a study. It also gives meaning to the ontological and epistemological rules, converting them into guidelines that define the strategy of conducting research (Kazvin, 1992, 2003a, cited in Marczyk, De Matteo & Festinger, 2005). Positivists emphasize quantitative research and focus on analyzing and making meaning from numbers (Neuman, 2003). On the other hand, qualitative methodology is supported by an interpretivist epistemology and a constructionist ontology, in which participants' experiences and researchers' interpretations are very important (Merriam, 1998).

Firstly, I shall try to clarify my ontological and epistemological position in this research study. By ontological position, I mean the position that is contained within the perspectives of 'objectivism' and 'constructivism'. This research falls into the interpretive research paradigm that visualizes reality and its interpretation as social constructions, with people being the most important part, making their own sense of social realities (Cohen, Manion & Morrison, 2000). Social realities in this research were investigated, interpreted and described using a qualitative research approach. Mutch (2005) says that in qualitative research, findings are reported descriptively. In the qualitative paradigm, people are empowered as research participants − they become an important part of the research as they become writers of their own history, rather than objects of research as in the positivist research paradigm (Casey, 1993). Such an approach allows participants to express their views and gives them the authority to interpret their own construction of knowledge through practice (Cohen et al., 2000). The main aim of the qualitative researcher is to seek inside stories from the target group. In this study I focused on changes in social process in *Pakhtoon* culture as an after math of crises in order to understand and critically examine societal structures.

The qualitative, social research approach conducts social analysis through the eyes of the masses, has descriptive context, flexibility, limited structure, and the emphasis is on the process and the concepts embedded in the data (Kelly, 2011). The main questions to be answered are 'how' and 'why', as opposed to quantitative research, where the researcher tries to find answers to 'how much' or 'how many' (Bryman, 2004). This study used qualitative methods to seek a better understanding of the world. It depends upon field experience, truthful reporting and actual quotations from conversations on insiders' perspectives (Merriam, 1988). This research involved the study of human conduct (Bryman, 2004; Farzanfar, 2005), and the employment of data that are in accordance with the context (Neuman, 2003).

During data collection, I encouraged the participants to take part in discussions freely, understand my point of view, and speak freely about their experiences. This study is framed under Bhasker's (1998) theory of critical realism as it helped methodologically to grasp both the intrinsic powers and structures of the society, and how far the reality of powers and structures are concerned, discovered and critically examined. Bhaskar's (1998) philosophy of science is a realist philosophy in quite a different way. According to him, scientific realism takes things to be more basic than events, and interaction of things to be more basic than regular sequences of events.[36]

This PhD study is a part of larger project "Gender and human security in post-conflict Pakistan: Policy implications of local, gendered understandings of security and development" funded by the Norwegian Research Council. The team of researchers in this large project conducted extensive fieldwork in six villages in upper and lower Swat. This study also used the data collected and made available by the larger project. My involvement in the fieldwork and workshops held as part of the larger project helped to deepen my understanding of the field and the issues under investigation.

4.2. Study site and selection of participants

Decisions about where to conduct the research and whom to include (namely sampling) are an essential part of research methodology. Selection decisions should also take into account the feasibility of access and data collection, research relationships with study participants, validity concerns and ethics. Miles and Huberman (1994) illustrate that one cannot study everything that happens in a village or community. Therefore, a researcher should know how to limit the parameters of the study.

[36] Scientific realism is also taken as critical realism; it claims that social structures should not only be discovered, they should also be critically examined. The reason is that there are social structures that systematically suppress groups or classes of human beings and/or distort consciousness (through some mechanisms), so as to produce 'false' consciousness.

For this research project, two villages in middle Swat and upper Swat were selected for in-depth data collection. Since the focus was on land ownership, access and gender roles and responsibilities, a third village was selected in the lower part of the valley[37] , with large land holdings under feudal organization, to compare the diversity in gendered perceptions and practices around land ownership, distribution, access to and inheritance of land.

The selection of the study villages was based on their different land-based resources and systems in upper and lower parts of the valley. For example, lower /middle Swat has a very well-defined land-based system comprised of *khans,* tenants and sharecroppers, well-defined class differences and ethnic diversity. However, the village in upper Swat has a land-based resource management system that is less dependent on agriculture, and more dependent on other land-based resources such as forests, pastures, and to some extent orchids, in which women play important roles in resource management (Nyborg et al., 2012). These different land-based systems also have deep impacts on gender roles and responsibilities of men and women in upper and lower parts of the valley. Villages which were severely hit by the conflict and flood were preferred, in order to investigate the transitions and changes that occurred in society after the crises. There was very obvious variance in exposure to conflict and flood in the three villages as well as variance in the changes and effects on the socio-economic and gender aspects of livelihoods.

4.3. Research instruments

My data collection activities included observations, interactions and sometimes participation, interviewing key people, recording life histories, developing case studies, and reviewing the

[37] In third village, the focus remained only on investigating the different dimension of land ownership and inheritance. Other aspects of the study were studied in the other two villages that were selected for this PhD study.

existing literature. The methods for collecting primary data included unstructured and semi-structured interviews, group discussions (depending upon the security situation), participant observation, fieldwork diaries, photographs, data from the Land Acquisition Department, and legal documents on statutory laws (Bryman 2004; Scheyvens & Storey, 2003). Analysis of historical documents like *Riwaj Nama, Nikkah Nama*, land-related documents, participation in community training, *Jirga's* was also part of data tools and methods. In addition, relevant documents such as demographics, gender policies of NGOs working in the area, working documents and evaluation reports of the NGO livelihood based projects, and charge sheets with complete data about the women involved in the projects were also studied and analyzed.

A combination of research methods helped to identify factors that contribute to denied and gendered rights to land, and women's lack of economic autonomy; the various research instruments also unveiled many positive changes that are taking place with changing socio-economic and political scenarios in the Swat Valley. The reason for using multiple methods was to capture the uniqueness of the issues from different angles and perspectives. This approach helped to understand men and women's perspectives and preferences in their social and cultural context.

4.2.1. Sampling

In order to acquire the maximum data of best quality, I adopted purposeful and snowball sampling techniques and stratified selection. I chose particular settings, persons, or activities in order to acquire the desired information that couldn't be obtained from other choices. As Weiss (1994) argues, many qualitative interview studies do not use 'samples' at all, but panels − "people who are uniquely able to be informative because they are an expert in the area or were privileged to witness to an event" (p. 17); this is one form of purposeful sampling. Selecting

those times, settings and individuals that can provide the information required to answer the research questions is the most important consideration in qualitative selection decisions (ibid.).The significance of using various sampling methods was to collect the maximum amount of information from the respondents. In addition, the area had been hit by conflict and flood, so these sampling techniques helped in gathering the required data. During field work 2012 and 2013 the area was still plagued with conflict, in that situation the chosen sampling techniques proven to be the most appropriate and helpful. Based on economic and social status, the population of the three study villages was divided into females (upper, middle and lower class) and males (upper, middle and lower class) and then the sampling techniques were applied to identify and interview the respondents.

4.2.2. Interviews with village men and women and village officials

Unstructured interviews were the main data collection method used in this study. Since the area was plagued by conflict, individual interviews were the preferable choice for data collection in order to avoid unnecessary security threats for both respondents and me, as the researcher. In certain specific conditions, spontaneous group interviews were formed, but this happened very rarely. These spontaneous groups formed in the village in upper Swat that was completely washed by the flood, but wasn't affected directly by the conflict. In addition, the spontaneous groups were mainly female groups. It is noteworthy that the flood-hit females were very anxious to share their experiences and perspectives, not only about the disaster, but also regarding how it is to be a woman in Swat, about their roles and responsibilities, and lastly their rights (both statutory and religious) with respect to land.

In lower and middle Swat, however, detailed interviews were the main data collection tools. Women did not gather in spontaneous groups, mainly because lower Swat is strict in terms of

gender roles and women's mobility is more restricted, compared to upper Swat. Very interesting and informative discussions were generated regarding customs, traditions, expectations and 'how to be a good woman' in the society. They also discussed how expectations in return affect women's rights. Men were asked about their perceptions regarding women's rights to own land in the light of religious beliefs and constitutional provisions, and why traditions are more powerful in this regard.

Forty-six in-depth interviews were conducted with men and women from the selected villages using purposeful, stratified and snowball sampling techniques. Twenty-six local women (10 from Village A, 9 from Village B, and 7 from Village C) and 20 local men (8 from Village A, 6 each from villages B and C) were interviewed.

Men and women interviewed belong to different ethnicities and economic classes. Respondents from the upper and middle classes were mostly Yousafzai Pakhtoons and Miyangans; those from the poor class were Gujjar or other minorities, with a few exceptions of Pakhtoons. The respondents are involved in diverse livelihood activities. Men from the upper class are mainly landlords; men from the middle class are small-scale farmers and share croppers; and men from the lower class are generally tenants. Similarly, women from the upper class are mostly homemakers; those from the middle class are involved in teaching, personal tailoring businesses, and livestock management businesses; those from the poor class are wives of tenants or involved in dairy businesses.

In addition to interviews with men and women from the study villages, interviews were conducted with five lawyers (one female and four males) to grasp in-depth details of the legality of women's status; how difficult it is for women to access courts economically, culturally and legally; and how property and land play a role in marriages and divorces. The interview with the District

Commissioner of Swat centered on how much time the Pakistani Government took to establish departments in the newly merged state, and the complexity of the current revenue department.

At village level, three *patwaris* [38] were asked to describe the process of registration of males and females in official documents after the death of the father or anyone in the family who holds property, and how settlements are made by means other than official documentation. Two *tehsildars* [39] were interviewed with the main topic of discussion being historical development regarding land dealing. In addition, the *tehsildars* provided the tracking numbers of land cases that were later studied in the central *Mal khana*[40] in Mingora city. To understand religious perspectives on land issues, three religious leaders from the three selected villages were interviewed (2 males and one female) (see Papers I, II).

4.2.3 Interviews with NGO officials

Since the onset of the crises, Swat has been the volatile setting for many international and national organizations; most of the development work is carried out with the help of local partners. In order to understand how gender-based development was carried out during the crises (see Paper IV) three project managers from three organizations working in Swat were interviewed. They were asked about their understanding of gender and the challenges of executing gender-based projects in Swat.

Social mobilizers are an important part of carrying out development projects, in order to understand the difficulties in the field while doing gender based development projects three female social mobilizers and two male social mobilizers were interviewed for understanding the

[38] Land revenue officer at union council level
[39] Land revenue officer at district level
[40] Main district office that holds all the land records

challenges in the field and about their own capacity building during their work as social mobilizers, to grasp the overall picture of the conflict, flood and under researched issue a local philosopher and a teacher was also interviewed. In addition, I attending a *Jirga* meeting in one of the villages, attended trainings of a livelihood project by a local NGO in upper Swat; I have also attended gender-based training conducted by HUJRA (local NGO) in upper Swat.

In total, 69 in-depth interviews were conducted including men and women from study villages, lawyers, religious leader, NGO staff, officers of revenue department, key informants to understand the research problem from all possible angles and perspectives.

4.2.3. Interviews with key informants and village heads

Interviews with key informants from the three study villages helped in developing detailed profiles of the villages' i.e. socio-economic details, history of the villages, details of infrastructure development, and major events happened in the villages, changes in social relations over time, details of development initiatives happened in past three decades, details regarding displacement and migration during conflict and flood. Key informants were chosen with the help of the local organization HUJRA. The basic criteria that was followed in the selection of key informants was that the person should have a deep understanding of changes occurred in the society both in terms of politics as well as socially. In addition, he or she should be well connected and help in finding other respondents. In addition, discussions with key informants helped to establish contacts within the communities. I identified key informants in each of three villages through the local organization (*Hujra*). The *Hujra* served as the research facilitator in the area for the bigger research project that included this study. In selecting key informants, I held detailed discussions with the managing director of the *Hujra* about the reliability of the people identified.

During initial visits to the villages, I met interview respondents through the key informants, but after becoming more familiar with the surroundings, I adopted snowball sampling to find more respondents with the help of the interviewees. This meant that I did not have to involve the key informants every time, which helped to minimize their influence on my movements and data collection. Nevertheless, it is worth noting that key informants in the study villages helped by briefing me about various situations. They were vigilant regarding my security and warned me about families who belonged to militant groups whom I should avoid meeting, as that would cause problems not only for me, but also for other villagers.

Detailed discussions and interviews with key informants not only helped me to understand village social life and history, but also to build rapport. Since the key informants were the wealthy people and representatives of the villages at different informal platforms, the security forces deployed in Swat would approach them to ask about me and my research. Thus the key informants played a very significant role in facilitating and smoothing the research process.

4.2.4. Life history method

Many social scientists have studied detailed lives of individuals to understand personality developments and changes in social processes over time. This life history approach can be used to study the impacts of historical events and moments on individuals' lives and how their lives and actions are shaped.

In this study, the life history approach was used (see Paper III) to understand changed gender roles and livelihood patterns during crises (both conflict and flood). This approach helped in uncovering detailed and minute differences between the various ethnic groups residing in the study villages. Conducting a life history interview wasn't always feasible due to the security situation in the study

villages. For example, when I heard about a woman in one of the villages who is a livestock trainer, I asked my key informant to introduce me to her. He did so, but with the condition that I was not allowed to spend more than 15 to 20 minutes with her, since one of her close family members is involved in a militant group. This is an example of the limitations of the research in the area. In Paper III, I used cases of four women and analyzed their lives to understand the changed gender roles and diversity in livelihoods. The life history approach not only uncovered the impact of crises on the lives of men and women, but also helped in understanding how men and women have adjusted, resisted and coped with the challenges they faced during this time.

4.2.5. Focus groups

In early discussions with my supervisors about the research methodology, we focused on group interviews. However, when I was in the field, I realized that conducting focus group discussions was not easy for several reasons. Firstly, the area was conflict affected and large gatherings of people were not allowed for security reasons. Secondly, in Swat people have sympathies with different security groups− some might support the government, the army, ISI (Inter Service Intelligence) or the Taliban−so it was awkward to have people with different political affiliations together in one setting. Therefore, I focused more on having individual interviews, particularly with men. I did conduct some focus groups with men and some with women, as well as spontaneous group sessions with women.

The focus groups followed strict selection criteria. People are often very careful about what they say in a group, mainly due to power relations and economic and ethnic differences. To avoid this situation and to provide the respondents with a relatively free space for discussions and expressions, focus groups were held separately for each class, ethnicity and gender. In total, five

focus group discussions were carried out with women (three in upper Swat and two in middle Swat), and four focus group discussions with men (two in upper Swat and two in middle Swat).

4.4. Challenges during fieldwork

Data for this study was collected in the Swat Valley, northwestern Pakistan, over two periods: from July to November 2012, and from June to October 2013. However, visits to the area were broken into small stays, comprising not more than two weeks. The main purpose was to avoid security threats, as the area was still plagued by insecurity at that time. Practical and multi-faceted challenges in terms of data collection made this study interesting and diverse.

In particular, the situation was grave for researchers coming from outside, meeting, and spending time with local men and women. If a proper research strategy hadn't been followed for the data collection, it might have been dangerous for both the researcher and respondents, which had to be constantly borne in mind. As expected, during both visits I encountered numerous challenges, not only in terms of the security situation, but also finding a good field assistant, culturally, and as a female researcher.

The nature of the project was sensitive because it was dealing with the religious, cultural and practical aspects of people's perceptions simultaneously, regarding gender and livelihoods. By tradition, Swat is a very conservative area with strict norms. Being a young female researcher, it was not easy to find a trusted and comfortable place for myself in the community. To gain people's trust proved to be another challenge, in addition to the language barrier, arranging the field assistant, controlled movements, security checkpoints, regular monitoring, dual position (insider/outsider) and the nature of the research (gender). I experienced moments of frustration

when my research wavered, but access to the people and the truth in their words encouraged me to persevere.

It was a common experience in Swat to go through a number of checkpoints and be regularly monitored by the Pakistani military. All our movements in the conflict-plagued area were planned very strategically and carefully. Together with my fellow researchers, we decided that we should stay no later than 3 or 4 PM in the field, keeping in mind the security situation and respecting cultural boundaries.

The air was contaminated with mistrust among the people. The loyalties of local people inclined towards different groups (mainly Pakistani military, military intelligence, ISI and in some cases, the Taliban). In such a situation, one of the greatest challenges was to select suitable respondents. For example, on one occasion, I was in the *Hujra*, interviewing a village elder regarding village profiles, when all of a sudden I heard heavy army boots rushing towards the room. I was told by my key informant that I was not allowed to carry out the interview as the village elder's loyalties lay with a group other than military intelligence.

There were other times when my key contact told me of relevant people, but security proved to be a hindrance and I wasn't allowed to spend enough time with them. It often happened that a key person whom I was interviewing was called by the security forces for interrogation about my research activities; at other times security people came and sat in on the gatherings and listened to the discussions. My interview schedule was thoroughly checked by an officer posted at the main checkpoint at the entrance of a target village. Due to the sensitivity of the situation, I had shaped my interview questions strategically, since carelessness in this regard would have been likely to cause unnecessary problems.

The attitude of the people towards researchers was deeply rooted in their circumstances

The fact that I was a young, unmarried female researcher was also a challenge, especially in such a volatile and traditional society. This had both positive and negative aspects. Being a female, it was rather easy to access both genders (males and females). In my interviews with males in the village *Hujra,* the men would not allow field assistant to accompany me as she was ethnically a Pukhtoon and Pukhtoon women are not allowed to go into male spaces. During those times, men with better Urdu understanding took the responsibility of being my translator. Although it was rather frustrating it was the best solution under the circumstances, because my own Pashto skills were too weak to conduct the interview on my own.

On my last trip, the whole valley was hit by an epidemic of dengue fever. Many international teams were in the valley to control the outbreak and prevent its spread. According to the news, 3,500 people were affected. We were required to use preventative measures, stay inside the hotel during the evenings, and avoid food from the markets.

Every step of data collection was equally challenging, but with the support of my co-researchers, local partners and my supervisors, the impossible became possible.

5. Summary of papers

The study consists of four research papers covering various aspects of gendered dimensions of land, ownership, livelihoods and gender-based development in Swat, Pakistan. In this section, I present a comprehensive summary of each of the research papers.

5.1. Paper I: Whose property, whose authority? Gendering the legal and customary practices in ownership and access to land: A case of Swat, Pakistan

In Pakistan, people face a situation of legal pluralism, particularly those living in rural areas. In some situations, multiple types of laws are operationalized in the same area, ranging from legal to customary, and religious to personal laws. Swat in particular (the study area), presents a clear example of a situation of legal pluralism, particularly regarding property rights. In Swat, customary laws are deeply rooted and have numerous impacts on men, women and kinship groups.

This paper deals with the issue of gendered access to land, unfolding different layers of formal and informal institutions, religion and culture. I investigated how religion, culture and customs are manipulated on personal grounds to defend and deny certain rights. Land rights are multi-dimensional, particularly in the light of legal pluralism, such as customary versus legal rights, and religious rights. Data collection methods included document analysis, and interviews from the field to discuss this very basic, yet untouched issue in the study area.

The main research questions were: What are the historical discourses of land and land ownership in Swat? What are their gender dimensions? And how do these historical practices still influence the legal systems dealing with land and property? What are the formal and informal institutions dealing with land distribution, ownership, access and inheritance; and how have changes in the political system and the onset of crises affected the issue?

Findings revealed that historical practices regarding land dealings, with customary laws. Findings also showed how political change in Swat, i.e. the merger with Pakistan and the introduction of statutory civil laws, shaped gendered access to, and ownership of land, and inheritance rights. The traditional code of conduct in the society i.e. *Pakhtoon wali*, was explored through a gender lens. This gave the study a new dimension, since *Pakhtoon wali* holds a very different meaning for men and women in terms of land rights. Since religion can never be separated from Pakhtoon society, the religious aspects of the practices related to land management were also studied. The results

uncovered a prominent imbalance between religious laws, personal claims and land ownership practices.

Swat was merged into Pakistan in 1969, but it took a while for total integration of the judicial system in the newly merged state. This delay also allowed room for customary practices to strengthen. Furthermore, conflict and flood indirectly affected the gendered ownership of, and access to land. The study found that their experience of conflict has given women the courage to speak out about their rights to own and inherit land. However, the situation on the ground remains tentative, as women continue to face barriers regarding access to, and ownership of their legitimate properties.

The paper concludes that the situation regarding land rights in Swat is an amalgam of issues which make it difficult for women to access land and claim ownership over it. The political shift in the history of Swat greatly affected land dealings in the area. The legitimacy of the revenue department responsible for keeping records of land ownership is questionable. Women usually do not visit public offices due to social norms and taboos. Male family members either register their names in the official papers to keep ownership of the land within the family, or they make settlements with the women at home and do not enter their names in the records at all.

In this environment, women's access to, and ownership of land is dominated by male members of the family. The strong hold of *Riwaj* persists and overshadows the legal system at village level, thus further lowering the chances of women regarding land ownership, access and control. Although the justice system and *Sharia* gives women the right to hold property, dealing with the courts is very slow and frustrating. Further, access to courts is very difficult as customs and traditions do not allow women to deal with the courts independently.

5.2. Paper II: Bridging empowerment and land rights: Understanding gendered perceptions of women's land rights in Swat, Pakistan

This paper focuses on understanding gendered perceptions of local men and women in Swat regarding denial of the right of women to hold land and property. I also studied how local and cultural interpretations of women and land rights have disempowered women from their rights to inherit and own land and property. This paper uses a broad framework of empowerment and explores how women in Swat become empowered if they are given their due rights in land and property.

In this paper, gender is conceptualized as a social structure. This helps to identify how gender inequality is propagated within each dimension of society, and under what conditions. In the context of Swat, the aim was to understand how the denial of land rights is linked to women's dis-empowerment in traditional societies. This paper explored the cultural interpretation and practices behind the denial of women's land rights, linked to the broader concept of women's empowerment in the study area.

The issue is very complex and diverse and there are multiple ways of considering it, including legal, social and customary perspectives, personal and public aspects, and most importantly, women's own courage to raise their voices against their subordinate status in the society. The main research questions were: How do men and women perceive the issue of denied land rights? What are societal understandings of the issue? What are the local explanations of the issue? How is the issue related to the broader concept of empowerment?

Major findings show that both men and women recognize the right to own and inherit land, in terms of both religious and statutory laws and obligations; however, they weigh local and cultural

practices and interpretations more heavily than the teachings of religion and the law. Interviews with religious leaders, particularly men, revealed that religious practices and observations also come with conditions.It is worth noting that the religious leaders in the villages are controlled by powerful Khans and their speeches are influenced by what the general population (mostly powerful men in the community) want to hear.

The question of land rights brings with it complicated realities. It is not merely dependent on men and women and how they perceive and debate the issue–cultural interpretations and practices also come into play. Besides inheritance, there are other vehicles in Islamic societies by means of which women can own property. The most prominent and basic practice is *Mehar*[41]–unfortunately, the original version, as directed by the teachings of Islam, has been replaced by cultural and customary practices. Due to the patriarchal nature of society and patrilocal family structures, power lies with the male head of the family. In most cases, women are excluded from the process of negotiations over resources, particularly land. There is a dire need to practice 'power from within' and 'power with'(Agrawal, 1994; Kabeer, 1994; Rowland, 1995) . Both personal inner strength and collective efforts can initiate the empowerment process in Swat society and ameliorate land rights. The paper concludes that women themselves need to start negotiating about the issues and the current ill practices regarding their rights to land ownership and access.

5.3. Paper III: Assessing and analyzing the impacts of conflict and flood on livelihood activities and changing gender roles in selected villages in Swat, Pakistan

[41] Maher or Dower is a sum of money or other property to be paid or delivered to the wife. It is either specified or unspecified but in either case, the law confers a mandatory right of Maher or Dower on wife. The Maher (Dower) belongs to wife and she can deal with it in the manner she likes it and neither her husband nor husband's relations nor even her relations can dictate her in matter of using the Maher money or property

Pakistani women generally bear restrictions imposed on them in the name of tribal customs, patriarchal interpretation of Islam, and a deep-rooted feudal system. In particular, narrow interpretations of Islam and cultural norms and values greatly affect women's participation in activities such as education and employment. This paper investigated the changing gender roles and livelihood patterns in the aftermath of recent crises (conflict and flood) in Swat. The main research question concerns how the crises have affected men's and women's lives and livelihood activities in selected villages in the Swat Valley. More precisely, how have women's livelihoods changed, and how have men resisted, supported or adjusted to new gender roles and responsibilities? In light of these questions, we also explored how NGOs have both understood and influenced gendered relations in their support of livelihood activities.

Major findings reveal that the general perception about traditional rural communities in mountainous regions of women staying at home and men working outside the home, participating in livelihood activities, is falsified in the case of Swat. The ethnic diversity in Swat presents a complex picture, where different ethnic groups not only reside in different ecological niches, but also experience diverse gendered livelihoods. The wave of crises (i.e. conflict and flood) opened up new avenues for the affected communities, but also left deep impacts on traditional communities.

Before the crises, the main livelihood trend was foreign remittances, where one or more working males in a family migrated to the Gulf, Saudi Arabia or to the south of Pakistan (e.g. Karachi) for employment. After the conflict from 2005 to 2009, followed by the flood in 2010, men and women living in Swat experienced changes in their living patterns that had previously been unknown to them. In the aftermath of the crises, many NGOs and government departments launched gender-

based livelihood projects which influenced the social fabric and lives of men and women in many ways.

Paper III follows the life history approach by studying the lives and livelihoods of four women selected from the study villages. The findings and detailed analysis illustrate that women are actively involved in economic activities in the society, which nullifies the general myth that Pakhtoon women are confined to the four walls of the home. However, the types of activities and access to resources differ among particular women, providing strong evidence that women are not all the same. Class, ethnicity and a family's gender approach shape the fate of women in terms of economic development and their role in the work force. In addition, there are indicators that the conflict and flood left strong marks on societal gender relations in both upper and lower Swat. Both men and women are trying to adjust to their new roles−some totally reject the changes, but some are prepared to negotiate. It is promising that the process has at least started.

5.4. Paper IV: Gender and development in Swat: Critical analysis of NGO approaches used in livelihood projects in selected villages in the Swat Valley

After the crises of conflict and flood, Swat experienced an influx of development organizations which introduced numerous interventions, including early recovery, rehabilitation, and development projects. These projects focused on both men and women, with the intention of assisting them according to their needs, as well as pursuing the higher goal of gender equality. This paper, however, focuses on understanding gender and development in selected villages in post-conflict Swat. In particular, how have gender-based livelihood projects addressed or understood gender and gender relations in the study villages? In the light of changing gender relations, have compromises been made in development initiatives during the process of implementing such projects?

Findings reveals a clear gap between the written policy document and practices on the ground. The policy itself is written in a very balanced and clearly understandable manner. However, gender dimension has been added in all their projects and programmes. In addition to these lacking aspects, the organisations in Swat (in general) have repeated the classic mistake of treating women as additives in existing projects and programmes, rather than revising their strategies and projects using a gender lens. It is notable that, after the crises in Swat, all the organisations added a gender dimension to their aims, scope and expertise in order to attract more donor funding without focusing on equipping them with conceptual understanding and competent staff in this area.

Due to a lack of understanding of gender as a concept and how gendered the local context is, many of the NGOs enter the communities with some extent of gender bias in their approaches. The majority of NGOs in Swat follow welfare, empowerment and equality approaches to gender and development, which have not resulted in the desired results due to a flawed understanding of the concept 'gender'. Participatory approaches to development are more effective as documented in reports by numerous organizations and researches, since all stakeholders in the communities are involved in the process from the beginning. However, many critical questions can be raised regarding the methodology applied for targeting the groups and encouraging their involvement in development projects. For example, Kabeer (1994) argues that there are diverse ways of thinking about women and development, and the basic question that should be raised is how development and local institutions integrate and include women in mainstream development activities.

The integration of women into mainstream development activities is hindered by the patriarchal nature of development bureaucracies and local power dynamics. Prevailing gender approaches in rural areas generally, and in Swat in particular, are based on welfare and efficiency, and to some extent, employment, but in a very unclear sense. The main aim of these approaches is provide

equal opportunities to women in competing with men. However, public institutions have evolved deeply gendered ways of training women in marketable skills and abilities. This will not give women the same degree of agency as men in the public domain, as long as public institutions and government bodies do not accommodate the different needs and values that women bring to the workplace.

Kabeer (1994) argues that there are diverse ways of thinking about women and development. For example, the basic question should be how development and local institutions integrate and include women in mainstream development activities. Naturally, such integration questions the patriarchal nature of development bureaucracies and local power dynamics.

Swat is very diverse ethnically, with a very clear and well-defined class system which further complicates gender and development roles and responsibilities. Various ethnic groups are at different levels of power in the social hierarchy. In addition, gendered access to different resources i.e. land, forests, water varies among these ethnic groups (Ribot et al., 2003). Development organizations, to a large extent, have failed to understand the social relations among different ethnic groups and how access to various resources and opportunities are gendered. This lack of understanding is one of the hindrances in achieving gender and development goals.

Over-ambitious commitments in policy and project documents faced multiple challenges and barriers in practice, and interventions did not yield desired outcomes. Besides the combination of ambitious, misunderstood approaches, organizations faced the following challenges: remaining aloof from local culture and institutions; insufficiently trained social mobilizers; and conflated religious and cultural values attached to humanitarian aid and development. Nevertheless, the flawed practices did bring about some change and elevated the status of people's conditions during difficult times.

Local institutions and the power dynamics of different stakeholders in the community also adversely affected development activities and aid distribution . The key persons in the respective villages are from influential classes and they influenced NGO activities and the quality of their work. The NGO staff did not themselves properly understand the approaches used, which affected their work in the communities. The core issue lies in extent and type of training of NGO staff, in conducting research and baseline studies, as well as in understanding the concept of gender.

Despite all these challenges, the NGOs worked hard during the crises and did bring about changes in the thought processes of men and women in the communities, triggered by discussions and exposure to new ideas. Besides gender-based approaches, organizations in Swat also practice the participatory approach. This too, despite successes and milestones achieved, still faces some fundamental issues and challenges. Although the local community participates in projects, equal representation of men and women and their access to development projects is still power driven. GAD, empowerment and WID approaches have made a difference, but there are still barriers to achieving sustainable development. This cannot be achieved through gender and development approaches alone, without social and institutional democracy.

6. Additional findings

The major findings that answer the research questions set for the study are presented in the summaries of the four research papers. This section presents additional findings and discussion and connects the whole research study to the broader framework of human security (See Section 2.1).

Human security diverges from traditional security studies and paradigms in which security refers to inter-state relations, wars and conflicts. In particular, the field of human security is still

struggling to include the notion of gender analysis. The incorporation of gender analysis in human security raises questions regarding gendered power distribution, resource management, and access to livelihood and development opportunities, and makes gendered disparities and inequalities more visible. Without gender analysis, a fundamental power relation is erased from reality (Hoogensen & Stuvøy, 2006). The empirical documentation of gender, land rights, access to livelihoods and development in Swat, in relation to the human security discourse, has raised many questions regarding women's insecurities within local discourses.

The major findings of this study (discussed in research papers I, II, III, and IV), have opened up new perspectives and ways of thinking, viewed through a gender and human security lens. They also raise questions about how we conceptualize security and insecurity, how well we understand local communities, and how well equipped our policies are to meet the challenges faced by local men and women. The findings of this study therefore challenge the broader concept of human security and insecurity, in relation to gender security and insecurity. In addition, they reinforce the importance of gender analysis in conceptualizing human security debates, in order to highlight social and structural inequalities, unequal power relations, and gendered access to land and resources.

The current study provides a strong empirical evidence base for further research to analyze the gender dimensions of access, power and ownership of land and property with respect to human security and Pakistan's political diversity. Another important aspect that was exposed during the study but did not get coverage in the research articles, is the political shifts in the region and how these have affected regional stability, changes in societal set up, roles and responsibilities, transition in laws, and cultural interpretations of legislation. Further research is also necessary on how political shifts have affected traditional security narratives and the human security of the area.

Another important discussion that requires further attention is the tension among tenants, sharecroppers and landlords, and how gendered is the disharmony among them. The manner in which the Taliban caused disharmony in Swat between landlords and tenants, who were encouraged to stand up and demand a share in the land they worked, has been highlighted in recent research on the impact of the conflict in Swat. Less well understood, however, are the effects this conflict had on gendered land rights. For tenants, the issue of gendered land ownership is only indirectly relevant, since ownership remains with the Khans. Those tenants who supported the Taliban lost their access to land when the Taliban left, and entire families had to leave the valley. However, women of tenant families who lost their husbands in the insurgency, were allowed to stay and work in the houses of the landlords, according to the tradition in the area.

The main impact of the Taliban invasion from 2005 to 2008 in terms of gendered land rights was rather the way they influenced the legal system and weakened informal institutions. Social disharmony and mistrust among people led both men and women to move their cases from the local *Jirga* and utilize the courts for justice, particularly in case of civil laws related to property and marriage. At the same time, the Taliban's criticism of the slow justice of the courts led to local support of the establishment of *Sharia* courts, led by judges called *Qazi*. Despite the change in name, however, there was no significant change in the duties and structure of these courts. All the laws complied with Islamic laws, where women and property rights are given special attention.

After the conflict, the arrival of the foreign aid community exposed communities to new ideas and penetrated old mindsets, generally creating a stir in the otherwise traditionally conservative society. As a result, not only women, but men too, became aware of the denial of women's land rights. Many women's rights organizations and other local organizations moved their focus to women and property rights in particular. However, despite all these changes, local customs

continue to significantly affect access and ownership issues. In addition, the subordinate status of women in society continues to prevent them from accessing both formal and informal justice systems.

The nature of the flood and its effect on access to land and food security was different as compared to conflict. During and after the conflict i.e. 2005 to 2009 agricultural sector was affected severely. The militants during the conflict destroyed the orchids and fields in order to harm the rich land lords however, after the conflict the Pakistan Military forbade people to harvest wheat and other cash crops for security purposes. On the other hand, flood hit the area with such intensity and force that most of the people were caught off guard. The destruction was so extensive that it took some time to assess the vast damage done. A major concern of this study was to see how land records have been updated, and compensation extended after this extensive damage, particularly in terms of gendered land ownership.

Even today, the *patwar khana*[42] works in a centuries-old, traditional way of marking land, where maps are drawn on a large piece of cotton cloth called *latha*; boundaries are demarcated on it along with any property changes that take place in the village. Although the flood-affected lands were marked on the traditional cotton maps, no readjustments were made, based on the argument that the land is still there, even though it is no longer cultivatable. Cultivation and crop production come under the jurisdiction of the agriculture department, not the revenue department. The government neither provided compensation nor updated the records in the agriculture department, although readjustments were made in the revenue department. The government paid PKR 2400/- [43]in compensation for land lost in the flood, which is very little because the land was fertile

[42] The office of the *patwari*
[43] 23.08 US dollars

and sustained whole families throughout the year. There was no compensation for the loss of private property. Women were not involved in any of the meetings with government departments that discussed readjustments and compensation.

7. Conclusion

The under-researched issues investigated in this study lie at the intersection of development interventions and policy formulation. This research project challenges the bias of the development process at the policy level, in which women are used merely as additives in existing policies and development plans. For example, the 5-year development plan of the Pakistani Government reveals such bias and the supplementary addition of women to existing plans, rather than reformulating the whole document using a gender lens. Another reservation about the neutrality of development interventions is the existence of separate women's cells and ministries within government structures, thereby excluding women from the mainstream development process. The consequences are extreme in under-developed societies like Pakistan, where women are already facing issues of inequality and gendered power dynamics in social and cultural settings in society and in households.

This research has highlighted gendered issues regarding ownership, access and inheritance of land and resources in Swat, while linking these issues to the broader theme of human security. Rights to land ownership and equal opportunities to accessing livelihoods will substantially change women's status and position in the traditional and culturally strict, patriarchal society in Swat, and secure their rights and wellbeing as equal citizens in society. Fighting for land rights or demanding equal opportunities in economic development are not the only ways to move forward for the betterment of women's status. More in-depth, location-specific research is required on the historical, gendered aspects of access, ownership and inheritance of land and other resources, as

well as the promotion of economic autonomy for men and women. The important question that arises from these complexities in society is what are the limitations and opportunities for both men and women in each particular situation?

Besides the issue of improved land rights, there are many issues that act as barriers to women's economic autonomy. For example, the judicial system is very frustrating, slow, and economically inconvenient to access, especially for women. Informal institutions are subject to male dominance and heavy reliance on local customs. There need to be government and semi-government programs to address the patriarchal structures of informal institutions that exert a heavy influence on gender structures within villages and households.

Generally, in rural situations, households are examined as units of gender inequality and repression of women. Yet, as Jackson (2002) notes in her gender analysis of land issues, families and households are not the only centers of repression and exploitation of women; thus basing policies entirely on these aspects will not serve the desired purpose. Policies should be multi-dimensional and based on in-depth overviews, not only of households as sites of gender inequalities, but also how men and women are sustaining and satisfying themselves in other gendered structures in society. The way towards achieving gender equality in access to land and other resources, and establishing autonomy, lies in better and complete understanding of not only households, but also of the entire society.

Swat, in particular, was hit by crises which produced significant impacts on the lives and livelihoods of men and women in the area. This had the effect of changing gender roles and responsibilities in local households. However, more detailed analysis in required, in which men and women should be examined separately, according to their different needs and experiences,

how they interact at certain points in time, how they adjust to or resist their mutual interests, and how they negotiate inequalities within the household.

After experiencing two crises is swift succession, Swat society experienced changes that had previously been unknown to the people; however, both men and women have taken on new roles and adjusted to their new lives and livelihoods. A gender lens should be incorporated when formulating policies or designing gender-based livelihood programs, to consider the interests of both men and women. Policy formulation and development programs require a critical approach to assess existing information about gender relations and statistics regarding different sectors of society.

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Part II- Compilation of Papers 1-4

1) Abda Khalid, Ingrid Nyborg, and Bahadar Nawab (2015), "Whose property whose authority? Gendering the legal and customary practices in ownership and access to land: A case of Swat, Pakistan". Journal of Rural Studies volume 41, Page 47-58.

2) Abda Khalid, Ingrid Nyborg, and Bahadar Nawab (in press), "Bridging empowerment and land rights: Understanding Gendered perceptions of women' land rights in Swat, Pakistan."Journal of Rural Studies (manuscript number: RURAL-D-15-00372)

3) Abda Khalid, Bahadar Nawab and Ingrid Nyborg "Assessing and analyzing the impacts of conflict and flood on livelihood activities and changing gender roles in selected villages in Swat, Pakistan." (Manuscript)

4) Abda Khalid (in press), "Gender and development in Swat: Critical analysis of NGO approaches used in gender-based livelihood projects in selected villages in the Swat Valley." Forum For Development Studies (manuscript ID is SFDS-2015-0050)

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Whose property whose authority? Gendering the legal and customary practices in ownership and access to land: A case of Swat, Pakistan

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ABSTRACT

In South Asia, inheritance is often the vehicle that grants property rights to women. Formal and customary laws govern women's inheritance rights, and the primary formal laws are heavily influenced by custom and religion. Gendered access to land and property rights is a debatable issue in Pakistan in general and in the Swat Valley in particular. In spite of a legal framework that deals with land administration and inheritance law, women remain a marginalized group. This study used a qualitative research design to investigate the in-depth gendered processes that occur around the settlement of land claims and rights in three villages from the lower, middle and upper Swat Valley in northwestern Pakistan. In-depth interviews, focus group discussions, critical analysis of secondary documents like historical drafts dealing with land management were the major sources of data. The paper begins by reviewing historical discourses around gendered access to land, and categorizes changes in the legal framework based upon the political changes that occurred in Swat after the merger with Pakistan in 1969. The paper challenges many narratives around the strict, traditional and religious Pukhtoon society, by unwrapping different issues, both societal and official, around women holding rights to land ownership. The study shows that custom often takes precedence over religious values, and that civil laws are compromised and settlements are made in the name of *Pakhtoonwali*[1] customs, legal procedures, and *Sharia*,[2] thus denying women their rights to hold land and enjoy the right to property. In many cases, women are used as tools by their relatives in order for them to gain access to property. This study clearly reveals the thin line between ownership, access and use of entitled property. Despite this gendered disparity, the research reveals gradual positive changes in the society regarding women's access to land and their ability to practice their rights, in the form of improved negotiation opportunities and increased awareness.

1. Introduction

The notion of 'legal pluralism' (Chaudhary, 1999) refers to places or countries where more than one justice system exists. In such systems, several bodies of law operate in an area; these may be formal, or they may be unwritten rules and practices that become an intrinsic part of the accepted conduct in a community (RDI, 2009). Pakistan in general and Swat in particular present a very clear example of a situation of legal pluralism. In Pakistan, as in the rest of South Asia, property rights converge towards social and legal constructions, and attract diverse understandings according to formal, customary, religious and legal systems (FAO, 2010). The rights and duties of people, clans, tribes and communities regarding land are entrenched in the rules and norms formalized by local legal systems, which effects behavior and attitudes towards land rights dealings and law enforcement (FAO, 2010). People in South Asian legal systems in general and village legal systems in particular, have various legal options ranging from formal to informal system (Chaudhary, 1999).

In the Pakistani societal context, customary laws hold a special place, and exert a significant impact on the individual

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[1] Local culture and traditions.
[2] Islamic laws.

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members of local kinship groups. Research on land tenure in Africa and South Asia (Agarwal, 1994a,b; Chaudhary, 1999; Joireman, 2008; Bruce, 1993) concludes that colonial backgrounds play a major role in strengthening customary practices[3] around land tenure. Customary laws sometimes contradict statutory laws (Joireman, 2008) and often have a tight grip over land tenure arrangements. The South Asian context also demonstrates how a colonial background has influenced customary practices in land dealings. To further complicate the situation, customary practices are not rigid principles, but have the tendency to change as common law changes in response to changing circumstances and times (Joireman, 2008). In societies like Swat, *Sharia* and *Pakhtoonwali* are functionally parallel. An interesting perspective is to consider the plurality of *Sharia* alongside local customs, which hold strong way as a source of law. It cannot be denied that local customary practices have a vital role to play in creating diversity, uniqueness, independence and identity in different Muslim societies (Mehdi, 2001).

This paper highlights the issue of gendered access to land, focusing on and unfolding different layers of formal and informal institutions, religion and culture. Moreover, it explores how religion, culture and customs are manipulated on personal grounds to defend and deny land rights. Land rights are multidimensional; this paper uses perspectives on legal pluralism, customary, legal and religious rights, combined with strong empirical evidence in the form of documents and interviews, to discuss this very basic issue, which is untouched in the study area.

The main research questions addressed in this study are: i) What are the historical discourses of land and land ownership in Swat, and what are their gender dimensions? Furthermore, how do these historical practices influence today's legal systems that deal with land and property? ii) What are the formal and informal institutions that deal with land distribution, ownership, access and inheritance, and lastly, iii) How have changes in the political system affected land dealings?

1.1. Conceptualizing access and property rights

Land rights are generally defined as having access to use a particular piece of land and the production derived from it (e.g. Meinzen-Dick et al., 1997; Schlager and Ostrom, 1992). However, access to land or any other resource requires a broader definition, as given for example, by Ribot and Peluso (2003) stating that access is the ability to benefit from the society on the whole i.e. the materials, people, institutions and symbols. This definition diverges from the concept of 'rights' used in property theory, since terms such as 'capacity' or 'ability' reflect the social interactions and relations that allow (or disallow) people to use or take advantage of various resources without focusing on property relations alone (Ribot and Peluso, 2003). The concept of 'access' also highlights the power relations involved, i.e. Who is benefitting (and through what processes and societal paths are they exerting the power to enjoy the benefits); and who is marginalized? Power relations around access and within various institutions is an important aspect of understanding the concepts of access in general and property rights in particular. Ribot and Peluso (2003) state that powers establishes the material, cultural and political-economic elements within the 'packages' and 'networks' of power that construct resource access.

However, researchers (Agarwal, 1994a,b; Chaudhary, 1999) studying diversity in societies, cultural practices and communities have found that institutions, both formal and informal, are located at different levels of a social and power hierarchy. In addition, women and men are also located at different levels of social and class hierarchies regarding access to resources. Moreover, access to resources on the wider social scale is inherently gendered (Nyborg, 2002). Men, women and institutions positionality is contextual historically, culturally and geographically, and changes with time (Nyborg, 2002). An analysis of 'access' gives a very complex and interwoven picture of social relations and interactions. As Ribot and Peluso (2003) state, analyzing the concept of access helps in understanding the power relations in the society i.e. how and why some people can take advantage from resources, whether they have rights or not, and why some are marginalized despite having full rights and claims to resources. The study of access cannot be separated from the study of property, which presents an opportunity for an in-depth analysis of societal process related to land rights (Ribot and Peluso, 2003). The concepts 'rights' and 'access' are deeply rooted in societal practices and traditions, which of necessity, are contextual. The common ground for both concepts is 'power relations' which are dual-natured as reflected by Weber (1978), Ribot and Peluso (2003). For example, Ribot and Peluso (2003) state that power flows through specific courses and relationships in society and affects social structures and interactions.

A common point is that laws, whether oral, written, formal, or informal, are interwoven along a complex and intricate web of power (Ribot and Peluso, 2003). According to Locke, concepts of land and labor are not understood separately but rather confused in understanding and this confusion further birth to property claims that were protected by the state (MacPherson, 1978; Neale, 1998, p. 54). However, Marx's (cited in Ribot and Peluso, 2003) notion of property rights contradicts that of Locke, as Locke relates property to relations of production that have roots in historical processes, which in turn influenced the 'law'.

Marx (cited in Ribot and Peluso, 2003) considered property ownership as 'robbery' and held it responsible for all the inequalities in society, as a result of the state holding supreme power over institutions dealing with land and labor. Both the elites who own property and the state that deals with property are power driven. Today the situation is similar, particularly in areas where legal pluralism prevails. The dilemma that some actors have the power of selecting the laws, customs or institutions that benefit and favor them. This exploitation of legal systems by elites and powerful stakeholders is directly related to power, class and gender, and exacerbates the active role of socio-economic and cultural forces (Meinzen-Dick and Pradhan, 2002; Lund, 1994; Griffiths, 1986; Moore, 1986; Von Benda-Beckmann, 1995, 1981 cited in Ribot and Peluso, 2003). The authority to access and use the systems and institutions related to property dealings depend entirely upon economic class and power. Further, the concepts of 'access', 'ownership', 'rights' and 'power' become more even complex when analyzed through a gender lens. In this paper, the notion of women's land rights includes aspects ranging from inheritance to ownership, and access to and control over the land.

1.2. Women's ownership of land

Property rights determine power over a particular resource, such as a piece of land (Bromley, 1991). Control over land implies the command of an individual over a specific piece of land and over the production that grows from that land, while access to the land

[3] For instance, in case of tribal belt of Pakistan, British appointed the elite *Khans* and *Malik's* as their political agents in the area. Since, it was difficult for them to extend the writ of British rule in these area, they controlled them through the appointed political agent. However, the customs functional in the area were the laws of the land. These customs further got strengthen due to lack of any government statutory laws.

means that a person is able to make use of a piece of land. Access does not necessarily imply ownership or possession; although in some cases it does include certain decision-making powers over the production process, products from the land, and use of the land (Bruce, 1993). Effective women's land rights are defined as "claims that are legally and socially recognized and enforceable by an external legitimized authorized, be it a village-level institution or some higher-level judicial or executive body of the state" (Agarwal, 1994a,b, p. 19).

On a global scale, debates over gendered land tenure systems have investigated various aspects, including how women in different social situations can access, own, and control land. In particular, power relations reinforce and affect the involvement of women in land tenure systems and provide basis are to understand the contemporary tenure systems and their working (Cousins and Claassens, 2006). Another important aspect to consider regarding gendered land tenure systems is social capital, i.e. how women can effectively use existing customary practices to their best advantage (De Haan, 2000; Bebbington, 2007). Social capital plays a pivotal role in land access, as social networks create and enhance people's right to use and regulate resources (Griffiths, 2000), as well as the ability to negotiate (Griffiths, 2000). Moreover, social institutions and networks mediate right to use land (Berry, 1989) – within, but also outside the inspiration of customary tenure systems.

There are various assumptions regarding women holding independent titles to land, the major one being that they would contribute to household efficiency and poverty reduction, but these claims have not comprehensively and adequately considered women's own accounts (Whitehead and Kabeer, 2001). For instance, Razavi (2007) states that in a male-headed household, women cannot necessarily claim individual rights to own land "because membership in a household provides them with a range of material and non-material benefits, and hence they are more interested in strengthening their household's access to resources, including land" (p. 1497).

However, understanding of the law and practice and the link between ownership and control is critical, as women are required to deal with a number of barriers in realizing their legal claims and exercising control over their property (Agarwal, 1994b). In South Asia, particularly, reveals that gender equality in legal rights to property ownership does not guarantee gender equality in actual ownership, nor does ownership guarantee control (Agarwal, 1994b). Property rights often concentrate on the rights held by households, rather than differentiating between individuals based on gender, age or other intra-household characteristics (Bromley, 1991).

1.3. Gender, property and land

The linkages between gender, property and land are multi-faceted, and can be explored in multi-dimensional ways. Agarwal (1994a,b) presents six inter-related issues linked to women and property issues, namely gender relations and a household's property status; gender relations and women's property status; the distinction between ownership and control of property; the distinctiveness of land as property; what is meant by land rights; and the prospects of non-land based livelihoods (p. 11). The first three issues are closely linked to the interest of this article and thus we discuss them further.

To explore the links between gender and property, women subordination and property need to be understood, not only as the distribution of property between households but also in its division between men and woman, in terms of who owns and controls property. Property in general can be categorized as private property or communal property (Agarwal, 1994a,b). In the South Asian context, women face a considerable range of barriers, not only in the realization of their legal rights and claims to landed property, but also in exercising control if they do manage to acquire ownership of land. Thus, where Engels (1972) argues that the abolition of property rights in general would solve the issue of women's subordination in terms of access to resources,[4] Agarwal (1994a,b) argues to the contrary, namely that independent property rights are of vital importance in women's struggle for gender equality. Property rights refer not only to ownership, but also the effective control over property.

Here, the issue of women's class status comes into play. Many feminists have given their perspectives on women' class. For instance, Millet 1970 states that Economic dependency reduces women's relationships with any class as peripheral, displaced and temporary matter. It can be argued that in South Asia in general, and Swat in particular, women from landed households do not necessarily own property themselves, which makes it difficult to categorize women from different social classes. However, many feminist scholars have argued that women form a social class of their own. Such arguments originate from multiple standpoints. For example, Firestone (1970) sees women as a unified class based on their biological makeup, thus rejecting the idea of economic class and substituting the word 'sex' for 'class'. Millet (1970), for example, denies the significance of women's class division; she considers women's class relationships to be impermanent, since their position as a group can change. Delphy (1977) analyzed women's class based on women's subordination and oppression in patriarchal societies, which has a direct effect on economic classes. As Agarwal (1994a,b) states, "this complexity impinges with critical force on the possibilities of collective action among women, again in a double-edged way. Class differences among women, derived through men, can be and often are divisive in terms of relative economic privilege or deprivation, the associated ability (or lack of ability) to dominate women's groups, perceptions about which aspects of gender relations need challenging, willingness to engage in collective struggle, and so on" (p. 15).

Another very important aspect that hinders women's access to and ownership of land and property is the interpretation of gender ideology, particularly in the South Asian context. Agarwal (1994a,b) argues that ideological assumptions about women's needs, work roles and capabilities frame public policies and property laws. In addition, various cultural practices such as female seclusion, control of women's mobility and sexual freedom play a vital role in restricting women's ability not only to exercise their property claims, but also to challenge persisting gender inequalities in law, policy and practice (Agarwal, 1994a,b).

2. Gender and legal pluralism in Pakistan

The current constitution of Pakistan was prescribed on 14 Aug 1973, and consists of 280 articles, seven schedules, and the

[4] In "The origin of family private property and the state" (1972, cited in Agarwal, 1994a,b), Engels presents the idea that gender relations within the household are based on two cross-cutting economic factors: the overall property status of which women are part, and women's participation in labor and income earning activities. Engels presents the idea of socialization of the society to ensure women's participation in economic development. He was of the view that women's economic dependence is a critical constituent of the material basis of gender oppression. As a solution, Engels proposed the obliteration of all private property ownership.

Objective Resolution.[5] Twenty amendments have been passed to date.[6] Prior to 1973, two constitutions were formed, in 1956 and 1962 respectively. Due to multiple factors, particularly political instability and the institutionalization of military interventions, both of these earlier constitutions were abrogated, in 1958 and 1972[7] respectively.

The constitutional document of 1973 upholds women's rights in all spheres of public and private life. For example, Ali explains legal and constitutional women's rights in Pakistan as follows: "In the context of the application of women's human rights in Muslim jurisdictions, it is interesting to note that there is an equality norm deeply entrenched in the constitution of Pakistan inspired by the equality norm of human rights instruments adopted by the United Nations. Women are granted complete equality under the constitution of Pakistan and this norm of non-discrimination is reiterated in many of its provisions, both in the chapter on fundamental rights, as well as in the policy principles. Article 25 is the main constitutional provision, affording equality before the law and equal protection under the law. Article 25 has been successfully invoked in areas that fall within the public sphere, such as rights to education and employment, in contrast to upholding women's equality within the private sphere where equality is more difficult to achieve". Access to and ownership of land are considered to be part of the private sphere, in which customary laws and practices still find room to flourish. Thus gendered practices of land access and ownership continue, resulting in an unequal and legally pluralistic situation.

Taking an overview of the legal aspect of the constitution, civil laws[8] specify gender equality in terms of access to and ownership of land and property. For example, Article 23 grants equal rights to both men and women to hold, own, use and dispose of property in any part of the country. Thus, under the Pakistani constitution, adult women have the right to hold, use, transfer, sell or dispose of property, either for consideration or as a gift, and can contract in any manner, just as men can (Ahmad, 2010). Furthermore, Article 24 of the constitution enables the state to intervene in individual property rights if they are seen to be damaging the rights of marginalized groups in a particular area.

Islam is the state religion[9] and contains very clear guidelines about property ownership and access. Thus, property laws in Pakistan need to be considered in parallel with religious laws. The scriptures grant women significant inheritance rights, yet local customs tend to ignore these rights. Muslim customs have been greatly influenced by Hindu practices in which women as mothers, daughters and wives are devoid of their rights to inherit and own property (Agarwal, 2005). These cultural practices have their historical roots in the colonial past of undivided India,[10] where there was a huge gap between divine rules about property management and actual practice. At that time, some communities were practicing *Sharia*[11] laws and the women in those communities were better off than others (Agarwal, 2005).

This plurality of customs complicated the situation, particularly in the way it affected British Indian governance. The shift to *Sharia* had mixed regional implications, partly because the British application of *Sharia* laws was not consistent across regions and communities, and partly because the customs favored women in some regions and not in others. As a result, women's rights to inheritance were damaged by the overriding importance given by the British to local customs in communities and regions that practiced patrilineal inheritance (Agarwal, 1994a,b). As the Pakistan Movement[12] gained momentum in the early 1930s under Mohammad Ali Jinnah,[13] interests in strengthening Muslim law grew. The Muslim Personal Law (*Sharia*) Application Act[14] was passed in 1937. Under the Act, prevailing customs or usage were abrogated in favor of Muslim Personal Law, but the act explicitly excluded from its purview agricultural land, the devolution of which would continue to be governed by local customs. Legal reforms affecting Muslim women in the sub-continent took different regional directions after India's independence in 1947 and the country's partition, which led to the formation of Pakistan. An early step taken by the Pakistani state was the passing of West Punjab Muslim Personal Law (*Sharia*) Application Act 1948,[15] which included agricultural land in its purview (Jalal, 1991). Two years later in 1950, the province of Sindh also brought agricultural land within the purview of *Sharia* by amending the 1937 *Sharia* act. However, it took another 12 years before the West Pakistan Muslim Personal Law (*Sharia*) Application Act of 1962 extended *Sharia* as a basis of personal law to the whole of West Pakistan, with the exception of the Tribal Areas[16] in northwestern Pakistan (Agarwal, 1994a,b). This delay in the extension of application also played a role in strengthening the customs regarding gender and land rights in Swat that presently comes under PATA regulations.[17]

3. The history of land ownership in Swat

In Swat, land relations and dealings are rooted in the 16th century when Yousafzai Pakhtoons first occupied the area (Sultan-e-Rome, 2005). Their invasion not only heavily influenced the political situation in the area, but it also imprinted their mark on land ownership, access, inheritances practices and the management of

[5] The Objectives Resolution is one of the most important and illuminating documents in the constitutional history of Pakistan. It lays down the objectives on which the future constitution of the country was to be based and it proved to be the foundational stone of constitutional development in Pakistan. For details see http://historypak.com/objectives-resolution-1949/.

[6] See http://historypak.com/the-constitution-of-1973/.

[7] The constitution of 1962 was suspended in 1969 and finally abrogated in 1972. For details see http://en.wikipedia.org/wiki/Constitution_of_Pakistan, http://www.pakistani.org/pakistan/constitution/.

[8] Civil law is a branch of the law that deals with non-criminal laws. This includes laws related to civil wrongs and quasi-contracts, as well as property laws.

[9] In the 1973 constitution, Pakistan was declared an Islamic republic with Islam as the state religion. All laws and ordinances were brought into compliance with the Quran and Sunnah. Sunnah refers to the example derived from Prophet Mohammad's (P.B.U.H.) life.

[10] The pre-partition era (before 1947) when India, Pakistan and Bangladesh were one country and one of the biggest British colonies.

[11] Sharia laws are Islamic laws. Sharia means 'flowing water' (see Ali (2000) for details), 'way' or 'path'. Sharia laws provide a legal framework for public and private life for those who practice Islam.

[12] The Pakistan Movement was a historically successful political movement that pursued independence from the British Empire and formed the new independent state of Pakistan.

[13] Mohammad Ali Jinnah, publically known as Quaid-e-Azam was the founder and first governor general of Pakistan. Quaid-e-Azam means 'father of the nation'.

[14] For details see http://www.sja.gos.pk/Statutes/files/THE%20Muslim%20Personal%20Law%201937.htm.

[15] For details see http://punjablaws.gov.pk/laws/135.html.

[16] The Federally Administered Tribal Areas (FATA) comprise the semi-autonomous tribal areas bordering Pakistan's provinces of Khyber Pakhtunkhwa and Baluchistan to the east and south, extending west and north to Afghanistan. Pakistan's federal government directly governs FATA through a special set of laws called the Frontier Crimes Regulations (FCR), framed by the British in 1901. According to Article 247 and Article 248 of the existing (1973) Constitution of Pakistan, the jurisdiction of the Supreme Court and High Court of Pakistan does not extend to FATA, nor the Provincially Administered Tribal Areas (PATA).

[17] The Provincially Administered Tribal Areas (PATA) are Pakistani administrative subdivisions designated in Article 246(b) of the Constitution of Pakistan. No Act of the Provincial Assembly can be applied to PATA; however the governor of the respective province has a mandate parallel to the authority of the President of Pakistan over FATA.

land-based resources (Sultan-e-Rome, 2005). The land in north-western Pakistan in particular, had always provided the foundation for survival and prosperity in agrarian and tribal society. It was also the major basis of political and economic strength (Barth, 1959) and the transportation of a political distinctiveness and participation (Meeker, 1980).

After conquering Swat, the Yousafzai Pakhtoons captured almost all the land. Sheikh Mali[18] divided the conquered territories among the families of Yousafzai. The unique aspect of this allotment was that it was not permanent, as the land was diverse in its location and fertility (Barth, 1959). The philosophy behind this settlement (called *Wesh*) was to ensure that all the shareholders would share the benefits and losses of the land equally (Sultan-e-Rome, 2005). Re-allotment was done after periods of five, seven or ten years among the sub-divisions of the main branches of the tribe, by a lucky draw called *khasanray* (Sultan-e-Rome, 2005; Barth, 1959).

However, from 1920 to 1930, Swat went through another major shift regarding land ownership when *Wali Miangul Abdul Wadud*[19] seized the *Wesh* system. This change in land ownership has shaped the discourses that are prevalent even today in practices, including the exclusion of women from inheritance rights and land ownership. The change in system has important implications for the meaning of ownership – after the *Wesh* system was abrogated, Swati Pakhtoons developed a notion of private land ownership (Sultan-e-Rome, 2005; Barth, 1959).

None of the research conducted on the *Wesh* system mentions women as shareholders, which could reflect a male-dominant bias in academia of excluding women from the study of land tenure systems. There is little or no evidence in existing literature that women were ever included in land dealings and settlements in Swat. Furthermore, historical documents do not mention women's involvement in the process of land access, ownership, management and inheritance.[20] For example, when *Riwaj Nama*[21] was in the process of formulation (1930–1968), women were discriminated against in terms of land ownership. As stated by Sultan-e-Rome (2009), "Under *Riwaj*,[22] as a rule, only the males could own and inherit land and the women held no right to own and inherit land". Barth (1981) reveals that the land passed only to the patrilineal male heirs, or the near agnates in the case of no male descendant.

At that time, i.e. before the merger with Pakistan, the state of Swat was practicing *Riwaj*, which claimed to be according to *Sharia*, but in reality was otherwise – the Islamic right of women to own and inherit land was ignored (Barth, 1981). After the merger with Pakistan, the rules, laws, and *Riwaj* in Swat continued for some time, under Section 7 of Regulation I of 1969: "Thus, Swat State's rules and *Riwaj* were also retained in respect to land ownership and inheritance. In the post-state period too, there are no uniform verdicts of the courts in respect to females' right to the land in inheritance. In most of the cases, however, this right was not upheld" (Sultan-e-Rome, 2008, p. 58).

The study of land dealings in Swat is a particularly interesting case, since this society underwent major shifts, both politically and socially, after its merger with Pakistan in 1969. Again, during conflicts in 2005–2009, such shifts shaped many traditional practices in different ways, including discourses and practices around gendered land ownership and access. The results and discussion section in this article addresses the degree to which *Riwaj* remained functional after the merger with Pakistan.

4. Methodology

Fieldwork was conducted in three villages[23] in Swat in 2012 and 2013. The villages were chosen from different topographical regions of the valley and reflect typical sizes of landholdings in those regions. The main purpose of selecting villages from different topographical regions in Swat was to explore the diversity in *Riwaj* in terms of gendered access, inheritance, access to and ownership of land. In the lower areas, large-scale agriculture persists, while in upper Swat, rural livelihoods are more diverse, shifting from large landholdings to orchids, forests and animal-based production systems (Nyborg et al., 2012).

The selected village in lower Swat has a very well-defined land-based system comprising *khans*,[24] tenants and share croppers, and well-defined socio-economic class differences. The village from the middle part of the valley, along with the aforementioned features, has a very diverse ethnic makeup. The village in upper Swat follows a land-based resource management system; it is less dependent on agriculture, but more dependent other land-based resources such as forests and pastures, where women play important roles in resource management.

The study focuses on these villages in particular, in order to investigate the transitions and changes that have occurred in gendered access to land inheritance, access and ownership, with respect to changing socio-political and economic dynamics of the Pakhtoon society in Swat. The selected villages were affected in recent times to varying degrees by conflicts and floods.[25] The village in lower Swat was severely affected by conflict, the village in middle Swat was hit by both conflict and floods, while the one in upper Swat was directly and badly damaged by floods.

In Swat, the issue of gendered dimensions of land ownership, access and inheritance is attached to multiple conflated realities and social dynamics of the society. For example, the strict cultural and traditional interpretation of *Pakhtoonwali* regarding land rights, tension among religious, statutory and customary laws, and historical discourse around gendered land ownership are among

[18] Sheikh Mali is the saint and leader who devised the *Wesh* system.

[19] Ruler of Swat in the pre-merger era.

[20] In the results and discussion section, we analyze the historical constitution of Swat that was enacted before the merger with Pakistan, to provide evidence of the lack of mention of women in land dealings in legal documents. This also reflects the extent to which *Pakhtoonwali* has dominated local legal practices.

[21] *Riwaj Nama* refers to the historical constitution of Swat before the merger with Pakistan in 1969. It contains all the rules, regulations and laws required to run the government.

[22] Local customs and traditions, called *Pakhtoonwali* in Pakhtoon society.

[23] Village A (lower Swat) has a population of 6500 (1600 households, including 35 female-headed households). There is a very clear distinction between economic classes. According to villagers (village mapping), 3 percent people are rich, 15 percent are middle class and the rest are poor, surviving on daily wages. Data reflects that economic classes are changing due to shifts in livelihood activities. Many people are migrating to the south of the country and the Middle East in search of work opportunities, which has resulted in uplifting their economic situation. The village is greatly dependent on agriculture: 100 percent of the land is cultivated. During the 2010 floods, 10 percent of the land was affected. Village B (middle Swat) has a population of 3500 (500 households). This village has a very clear class system. According to villagers (village mapping) 10 percent of the people are rich and own both land and businesses, 60 percent constitute the middle class, and 30 percent are poor. The village was directly hit by floods in 2010 which washed away 410 canals of land. Village C (upper Swat) has a population of 2000 (200 households, including 20 female-headed households). The village has a very diverse ethnic makeup compared to the other two villages. It was affected directly by both militancy and floods. During the flood, 74 households and almost half of the land were washed away by gushing waters. According to villagers, the wealth ranking is 30 percent well off, 50 percent middle class, and 10 percent poor. The basis of the wealth rankings in all three villages was the amount of land and businesses that people hold. Most of the land in the villages is agricultural land under cultivation.

[24] Khans constitute the well-off social class. Mostly the Khans or the Maliks are the landlords and hold significant amounts of land.

[25] See Khalid et al. (in press), Bridging empowerment and land rights: Understanding gendered perceptions of women's land rights in Swat, Pakistan.

the factors that influence land dealings. In order to grasp the complexity of gendered dimensions of land ownership, access and inheritance in Swat, a combination of appropriate sampling techniques for the conflict-affected and volatile[26] setting was used. This combination assisted in gathering the desired information in an effective and secure way. In-depth interviews were conducted with men and women in the three selected villages. The major focus of these interviews was to explore religious understanding of land rights, and statutory rights and customs that prevail in the society. Men and women were asked open-ended questions regarding women land rights in *Sharia, Pakhtoonwali*, and in *Riwaj Nama* in the pre-merger era, and women land rights in statutory laws of Pakistan, lastly how property ownership involved in marriages and Islamic rituals such as *Mehar*[27] is manipulated informally in the name of customs and traditions. The questions also investigated how family law can disempower women from their right to own, access and control land in cases where they are widowed or divorced.

Thirty-eight in-depth interviews were conducted with men and women from the selected villages using purposeful, stratified and snowball sampling techniques. Twenty local women (7 from Village A, 7 from Village B, and 6 from Village C) and 18 local men (6 from each of the villages) were interviewed. Besides local men and women, additional interviews were conducted in order to understand the gendered dynamics of ownership, access and inheritance in Swat: one professor of history and culture from a local college, four officers from the district revenue department, three religious leaders, three officers from village revenue departments (*Patwari*), the Deputy Commissioner of Swat, two elders from one of the village *Jirga*,[28] two male lawyers and one female lawyer. In total 55 interviews were conducted using unstructured interview guides.

Men and women interviewed belong to different ethnicities and economic classes. Respondents from the upper and middle classes were mostly Yousafzai Pakhtoons and Miyangans; those from the poor class were Gujjar or other minorities, with a few exceptions of Pakhtoons. The respondents are involved in diverse livelihood activities. Men from the upper class are mainly landlords; men from the middle class are small-scale farmers and share croppers; and men from the lower class are generally tenants. Similarly, women from the upper class are mostly homemakers; those from the middle class are involved in teaching, personal tailoring businesses, and livestock management business; those from the poor class are wives of tenants or involved in dairy businesses.

Detailed in-depth interviews[29] with lawyers, officers from the land revenue department, village union council officers, religious leaders and the Deputy Commissioner of Swat revealed the legal aspects of land ownership and inheritance in the area. The questions asked focused specifically on civil laws in Pakistan regarding property rights, implications of *Sharia* laws, and the dynamics and interaction of customary laws with *Sharia* laws and statutory laws. Another important dimension of these interviews was to capture the complexity of women's property ownership in the form of *Mehar*. Legally this type of dealing of land and property falls under family laws.

Focus group discussions were also carried out in areas where it was deemed safe.[30] Whenever the opportunity presented itself, we conducted focus group sessions with men and women from all three of the above-mentioned classes separately. Men from three socio-economic classes were interviewed separately and women from poor, middle and wealthy groups were interviewed in focus groups separately. The group size was restricted to a maximum of five people, mainly for security reasons. This restriction was partly self-imposed, partly learnt from the respondents during field visits and interviews, and partly because of examining the security situation in the area. The major discussion in the groups revolved around the customs, religion and the statutory laws regarding land rights. In addition, the historical development over time regarding land issues was another important aspect men and women reflected upon. During focus groups with men and women of different social classes and ethnicities the traditions of *Pakhtoonwali* was the major focus of discussion. Here, the real difference of opinion between both the genders came out and told us how gendered is the concept of *Pakhtoonwali* when it comes to access, ownership, and inheritance of land.

In addition to gathering data from interviews and focus groups, we attended a *Jirga*, an informal institution where the village elders settle village-level disputes. We also spent time in the main district court and union council revenue department (called *patwar khana* in the local language) to get an idea about how favorable the conditions are in courts for women if they decide to seek judicial help. We also visited the central *Mal Khana*, the office in the main city Mingora where all the official and historical land records are kept. Gaining access to this office was not easy; the Deputy Commissioner granted special permission to enter and study the records only after we had waited for 24 h.

In addition, in order to strengthen knowledge about the under-researched issue of women's land ownership and to ensure a comprehensive study, a document analysis was conducted which was one of the research methods used in this study. Data was collected from the land acquisition department, legal documents of cases regarding land disputes from the *Jirga*, and the pre-merger constitutional document (the *Riwaj Nama*). Studying these documents through a gender lens provided a concrete basis for analyzing the rest of the data, and enabled us to link current practices to historical roots and discourses around land dealings.

The interviews were conducted in Pashto, the dominant language of the area. A field assistant was hired for translating the interviews from Pashto to Urdu. Since, we were not familiar with Pashto. However, the female filed assistant who was also working as a translator was not present for interviews with male respondents, as the men spoke Urdu (which we understand), and local traditions do not allow Pakhtoon women to enter into male spaces. Being a non-Pakhtoon woman, I had the liberty to move freely in both male and female spaces, and was even allowed to enter *hujra*,[31] a place where women are not allowed to enter usually.

Most interviews were conducted in private spaces between the researcher, field assistant and interviewee only. On average, the

[26] During the fieldwork the security situation in Swat was still sensitive. Armed forces were constantly checking the outsiders in the valley. Researchers mainly, faced many difficulties in data collection both in terms of security of life and also in winning the trust of the communities.

[27] Mehar is a sum of money or other property paid or delivered to the wife by the husband's family. It may be specified or unspecified, but in either case, the *Riwaj Nama* confers a wife's mandatory right to Mehar. The Mehar belongs to the wife and she can deal with it in the manner she chooses; neither her husband nor his relations nor even her relations can dictate her use of the Mehar money or property.

[28] A Jirga is an informal institution constituted of village leaders and elders. Decisions are taken by mutual consensus of the members and according to the basic teachings of Islam.

[29] Interviews were conducted with the help of un-structured interview guide prepared for researcher.

[30] Due to the conflict, it wasn't safe to gather people into groups. At the time of the data collection, researchers, being outsiders, were viewed with suspicion by local people and the armed forces present in Swat.

[31] A *hujra* is a place where the males of the village gather and discuss social issues. Male guests are entertained in the *hujra*. Generally, females are not allowed there. Since I am a non-Pukhtoon woman and was conducting research, I was allowed to utilize that space to interview males.

interviews lasted from 1.5 to 2 h, with the exception of some interviews which took up to 4.5 h as a result of the security situation. Men and women were interviewed in their separate classes to evaluate their level of awareness and the diversity in their responses towards prevailing practices regarding inheritance rights and women's rights to land ownership.

5. Results and discussion

This section presents and discusses the empirical findings from the fieldwork. It starts with a historical analysis of the *Riwaj Nama* to provide historical evidence of gender discriminatory discourses of land dealings in Swat. Gender and land rights in Swat cannot be separated from historical developments in terms of land ownership in the area. The codes and conduct regarding land-dealing practices are also discussed, as customs have a strong grip over current practices in both legal and informal settings. The section ends by connecting land ownership practices to various socio-political and cultural factors that have shaped the society.

5.1. Historical analysis of gendered land discourses in Swat

This section presents a critical analysis of the *Riwaj Nama* which provides the foundation and understanding of current practices regarding gendered land rights in Swat. It presents a holistic picture of historical legal developments in land dealings in Swat in the pre-merger era. We reflect on historical practices regarding land and gender, not only in local communities, but also how legal practices have been influenced by local customs. After analyzing the historical *Riwaj Nama* document, the cultural practices of land rights and tenure in the society are presented and discussed.

5.1.1. Critical analysis of Riwaj Nama

The *Riwaj Nama* was the main historical legal document of Swat before its merger to Pakistan and is sometimes referred to as its constitution. Analysis of the *Riwaj Nama* reveals that clauses and articles dealing with land rights issues are not gender neutral; rather they are heavily influenced by the gendered nature of customs and traditions. The legal clauses and articles concerning land are dominated by the historical practices of land ownership at the time when the Yousafzai conquered the area, as described in Section 3. Any mention of women is absent from both the *Riwaj Nama* and historical records of land dealings. The female presence is nil in civil laws in general, but somewhat visible in civil laws regarding marriage and divorce, where discrimination against women is evident in terms of access to and control of resources.

In the *Riwaj Nama* the laws concerning property matters are stated in the section "Civil Laws", with a few also listed in the section on "Marriage and Divorce". The dates on which these articles were issued vary between the years 1930 and 1965, a period of time which is relevant to this study. The year 1930 was important in terms of land management systems in Swat, as the *Wesh* system was abolished and permanent allotment was introduced by the *Wali.e. Swat*.[32] The *Riwaj Nama*, especially regarding land, is dominated by the cultural practices incorporated in *Pukhtoon wali*.[33] The *Wesh* system was also influenced by local culture; however, details were not documented.

In the *Riwaj Nama*, ordinances consist primarily of official undertakings of property dealing, guidelines for buying and selling of property, rights and regulations for immovable property, and legalities about pre-emption of property. The entire section does not mention women in any form. The absence of any mention of women in inheritance laws implies that women were excluded from land access and control, despite religion furnishing them these rights. Here, it is worth noting that all the laws start with the oath "All the decisions were made in the name of Allah and *Sharia*", when in reality the practices diverge from the clear teachings of Islam.

Women are mentioned in property ownership and control in terms of marriage and divorce regulations. In these rules, the husband does not hold power over sensitive issues like property given to a wife in either *Mehar*[34] or as a gift, the fate of *Mehar* after a wife's death, and entry of *Mehar* in the *Nikkah Nama*.[35] The rights and responsibilities of a husband regarding his wife and family are discussed later in the *Riwaj Nama*.

To illustrate we are presenting articles, which are dealing with the property matter directly in the *Riwaj Nama*. Article 173 in the *Riwaj Nama*[36] for instance, refers to the management of common property. An example is given of a law passed on 08\04\1955 in the Shangla district. In this case, *Jirga* elders unanimously agreed that if any paternal property is left undistributed among brothers and one of them dies, the sons of the deceased brother would have a rightful claim over their father's share in the property. The *Jirga* did not pass any judgment in the case where the mourners might be the wife or daughters of the deceased. According to Article 176 passed in 1966, a widow may keep the property of her husband, but she cannot sell or mortgage it; neither is she allowed to pass the property on to her daughters. The authorities clearly tried to create a balance by permitting the wife to keep the property if the husband dies, but not allowing her to own it independently. The laws seem to sidestep women's rights to hold property, and yet in tiny pockets certain privileges had been granted.

However, articles dealing with pre-emptions are purely male dominated, as are cases that are presented as models in the constitution and address males alone. For example, clause 254 dated 30\7\1958 deals with the eligibility criteria for the pre-emption of property. It states "*Jirga* has unanimously passed the bill which states that the first right to buy the property is of brothers, uncle, nephews, father and sons. Rights of neighbors and friends come after relatives", signed by *Jirga* members Babuzai (union council) and submitted to the official registrar of land revenue office on 30/07/1958.

It is surprising to see that there is no direct mention of women in any property laws besides those dealing with marriage and divorce. Women are given the right to own property, only within certain limitations. In addition, they can acquire property in *Mehar* but only up to a certain limit. Clause 291 (year 1939) affirms that property worth INR 100[37] may be given to a woman in *Mehar*, with the restriction that she may neither sell nor mortgage it. After her death, the property should be transferred to her son/s. In case the couple

[32] The rulers of Swat held the title *Wali* in 1926 when it became a Princely State of the Swat. The post of *Wali* disappeared in 1969 when the state was incorporated into the Khyber-Pakhtunkhwa Province (at that time, the North West Frontier Province) of Pakistan.

[33] *Pakhtoonwali* in this paper is discussed in the extent to which it applies to women's inheritance and ownership of land. The respondents' definitions (from the field) also define the tribal code with respect to land. The concept is discussed in detail in the next section.

[34] *Mehar* is a sum of money or other property paid or delivered to the wife by the husband's family. It may be specified or unspecified, but in either case, the *Riwaj Nama* confers a wife's mandatory right to *Mehar*. The *Mehar* belongs to the wife and she can deal with it in the manner she chooses; neither her husband nor his relations nor even her relations can dictate her use of the *Mehar* money or property.

[35] The legal Islamic marriage contract.

[36] Different examples and cases are described in the *Riwaj Nama* to illustrate a variety of situations. Some of these examples are presented here.

[37] INR equaled 0.016 USD in 1939. Here, we used Indian Rupee because until 1947 it was British India. India wasn't divided until 1947.

has no son, the property should revert to the husband. There is no mention of daughters inheriting their mother's property.

Marriage laws are formulated with class structures and differences in mind. The rich and the property owners are to give a certain amount of land (if they choose to) and money in marriage in the form of *Mehar* (restrictions on ownership and access apply), while the middle class and poor class may give only money and other goods. A husband is not allowed to sell or mortgage the property given to a woman in *Mehar*, although he has full control over it. Again it is interesting to observe that women are given the right to own land, but not to access or use the property. This situation can be linked to Ribot and Peluso's (2003) discussion of the 'concept of access', where power dynamics in terms of resource rights can be such that it is not necessarily the ones having the rights to a resource who actually have access to use it.

The situation described above raises questions about the categorization of women within classes. Women can remain poor even if they are married to a property owner, because they never have free access to resources and are always controlled by their husbands, particularly in traditional societies like Swat. The point to note here is that women from property owning families or working class families do not necessarily belong to the same class as their husbands. During our research, we met *Khan* women[38] who told me that their husbands own lands but they live in joint family systems and share the same kitchen, so the major portion of income goes to the joint household and the remaining portion stays with the husband. They hardly have enough money to spend according to their own will. They expressed concern at not having the rights to own and control the property, which otherwise would have augmented their economic position as well as their position and status in the family.

5.1.2. Gender, culture and traditions in present Swat

After analyzing the legal history of land settlements and dealings in Swat, it is of for most importance to understand the gender, culture and traditions in the valley presently. In case of Swat, the most striking thing is the heavy influence of customs and traditions over legal laws regarding land access, ownership and inheritance. This amalgam of legal pluralism makes the case of Swat both complex and interesting. After the merger of Swat with Pakistan in 1969, the Government of Pakistan[39] failed to introduce Pakistani writ in an effective manner in the newly merged state. The merger slowed down the justice system; the lack of access to legal facilities for both men and women, and restricted mobility for females, sabotaged the potential improvement of unequal gendered relations in land ownership and access issues. This situation provided further room for the strengthening of local customary practices (*Riwaj*). *Riwaj* and *Pakhtoonwali* are the terms used interchangeably. However, both the terms hold the similar meanings i.e. customs and traditions. *Pakhtoonwali* therefore is specifically used for Pakhtoon culture and society however, *Riwaj* can be used for all cultures. In his paper, however, *Riwaj* is used for *Pakhtoonwali* and vice versa.

As discussed earlier, although there are other ethnic groups in the area, e.g. Miyangans, Syeds, Gujjers, Torwal, Kalam, Kohistan and Paracha, Swat is a Pukhtoon dominated area. The exact numbers of ethnic groups residing in Swat are uncertain; however, it is estimated that Yousafzai Pakhtoons form the majority. Pukhtoo or Pashtu is the main language spoken in Swat, used by roughly 93 percent of the population as their mother tongue. Other languages are spoken in the area, like Torwali, Kalami and Khwar, spoken by the Kalam and Kohistani people in the northern part of Swat; and Gujro, a mix of Pashto and Punjabi, spoken by the Ajar and Gujjar groups (Bangash, 2012). The majority of local people practice *Pukhtoo* i.e. they follow *Pakhtoonwali*. *Pakhtoonwali* is the standard code of conduct followed in Pakhtoon society; however since it is not a written code, its interpretation and practice varies.

In Swat, the practice of *Pakhtoonwali* reflects the male-dominated nature of the society, in which women are excluded from participating in many aspects of public life. Understanding the gendered dimensions of *Pakhtoonwali* is important in understanding how land relations are gendered in this particular context. The term carries different meanings for women and men; when women were asked about defining the tribal code they gave an entirely different definition than males. A male respondent belonging to a well-off family defined women and property in *Pakhtoonwali* as follows:

> Pakhtoonwali is the second name of Islam. There are no laws and customs in Pakhtoonwali that contradict Sharia or Islam. Men are the kings outside homes, they are responsible for everything outside the periphery of the house, as women are not allowed to go and deal with outdoor activities, while if you talk about women in Pakhtoonwali they are the queens inside the house. Everything is done and every decision is taken with their consent. However, they are not given their rights to own property because they don't need it.

On the other hand, a female of the upper middle class, reflected upon women and landed property with respect to *Pakhtoonwali* as follows:

> After spending 11 years of my life with a Pukhtoon man I have come up with my own definition. It is generally said that the Pakhtoons never do bad to anyone and they take care of even the enemies but when it comes to their women, they are different. They own them as their property. As far as property and ownership is concerned it is against the pride of a Pukhtoon to give his sister, wife or mother her due right in land ownership.

Pakhtoonwali is a dynamic concept. On the one hand, it regulates social relations and day-to-day dealings conducted in society by the male members, which are expressed as the backbone of a peaceful society. However, as soon as the voice of women is considered, the picture changes: *Pakhtoonwali* is transformed from being a responsible code of conduct into an oppressive one. Likewise, religion holds a very prominent place in Pukhtoon society. Its influence over day-to-day dealings and all societal practices cannot be ignored. Thus both Islam and *Pakhtoonwali* regulate everyday life for the Pukhtoon. However, it is evident from the data that the practice of *Pakhtoonwali* can contradict religion. Talking about *Sharia* and *Pakhtoonwali*, one of the landlords said:

> The Afghans (i.e. Pukhtoon) were following customs that were very much like Islamic values even before the advent of Islam in this region. This similarity in Afghan culture and Islamic teachings was the reason that the whole tribe of Qais embraced Islam. *Riwaj* and *Sharia* are almost alike. For example, in the case of the concept of revenge, Islam allows taking of revenge and so does *Riwaj*. *Sharia* talks about likes and dislikes and it gives you

[38] Women who belong to khan (Yousafzai) families or either women from Miyangans.

[39] Pakistan itself was struggling with political instability at that time. The constitution of 1962 was suspended and was abrogated in 1972. The country was under military rule. A new constitution was formulated in 1973 under a newly elected democratic government. This fragile political and constitutional situation played a major role in the failure to introduce the Pakistani justice system in the newly merged state in 1969.

> the freedom to choose what you want to do, and so does *Riwaj*. When Islam came to Arabia, the Bedouins were backward, uneducated and lacked awareness. They accepted Islam to make their lives better but when we Pukhtoons accepted Islam, we were already very modern and we ruled Islam. We were one step above what Islam preaches; that's why the customs and traditions are more rigid and people follow them more strictly.

The respondent very proudly stated that Pukhtoons are steadfast in abiding by the *Sharia* laws. He confidently discussed *Pukhtoon wali* and Islam, but most of his statements, in fact, contradict *Sharia* and its concepts. The landlord said: "We accept the whole of the Quran except for Chapter 4 which is named *Surah.An.Nisa* (*Nisa* is Arabic for women)". The *surah* eloquently regulates the orders regarding women in different scenarios, giving them equal status in many cases, recognizing their worth and announcing bounties for them along with males for their righteousness and piety, and admitting their rights. The landlord dismissed the rights of women proclaimed in Chapter 4 of the Quran – by 'rights' he referred specifically to their right to inherit land, and rights to development and empowerment opportunities.

On the topic of *Sharia* and *Riwaj*, a middle class woman said, "No one follows *Sharia* because *Sharia* has never been practiced. The *Riwaj* and its customs are the rules of the land".

Another young woman reflected

> *Sharia*, *Pakhtoonwali* and Quranic teachings are totally different. *Sharia* gives rights to women to own land, but in Pukhtoon culture there is no concept of women being the landowner. Here people who don't give rights to women are considered *ghairat mand* (honorable) and to me this is *Pakhtoonwali*, but not by any means *Sharia*.

The above gendered responses about *Pakhtoonwali* and *Sharia* clearly show that the same concepts hold very different meaning for each gender.

Religious leaders are key actors in the local society. People follow their ways and respect their opinions, but in this research, we found that the very role of *imam* or religious clerk is negotiable. The *imam* is not allowed to talk openly about women's rights. In addition, in most cases, the well-off *khans* dictate to the *imam* what topics to preach on in their sermons. When asked about his role in spreading religious awareness about women and their rights, one of the *imams* responded: "It depends upon the community what they want to listen to. Some people do not want to listen to sermons related to women rights specifically". While discussing culture and religion, the *Imam* agreed with the general narrative that customs are stronger than religion. He said, "One of the strongest reasons for that is that there is no proper religious education. The customs are practiced in the name of religion for ages are often a contorted version of the actual preaching".

The *Imam* also narrated an incident in this regard: "Once during a sermon in the mosque the people were discussing Surah-An-Nisa. In the middle of the discussion an elderly person stood up and asked his son to leave the mosque and said in a loud voice that listening to this surah will create many problems in the community and life".

Another concern is that the Pakistan Army has banned religious gatherings and sermons after recent spates of militancy. Only basic topics concerning prayers, *zakat* (religious charity), *hajj* (pilgrimage), fasting and social ethics are allowed for discussion during weekly Friday religious sermons. Controversial topics, specifically those related to women, are not permitted. One explanation for this may be that the Taliban won the sympathy of the masses, and particularly women, in their regular sermons on women's rights and social justice. This provided them with a firm platform to establish their rule. One of the key informants reflected on the situation:

> Talibans gained power mainly through women's support. Fazalullah, also called Mollana Radio,[40] used to mention women's rights and talk about them in his sermons on FM radio. It mobilized the women and they started supporting him. One of the close colleagues of Mollana Radio especially targeted women in his sermons. Women, in return, played a significant role in giving the Taliban financial support. Women gave around 4000 g gold, 500 gold bangles for the movement.

This situation can be interpreted in multiple ways. We argue that women in Swat were oppressed and were looking for some outside force who would stand for their rights and bring social justice. They found messiahs in the Taliban, who talked about *Sharia*, Islam and women's rights. This gave women hope for better wellbeing; hence, women in return extended their support to the Taliban.

However, the situation soon took a new direction and the Taliban became women's worst enemy. They began controlling women's mobility, forbidding their right to education, and restricting their involvement in development activities, thus reinforcing the strict version of culture and religion not known to the people of Swat earlier. Consequently, after the military operation, the Pakistani army banned such sensitive topics in sermons. While this was meant to eliminate support to the Taliban, the ban has had negative effects for women. It is sabotaging the awareness of women's rights in Islam, and is in fact re-enforcing *Riwaj*, where women are discriminated against compared to men, particularly in terms of land rights. These aspects are not, however, part of the local narrative as expressed by male respondents about why women supported the Taliban. Instead, women are accused of being emotional and ignorant, and that is why they initially supported the movement.

5.2. Marriage: a path to property ownership

Marriage is a legal contract that ensures women's well-being in Islamic terms. A woman can own property not only through inheritance rights, but she can also own property or money through her marriage contract. Such gifts are known as *Mehar* and are owned solely by the wife. The husband may not refuse to pay his wife a proper *Mehar*; the settling of the payment is obligatory.

After analyzing *Nikkah Nama*s from 1940 to 1970, we interviewed women and men of different social classes and ethnicity about the management of property under marriage and divorce contracts. Both the document analysis and the empirical data reflect a clear gap between the entry of property in the *Nikkah Nama* (which is legal proof that a woman is the lawful owner of the property) and practice in reality. There are many cases in which women from the upper class are given a huge amount of property in *Mehar*, but they are not free to make decisions concerning their property. In almost all cases, the women do not have the legal papers for their property, nor do they know the location of their land. Either the brothers or the husbands hold the papers in their custody. Instead, the women are provided with a specific amount of money each month.

[40] Fazalullah, the head of Talibans movement in Swat used FM radio for dissemination of his sermons. Hence, he is known as Mollana Radio for using excessive radio for his campaign.

In 90 percent of the interviews with both men and women, it was revealed that the trend is to give gold in the form of jewellery as *Mehar*, but very often the husbands and the in-laws take the gold back if they need it. This was confirmed later while discussing the legal situation with the lawyers. One of the lawyers stated: "in most of the divorce cases, the main contention that prolongs the case is refusal of payment of *Mehar*, which in the majority of cases is gold and in some cases is property". The non-payment or delayed payment of *Mehar* is because the in-laws take the gold back, or use it for the marriage of their other children, thus depriving the wife of her social security. This was confirmed by many women interviewed in the field. For example, one middle-class woman reported, "I wanted to start my small-scale business. I sold my gold I got from my parents and invested the money". When asked about *Mehar* she said, "my mother-in-law took it away after marriage". At the same time, there are examples of women being able to hold their *Mehar* as social security. One woman from the upper middle class said

> The only social security I have with me is the money I was given in Mehar. I have kept that money safe for eleven years. I will use it for my children's education. I have not even told my husband about it. He thinks that it was finished long ago but it is not.

Depriving women of their *Mehar* is a serious threat to women's economic development as well as their well-being in a broader sense. Development is not only related to economic growth, but is also concerned with promoting human capabilities and human well-being. Development can be seen as the expansion of human capabilities the real freedoms that one can enjoy, to achieve the things that one has reason to value (Agarwal and Panda, 2007; Sen, 1999). Sen's (1999) capability approach, for example, captures not only the conventional measures of well-being like the right to education and health, but also encompasses freedom from physical and mental abuse, as well as rights of access to and ownership of property. If we then consider *Mehar*, in theory it clearly satisfies women's needs both in terms of economic development, and the well-being approach to development. However, denying women their rights to *Mehar*, denies them their rights to own, access and control land, if land is given in *Mehar*. This indicates that a large portion of the population of Swat is deprived of an aspect of well-being that is linked to basic rights such as education, health and income.

5.3. Settlement of land and property disputes

In customary practices in Swat, the *Jirga* holds a very prominent place. With a few exceptions, most *Jirgas* are male-dominated bodies, with almost zero female representation. The *Jirga* deals with village-level disputes, mostly finding solutions that are based on local customs; however, at times *Sharia* may also be involved, depending on the nature of the dispute. Disputes about inheritance are settled either within families, or by the *Jirga*. Only very few cases are taken to the courts. Women who seek justice through the courts are seldom successful because the judicial system is expensive and very slow. In many cases, the lengthy court process consumes more money than the value of the land claimed. Most of the time, the plaintiffs resort to either withdrawing their case, or going back to the *Jirga*, in order to avoid waiting many years for a court decision.

Therefore, in both formal and informal legal institutions, women suffer. If a *Jirga* decides a case, the decision is heavily influenced by custom, which dictates that compensation money is paid instead of handing land to the female shareholder. The money paid in place of the land is seldom more than a quarter of the actual value of the land. If the land was inherited, women involuntarily forfeit any future relationship with their natal family. Cases of divorce solved by *Jirga* were also reported as disadvantaging women, especially those that involve property given to the wife as *Mehar*. There are several cases in the study villages where the husband's family does not want to relinquish the property written in *Mehar* to the wife. To resolve such disputes, endless meetings are held between the two families, and with the village elders. In the majority of cases, compensation money is paid to the wife, while the property is withheld.

The judicial system is extremely inefficient in handling civil court cases; on average it takes 10–15 years to settle one case, which is not only time consuming, but also expensive. Only women with strong social or financial backgrounds can afford to pursue their cases to completion. The interviews with lawyers and *Jirga* members revealed that the majority of women withdraw their cases and return to customary settlements. For example, a widow in one of the study villages filed a suit in court after her husband's death to claim her share of his estate; but the expense and delayed justice process were so frustrating, that her natal family withdrew the case and she had to relinquish her rights.

A female lawyer confirmed this as common practice, stating, "Most of the cases related to land are withdrawn before the decision is announced. Usually the rich families file the cases but peer and societal pressures push them towards withdrawal of cases and informal closure of the problems". She also said that although the percentage of women claiming their share of inherited property through the legal system remains low, there has been a noticeable rise in numbers. This seemingly bright scene may have a dark questionable side to it: Is the action to file a claim over property a woman's own decision, or she is pushed by her husband or sons? Since women need to make the males of the family their guardians in order to avoid appearing in court themselves, the question arises as to whether a woman is merely a pawn in the transfer of property rights from one man to another.

5.4. Role of the government in land inheritance

After Swat was merged with Pakistan, the Pakistani revenue system was extended to the region. It became mandatory for a family to register the names of shareholders at the revenue department in case of the death of the original landowner. Unfortunately, the system has not functioned well, and in particular has failed to secure women's rights to hold property.

The officer in *Patwar khana*[41] (called the *Patwari*) is responsible for keeping records of all land and land-based concerns in the area. Traditionally, after the registration of the heirs, it is the sole responsibility of the *Patwari* to make sure that all their names have been entered in the records. Although the legal documentation requires all the heirs (males and female) to be registered, in most cases the families pressurize the sisters to withdraw their shares in favor of their brothers, if they want to keep their mutual relations intact. In the majority of the cases, however, women choose brothers/family over land, unless they are counter-pressurized by their sons and husbands to claim their share of inherited land.

In this system, the *Patwari*[42] has sole power regarding land decisions in his locality. In the majority of cases, the *Patwari* is literate up to grade 7 or 10, and as a government officer he is authorized by the government to prepare and maintain the records of land that falls within his zone. The *Patwari* has full knowledge of

[41] The land department office in the village.

[42] See details: http://www.dawn.com/news/1035581/land-records-of-two-city-localities-go-online-this-month.

the land owned by both individuals and the government. He has full authority to make substantial changes in the records of property ownership. In the case of Swat, where traditions regarding gendered land ownership are so overwhelming, the integrity and reliability of the *Patwari* becomes more negotiable and debatable.

The new Swat administration faced a dilemma after it merged with Pakistan in 1969, as it took at least 6–8 years for the Pakistani constitution to establish its writ in Swat. During this transitional period, *Riwaj* continued to be functional regarding legal cases and decisions. At the end of that period, the Pakistani state decided to deal only with new legal cases (those filed after the merger), and to dissolve all cases from the pre-merger period that were more than 15 years old. This decision was made because the large number of pending cases was an unmanageable burden on the courts. One of the lawyers said:

> Pre-1976 cases were hard to settle due to their long history and in most cases the real owners died and their children and grandchildren had taken over. In those conditions, it was hard for the judiciary to re-open the old files and settle the accounts. Therefore, they decided not to deal with pre-1976 cases in order to avoid further complications. In addition, when the new settlement in the law came, many people rose up and claimed the share of their mothers and wives and this created unrest in area, so to avoid this, the judiciary only took cases that were filed after 1976.

The political shift had a positive impact on women's rights to inherit land, because after the merger the number of such cases received in courts increased. Women talked with their families and female relatives about the option of owning their land and the right to retain their land.

However, the slow, frustrating and expensive judicial system, and the success of men in convincing women to settle disputes within the home, continue to be barriers for women in claiming their rights to land. Nevertheless, there are cases where women have decided independently about their claimed rights over land. A larger number of divorce cases involving property are now filed in the courts. The courts usually decide in favor of the women as per *Sharia*, and grant them their rights to own the property, money or gold promised to them in *Mehar*. Unfortunately, the court's decisions are often not respected by the husband or his family. Sometimes these cases are re-sent to the *Jirga* for a settlement acceptable to both parties. Women in this situation are often given money as little as one tenth of the amount of their actual share. Even if a woman is granted ownership of land, the chances of her being the sole decision maker regarding her property are slim.

6. Conclusion

The above results and discussion have demonstrated that the situation regarding land rights in Swat is an amalgam of complex issues, which makes it difficult for women to access land and claim ownership over it. The political shift in the history of Swat greatly affected land dealings in the area. After the merger with Pakistan, the Pakistani judicial system failed to abolish the discriminatory customary laws related to land and land rights prevailing in Swat. During the first 6–8 years after the merger, there was a vacuum in the system and informal institutions continued to resolve all disputes, particularly those regarding land. Thereafter, the delay in the already slow justice process frustrated the people and they reverted to the informal institutions even more strongly than before – notwithstanding the fact that the Taliban's violent reign temporarily weakened those institutions. The legitimacy of the revenue department responsible for keeping records of land inheritance and ownership is also questionable. Even today, the *Patwari* holds all the authority and can make any change in the records according to his will, which demonstrates the continued weak reliability of and confidence in the system.

All of these factors demonstrate a consistent lack of women's access to and ownership of land. In the study environment, women's access to land ownership is controlled by male members of the family. As women usually do not visit public offices due to social norms and taboos, male family members either register their own names in the official papers to keep the land ownership within the family, or they make settlements at home and do not enter the women's names in the records at all. The strong hold of *Riwaj* persists, and overshadows the legal system at village level. It further lowers the chances of women's access to land ownership and control. Although the courts have the potential to grant women the right to hold property, the justice system remains expensive, slow and frustrating. It is also difficult for women to access the legal system independently. Most women in Swat are illiterate and unable to manage their legal case themselves; a woman has to rely on her husband, son or brothers to proceed.

In spite of all these barriers, the situation is slowly improving. Interviews with the villagers and the lawyers were, in fact, illuminated by positive elements. Both men and women, in spite of facing multiple challenges socially and culturally, now recognize the importance of women's rights to own and inherit land. Courts are now more accessible to women compared to earlier times, mainly due to efforts by the government and organizations in training female paralegals. This has resulted in an increase in the number of women approaching the courts. Furthermore, the compulsory registration of heirs (both sons and daughters) in the council revenue office has left positive imprints on gendered land rights.

This research study has several policy implications. Government policy documents have consistently failed to address the issue of women's land rights at all, or to do so adequately, due to a lack of understanding of the practical realities of women's inability to claim their rights. This situation continues, despite the establishment of critical linkages with women's empowerment initiatives (Ahmad, 2010). Neither the National Policy for Development and Empowerment of Women (2002), nor the draft report of the National Commission on the Status of Women (Policy Research on Women's Right to Inheritance and its Implementation), highlight or discuss the issue as a core concern. Thus there is still a wide gap between policy and practice, which needs to be addressed.

This research provides valuable insight into the situation regarding women's land rights in Swat, based on empirical evidence from the field. The results show that discriminatory customs continue to exert a major influence over decision making regarding issues of land inheritance and ownership, but that the situation is improving, both in terms of women's access to formal courts, and their representation in informal institutions. In some villages, men and women themselves have transformed the *Jirga* such that both genders are represented, something which in the past would have been unthinkable. It is now an acceptable option, when designed as part of a locally determined process of cultural change.

In a traditional society like Swat, where people hold on to their culture with pride, exploring alternative expressions of this culture is one sustainable option for improving gendered land rights. It is very important to explore and understand the limits and possibilities in the local context, when formulating gender-sensitive policies. We hope that this study will contribute to the ability of policy and lawmakers to better formulate, amend and transform existing policy and laws such that both women and men can enjoy their equal rights to land, both in Swat, and more generally in rural Pakistan.

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Bridging empowerment and land rights: Understanding gendered perceptions of women's land rights in Swat, Pakistan

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Abstract

Denying women their rights to land ownership is often justified by strict cultural interpretations and practices. In addition, narrow religious perspectives and views also play their part in disempowering women in traditional societies like Swat. This paper explores gendered perceptions regarding women's land rights in Swat, Pakistan, and bridges cultural interpretations and practices with broader debates of women's empowerment. Qualitative methods were used for data collection. Detailed interview guides were prepared to grasp the complexity of the issue in study area. Three villages from lower, middle and upper Swat were explored to understand the diversity of gendered perceptions around women's land rights. The study revealed that men and women accept religious and legal recognition of land rights in Swat; however, the main issue lies in social recognition and enforcement of laws regarding land rights. In addition, the strong traditions and customs have influenced the informal and formal institutions and laws to some extend. Never the less, religious laws and rulings regarding civils laws and family laws where property is involved are also swamp in traditions. Therefore, we can argue that practices around gendered land ownership are strictly tied to local and cultural interpretations, gendered power relations and the structural subordination of women. Moreover, household inequalities due to its non-distinct understanding with different individuals living in it, family and kinship ties play a significant role in further marginalizing women in Swat.

Key words: empowerment, marriages, gender, culture, Asia, Pakistan

1. Introduction

> Islam and the law of the land give women a right in the property, acknowledging them as a significant part of the society with personal needs, thus empowering them with financial security to survive in the male dominant society with dignity. However, the customs come into conflict with the religion as it is considered immoral for women to claim their share of land. The ridicule does not stay confined to her alone, but her children also have to face the embarrassment of her unwanted courage. This may become a tale of shame, in some cases passing on to future generations. (Wife of a property owner in a village in the Swat Valley, October 2012)

Women in traditional patrilineal communities in South Asia have comparatively less information about their legal rights over land and property than their male counterparts. Mostly women do not inherit land as daughters, wives, widows and sisters, but if they do, it is under strict conditions (Agarwal, 1994). This general denial of land rights is related to the disempowerment of women in these societies. As Kabeer (2011) states, empowerment is a dynamic and ongoing process of change, and touches upon different aspects of women's lives. These changes are important, since the empowerment of individual women may be translated into a broader spectrum of gender justice and social transformation. The same author further reflects that the process of empowerment is contextual, and is dominated by the gendered social structures of a particular society. In this paper, gender is conceptualized as a social structure, constructed through powered social processes. Examining these powered social processes helps to identify how and under what conditions gender inequality is propagated within each dimension of society. This understanding is important, since without comprehensive knowledge of local mechanisms, the understanding of these social processes would be incomplete (Risman, 2004).

In the specific context of the Swat Valley in Pakistan, this study aimed to understand how denial of land rights is linked to women's disempowerment in traditional societies. This article

examines cultural interpretations and practices behind the denial of women's rights to land ownership and links land rights to the broader concept of women's empowerment in the area. There are different ways of considering the issue of gendered land rights. The topic can be viewed from legal, social and customary perspectives, from personal and public aspects, and most importantly, focusing on the courage of women themselves in raising their voices against their subordinate status in society. There is also another aspect: considering the prospects of broader women's empowerment through access to resources.

In this article, we apply a reductionist approach in order to understand aspects of the denial of women's rights in Swat, at the micro level. By examining these micro processes in detail, we then extend them to wider aspects of society to provide an understanding of macro processes (Kjosavik, 2003). The main research questions for this study are: Why are women denied rights to own and inherit land? What are local explanations for the denial of women's land rights? Lastly, how are women's land rights related to women's empowerment in Swat context?

1.1 Conceptualizing power and empowerment

Conventional frameworks used for understanding the dynamics of power in society, for example, Chamber(1993)[1], seldom question the unequal distribution of power in society, or the power dynamics of gender, race, class, or any other type of oppression. The understanding of power is mainly confined to 'power over', which when applied to gender analysis, may describe how men wield power predominantly over other men and over women. Extending this analysis to other forms of social differentiation, power is seen to be held by dominant social, political, economic,

[1] For example Bartlett 2004 (pp: 55) states Chambers (1993) definition of empowerment. According to chambers , empowerment means that people, especially poorer people, are enabled to take more control over their lives and ensure the better livelihood with the ownership and control of productive assets as one key element. Decentralization and empowerment enable local people to exploit the diverse complexities of their own conditions and to adopt to rapid change. Chambers however, overlooked the structural inequalities prevailing in the society and communities with respect to gender and how resources and access to resources are inherently gendered.

or cultural groups over those who are marginalized. Power, in this sense, is in finite supply, that is, if some people have more power, then others have less (Rowlands, 1995 p: 11). Despite the existence of unequal power relations, these differences may not be overtly expressed by the oppressed. Parsons (1991) notes that people who are denied power and have no influence in society can internalize the messages they receive about how they should behave and what they are entitled to expect from society.

In contrast to power as a zero-sum game, Foucault (cited in Rowlands, 1995) offers an alternative view of 'power as processes. Foucault illustrates that "power can be located and is relational − its existence lies in exercising it. He further emphasizes that power consists of networks of social relationships among subjects who are, at least to a minimal extent, free to act. Many feminists have drawn inspiration from Foucault, not only from his more tangible expressions of power, but also developing an understanding of how internalized oppression creates barriers to women's exercise of power, thereby contributing to the maintenance of inequality between men and women (Rowland, 1995, p 13)". Rowland (1995) employs several additional dimensions of power: power to, power with, and power within, which reflect very different meanings and processes of empowerment.

Considering these additional notions of power, according to Malhotra and Schuler (2002), empowerment strengthens agency, empowers women to control resources, and strengthens their influence in decision-making processes that influence deeply on their lives. The same authors further illustrate that understanding and definitions of empowerment vary between development organizations and feminist activists. Feminists however, believe in empowering individuals as well as women's groups and organizations, which again shows variations depending on how different feminists conceptualize it differently depending on their stand point(Sen & Grown,

1987; Jahan, 1995; Kumar, 1993). While the concept of empowerment can be applied at all levels in the government and society, its use in a development contexts focuses mainly on the process of change from below i.e. grass root level (see Kabeer, 1999; Jejeebhoy, 2000). Kabeer (1999) illustrates empowerment as a multi-dimensional process, i.e. firstly, it considers the pre-conditions or the resource assets, secondly it consists of agency, and lastly the outcome. Pre-conditions of empowerment are the assets that may be used by women to improve their economic status (Kishor, 2000). It is evident from the literature on gender and empowerment that it is necessary to understand local socio-cultural and economic contexts before the role of gender in development can be understood (Malhotra & Schuler, 2002; Kabeer, 1994). Rowlands (1995) states that:

> As feminist and other social theorists have shown, societies ascribe a particular set of abilities to social categories of people. Empowerment must involve undoing negative social contractions, so that people come to see themselves as having the capacity and the right to act and influence decisions. (p. 14)

Kabeer (1994) focuses on deconstructing the notion of power in order to define and understand empowerment from a gender perspective. She states: "The multi-dimensional nature of power suggests that empowerment strategies for women must build on 'the power within' as a necessary adjunct to improving their ability to control resources, to determine agendas and make decisions" (p. 229). The same author further explains that "power from within needs experiential recognition and analysis of issues to do with women's own subordination and how it is maintained. Such power cannot be given; it has to be self-generated" (p. 229). Kabeer(1994) however, confines her analysis to the grassroots level and does not take it beyond, nor does she enter into a micro-level analysis of empowerment of individual women. Hence, we extended our

analysis to include the life experiences of individual women, and investigated how the personal, relational and collective dimensions of empowerment interrelate in the selected society.

The conceptualization of women's empowerment in relation to land rights examines the ways in which unequal gender relations might influence women's rights to hold land. It focuses on women's ability to challenge structural oppression and male dominance, both inside the home and in the wider society. Furthermore, all three dimensions of empowerment, i.e. personal, relational and collective (Rowlands,1995) become active when gendered land rights and women's empowerment are under discussion.

Agarwal's (1994) extensive work on women's land rights in South Asia provides several arguments based on empowerment and access to land and property. For instance, she claims that entitling women to hold land not only empowers them economically, but also strengthens their ability to challenge other social and political gender inequalities. The same author relates empowerment to the collective action of women that not only uplifts their self confidence, but also strengthens them and enables them to defy oppression. Efforts towards women's empowerment not only challenge gender inequality, but also seek to reduce and eventually eliminate it. Collective efforts by women's groups are a way forward in enhancing women's empowerment in general, and the right to hold independent rights to land in particular.

2. Methods and methodology

In order to investigate the complexity of women's land rights and empowerment (or lack thereof) the fieldwork for this study was conducted in 2012 and 2013 in 3 villages of Swat valley. 46 interviews were conducting for in depth understanding the issue. The respondents from the three villages included 20 women, 18 men. In addition to that one professor of history, four officers

from the district revenue department, and three religious leaders. They were interviewed to seek understanding on how the issue of land ownership is inherently gendered, and how men and women from different social classes and ethnicities might understand it differently. Focusing on the gendered perspective helps to understand the complexity of the issue in a holistic sense. However, it is important to realize that detailed, qualitative interviews aimed at understanding social relations, power hierarchies and women's access to resources that are inherently gendered.

During the first phase of data collection in 2012, eight villages were visited. The initial visit was made for village selection as per criteria devised. From those eight villages, three were selected based on the extent of their exposure to the conflicts and floods[2], one village each in Upper, Middle and Lower Swat. The village in Upper Swat was severely affected by the floods; the village in Middle Swat was hit by both conflict and floods, and the village in Lower Swat had been severely affected by militancy. The main purpose of selecting villages from different topographical regions of the valley was to capture the diversification in customs and cultural interpretations regarding women's land ownership and different practices attached to it. The selected villages were studied in detail in terms of their ethnic diversity, gender roles, responsibilities and customs, access and practices around land ownership.

2.1. Research methods

A qualitative data collection approach was used for this study. Both purposive and snowball sampling techniques were used to identify respondents in the selected villages in terms of ethnicity, gender, socio-economic levels and livelihood strategies. The main data collection tools

[2] The Taliban captured the Swat Valley in 2005. Later, in 2008, the Pakistani Army cleared the area. For details, see Sultan-e-Rome (2008).
Soon after the conflict, Swat was hit by devastating floods in 2010, leaving millions homeless and penniless. For details, see the Pakistan Floods 2010 Preliminary Damage and Needs Assessment Report.

were unstructured interview guides, and occasional focus group discussions. Focus group discussions were not a major data collection method because the area was still plagued by conflict and it was considered unsafe to gather groups in most areas. To avoid any unpleasant incidents, focus groups were conducted only when security could be fully ensured.

To understand and capture the complexity of gendered land rights and the tension between cultural and religious interpretations of different practices in the society, men and women were interviewed separately. Respondents were further separated according to different ethnicities, social classes and livelihood activities. Men from the upper class were mainly landed class, men from the middle class were small-scale farmers and share croppers, while men from the lower class were tenants. Similarly, women from the upper class were mostly homemakers, those from the middle class were involved in teaching, personal tailoring businesses, or livestock management businesses, those from the lower class were wives of tenants or involved in the dairy business. Respondents from the upper and middle class were mostly Yousafzai Pakhtoons and Miyangans; most from the poor class were Gujjars and other minorities, with a few Pakhtoons. One professor in Saidu Sharif[3] with a sound knowledge of local culture and history was interviewed. Historical land documents, the *Nikkah Namas*[4] and *Riwaj Nama*[5] were also studied and interpreted [6].

Interviews were conducted in personal and private spaces, between each interviewee, the researcher and a female field assistant. Most interviews were conducted in *Pashto*, the language of the area. For this purpose, a translator had to be hired, since I do not speak Pushto. The

[3] Main city in the Swat Valley
[4] Marriage contract
[5] *Riwaj Nama* is the name of the old constitution of Swat that was functional during the pre- merger era, i.e. before 1969
[6] For details see Khalid et al. (in press)

interviews lasted for 1.5 hours on average. The female assistant was not present for interviews with male respondents, as the men spoke Urdu[7] (which I understand), and local traditions do not allow Pakhtoon women to enter into male spaces. Being a non-Pakhtoon woman, I had the liberty to move freely in both male and female spaces, as long as I remained within certain limits of tradition and culture.

3. Results and discussion

The empirical findings from the three selected villages in Swat are presented in this section. We begin with an overview of local customs, traditions and gender structures in Swat. The later sub-sections cover what men and women think about land rights and ownership, and the cultural interpretations and arguments regarding practices regarding women's land rights.

3.1. Gender and traditions in Swat

Swat is unique compared to other areas in Pakistan because of its history. Swat was a princely state until 1969 with its own constitution i.e. *Riwaj Nama*, and judicial system. After the merger with Pakistan, the writ of the Pakistani Government was established in the valley. Unfortunately, there was no swift transfer of laws to the newly merged state. According to the deputy commissioner of Swat: "After the merger, there was a vacuum period of around 6 to 8 years which gave extra room for local traditions to become more powerful". [8]

The major tribe in Swat is the Yousafzai Pakhtoons, with minority ethnic groups such as the Miyangans, Gujjers, Parachas, Khattaks, Tirwoli, and Kohistanisare also being present. *Pashto* is the main language of communication in the area, and all the ethnic groups adhere to the cultural

[7] The national language of Pakistan and major mode of communication from north to south. In addition, every region has its own particular language that may not be understood in other regions.
[8] For details see Khalid et al. (in press)

code of conduct, *Pakhtoonwali*. Interestingly, we found that *Pakhtoonwali* is defined and interpreted differently by men and women. One of the landlords in the study villages, when asked about *Pakhtoon wali* and women's land rights said,

> Precisely, in *Pakhtoon wali* women are not supposed to get any share in land because it distributes the power of the family to other families. *Riwaj* is strict about it. Swat before the merger with Pakistan was following *Riwaj*, the rules set by the *Wali* (governor) about governance and the state. *Riwaj* was designed to lead life in a proper pattern.

The statement clearly reflects the importance of *Riwaj* in Pakhtoon society. It also reveals that social interactions and practices continue to be based on local traditions. Another interesting aspect worth mentioning is that the honor invested in *Riwaj* is gendered i.e. men regard it as an honor to practice *Riwaj* in all aspects of life, for instance, inheritance, access and rights to land ownership. All the men of all social classes and ethnicities in the selected study villages were in favor of practicing *Riwaj* regarding land rights and land dealings. On the other hand, women were in favor of legal and Islamic rights and objected to the practice of *Riwaj* with respect to land rights. The interpretation of *Pakhtoonwali* is also gendered, with women's interests diverging towards legal and religious laws regarding land rights and equal access, while men invest their honor and pride in following traditions and culture.

On the other hand, one of the females remarked on the strength of traditions:

> Women in Swat are mostly illiterate and seldom go out of their houses. They know little about the world so they stay at home. In *Pakhtoonwali*, women have no space and place outside the home. She is born inside the four walls of the house and she is expected to die like this. *Purdah*[9] is very strict in this society. There is no

[9] *Purdah* is observed to prevent women and men from mingling freely. This practice is exercised more often in Muslim societies, but also in some segregated Hindu societies.

compromise on that. There is no concept of women's land ownership in Pakhtoon society either or more precisely in *Pakhtoonwali*.

All the women interviewed in the study villages recognized the discriminatory nature of *Pakhtoonwali* and were very critical of the practice. The most exciting aspect is that all the women were aware that traditional practices deprive them of their rights, and they have begun to demand the implementation of legal and religious laws regarding land management.

The above exploration of the gendered dimensions of *Pakhtoonwali* gives some understanding of the society in Swat and the practices regarding land ownership[10]. Furthermore, religion holds a central position in Swat society. For example, one of the landed noble strongly agreed that men, in particular, consider the teachings of Islam in all aspects of life. However, societal practices regarding land rights often contradict those specified in Islam. According to Islam, women as daughters, sisters, wives and mothers can inherit, own, control and access land and property; in particular, the *Surah-e-Nisa* chapter directly deals with women and their rights[11]. However, such teachings of Islam regarding women are consistently ignored, and followed neither in letter nor spirit, due to deep-rooted customary practices concerning women's land rights. Detailed discussions with religious leaders in the villages revealed that, to a large extent, men oppose the sermons related to women because they consider women's rights and women talking about their rights as a major threat to culture and a possible cause of the destruction of social values. For example, one *imam* said that he does not have the authority to go against the will of the people because he earns his livelihood from serving in the mosque. He admitted that customs are deeply rooted in the society and people follow culture more than the dictates of their religion.

[10] For details see Khalid et al. (in press)

[11] *Surah-e-Nisa* is chapter 4 of the Holy Quran. It deals directly with women, their rights and their role in society.

Another aspect of this society is the influence of powerful elites. The religious leaders in Swat are not as powerful as the *Khans*[12] and *Maliks*. *Khans* and *Maliks* in the study villages have a tight grip on the society and influence the religious speeches that *imams* deliver in their weekly sermons. For instance, the majority of the village leadership dislikes openly discussing women's rights according toIslam. However, one of the *Khans* made this point in his interview:

> Religious teachings in weekly sermons became political and ideological in the 2000s. The Taliban, when they captured Swat in 2005, used Islam as a tool to gain trust and popularity among people, and especially women. They exploited the subordinated and oppressed position of women in Pakhtoon society and promised to bring reforms in the form of land rights, economic development and education for women and the poor.

However, such promises were later breached and an extreme version of *Sharia*[13] was implemented and forced upon people, especially women. This extreme version of *Sharia* further oppressed women in Swat and reinforced structural subordination in an already culturally conservative area. In addition, respondents explained that the Taliban regime reintroduced unequal power relations and unequal distribution of resources in the name of religion.

3.2. Gendered structures and limitations in Swat

Since this study investigates land ownership and rights in Swat, gender and family structures play a pivotal role. Family and kinship ties in Swat society are very precise and strictly adhered to. The average household practices fulfill the criteria described by Kandiyoti (1988) as "classic patriarchy". The sole authority or power lies with a senior male member in the family, in the majority of cases the father, or the elder brother if the father is deceased. Households are organized along communal lines, which means that all the power lies with the head who is male,

[12] Landlords or village leaders
[13] Islamic law

as described by Kabeer (2011) in rural Bangladesh. Patriarchal practices dominate all social relations in the society, including marriage practices. Marriages are strictly patrilocal – upon marriage, a woman leaves her natal home and family and becomes part of her husband's patrilineal group. This setting eliminates her, to a large extent, from becoming a shareholder in her father's land. During fieldwork for this study, interviews with both men and women revealed that Pakhtoons prefer sons to daughters. One of the landlords said "Every Pakhtoon comes to this world with a wish to have at least five to six sons. Sons increase the power of the father". Thus it is clear that, in Swat society, a women's position in her marital life is tightly bound to the need for her to produce sons, thus enabling property and the family name to be carried to the next generation.

Another prominent feature of Swat society is strict gender segregation, known as *purdah*. Since the observation of *purdah* restricts the free movement of women, they automatically fall outside mainstream development opportunities in public spheres. According to Kabeer (2011), strict limits on female mobilization within communities and villages are a barrier to attaining self-confidence and invoking the process of empowerment within oneself. This is clearly the case in the context of Swat. For example, although most of the women whom we interviewed in the study villages recognize that they are denied their rights to land and land-based resources, this recognition is bound up with so many social barriers and limitations, that enforcement is curbed. Strict sanctions on mobility limit the exposure of women to outside activities and prevents them from generating the strength within themselves to talk about their rights. The lack of networking and overwhelmingly conservative traditions regarding land practices are the biggest setbacks in allowing women to recognize and enhance their sense of empowerment from within.

3.3. Women's perceptions of their rights to own and inherit land

Swat society presents a complex picture of being both religious and culturally strict, and sometimes culture can contradict Islamic teachings. For example, Islam and its laws regarding land rights (as stated in the Quran, chapter four − *Surah-e-Nisa*) grant a woman the right to own, buy, inherit, keep or sell land, as per her will and need. Therefore, denying women their rights to land according to the culture and traditions in Pakistan in general and in Swat in particular, conflicts with the tenets of Islam. Women who challenge cultural bias and claim their share of land are, despite their show of courage, often met with disgust on a wide scale, earning them a bad name and reputation, which can be inherited by their kin in the form of taunts, boycotts and grudges.

One of the female respondents from upper-middle narrated a disturbing tale of a woman in a nearby village who was seeking land rights (the identities of the people concerned were not revealed). One of the prominent landlords passed away, leaving behind sons as well as daughters in mourning. All the children were married and settled in their homes. One of the daughters was influenced by her husband to appeal to her brothers about her share in the property. Upon refusal of her request, the husband took the matter to court. In the meantime, the landlord's wife also died. The daughter, unaware of the hatred and vengeance her brothers bore in their hearts for her over her husband's claim, went to attend the funeral of her mother. Her bad luck awaited her when the brothers not only refused to let her see her mother's face one last time, but also took her captive in the house. They later beat her to death, not in hiding, but publicly. Her dead body was mercilessly thrown in the fields. The narrator said: "Sometimes such consequences are faced for demanding one's legal share in the land in Swat, and this is just one of many untold stories".

The above story, as well as interviews in the field, reveals much about gender structures in Swat society, as discussed earlier. The dilemma is that women may not ask for their property rights independently, but always require male mediation. Even in the case mentioned above, it was the husband who prompted his wife to seek her rights. The chances were high that even if she had obtained the right to her property, she would not have been able to use it independently, but would always need her husband or son to act as a guardian. Women in such situations are oppressed in two ways: they are not able to utilize their property independently, and if they do not get the land, they suffer in their marital life. For example, if a woman does not get her property share, she will be ridiculed by her husband's family for years to come, and bear an extra heavy workload. In some cases, she is not allowed to visit her relatives anymore, and thus loses ties with her natal house and village forever, which is very upsetting and depressing. If, on the other hand, a woman is granted her property share, her worth as a woman increases and her respect and acceptance in her husband's family increases in manifold ways. The particular case discussed above is an extreme reaction that indicates how central land is in terms of power in this society; people do not hesitate to shed blood (even of their own sister) in order to keep the land within the family.

The strength of family and kinship ties also influences gender norms in the society. Women and men are expected to behave in particular ways. In such settings, if a woman who is in a subordinate position stands up for her rights, she bears severe consequences. The concepts of 'power from within' and 'power with' (Agarwal,1994; Kabeer 2001; Rowlands, 1995) can be applied in such situations. 'Power from within' can serve as a pre-requisite for 'power with' or collective action, and vice versa. The concepts are reciprocally related: when one starts to feel strength within oneself, it drives one to the level where collective action may be taken to initiate

change, or otherwise. For example, the woman in the above-mentioned case, though driven by her husband, demonstrated courage in standing against her natal family and challenging the traditions. Although she was not supported or accompanied by other women, she mobilized her inner strength to take this daunting step; at the same time, her husband pushed her in terms of exerting power over to take action by launching the court case. However, the fundamental question remains as to whether women will continue to be at risk of discrimination and even harm, if they stand up for their rights.

Another woman spoke about her personal experience, saying:

> My father was educated. He owned land. When it was time to register his land, he did not put his daughters' names in the *Patwar khana* (revenue office at the union council[14]). My mother was against this action, so she stood against my father. Later with the help of my brother-in-law, we registered all our names on the legal documentation. My brothers were not happy with this arrangement, but they had no option but to accept it. Now we are all registered in the documents as legal owners of the land. None of us can sell it without first seeking everyone's permission. At least now, we have something to rely on. If any one of us wants to sell his/her share in the land for money, we arrange money for him or her and in return they withdraw themselves from the property.

This story is an example of how some families avoid the cultural complications and arguments by registering the names of all the shareholders in the *Patwar khana*. In such a case, the property is not split and distributed, but stays as a common central property in which all the siblings have lawful shares. If anyone wants to sell it, he or she cannot do so without permission from the others. If the other shareholders can afford to, they pay the equivalent amount, or perhaps less, depending upon the situation and the traditions in the area. We learnt during fieldwork in Swat

[14] Union council in Pakistan is an elected local government body headed by a nazim (mayor) and a naib nazim (deputy).

that women, in most cases, are given money instead of shares in the property. The money given is usually one-tenth of the actual price of the property. Women in such situations tend to accept the compromise, so that they obtain some financial assistance, while retaining ties with their natal family. It remains an unresolved tension that brothers mostly maintain control over property and the incentive for sisters is that they may have a legal share. Sisters are thus neither excluded from legal documents, nor are they given the right to exercise control of their share of the land.

3.4. Men's perceptions of women's land ownership rights

In order to understand gendered relations in land ownership, and why women's land rights are limited, it is important to consider how men view women's rights to own land. Nearly all the men interviewed in this study agreed that inheriting and owning land is a woman's fundamental and religious right. Although this is well documented in legal and Sharia law, the reality is very different. The literal meaning of 'owning' the land has been maneuvered by people in power into different notions, such as compensation money, *jahaiz* [15]and other adjustments. One of the male respondents explained the customs, saying: "If they do not give shares in the land, we give *jahaiz* that is worth more than the price of land. It's a kind of compensation for shares in land".

Most men said that land is one of three reasons for treason and conflict in humanity (land, women, money), since these bring power and supremacy to a man. One of the landlords in the study village said "Swat has a bloody trail in history in the context of land" . He further narrated the story of the *Wali.e.Swat*[16] saying:

> The *Wali* in the pre-merger era got into a heated argument with his brothers over the matter of land. The dispute led to the murder of the *Wali's* brothers and cousins by

[15] Dowry
[16] The ruler of Swat prior to the merger with the Pakistan.

> his own hand. Cruel it might be, but it paved the way towards power and land control for the *Wali*. It's safe to say that it's in the blood of Pakhtoons to fight for power and kill where necessary, and land is the ultimate power.

As far as women and their share in property are concerned, most males believe that "*jahaiz* is her share". According to them, all the property remains in the father's possession for as long as he lives. It is considered against the norms and values to claim any rights to the property while the father is alive. Traditionally, after the death of the father, the heirs gather and distribute the property among themselves according to the laws and customs known to them. The sisters may claim their share, but most of the time their claims go unheard. One of the Yousafzai old-aged landlords said during the interview:

> Yousafzai never give a share to women in land in *Riwaj*[17]. Until the 1970s, it was unimaginable for women to ask about a share in land. The introduction of the new Pakistani constitution empowered women to ask for a share in family property, and own and use their share according to their free will. However, the reality is that law and constitution is not enough to bring down this centuries' old custom. It also depends upon the family's willingness whether they want to give the share to women or not. The misunderstanding behind 'no share for women' is that women are entitled to get a share in property from parents as well as from husbands, which is more than their need. Thus, the daughters are not given their due share in property and instead the needs of the daughters-in-law are catered for with that particular share of land or the income generated from it.

The above example illustrates that previously, and even today, *Riwaj* has influenced women's rights to own and inherit land.

To some extent, the merger of Swat with Pakistan in 1969 empowered women to stand up for their rights. While the judicial system is flawed and heavily influenced by customs, it does grant

[17] Local customs

women an opportunity to seek their rights to land. Together with other factors, family willingness and attitudes towards females play a significant role in enabling women to realize their rights. We observed during the study that some families are comparatively less conservative about women's rights and their involvement in various activities in the village. The fact that there are examples of less conservative families is extremely important in capturing aspects of local divergence from conservative norms. It also reflects that practices and norms around land rights are not only tied to ethnicity and kinship, but are also affected by variations in family norms. During fieldwork we met men who were comparatively lenient regarding women's issues. For instance, we met a schoolteacher and activist from a well-off family, ethnically Pakhtoon, yet he was very moderate in his views about women's rights and land dealings. We also met people from the same ethnic group who were not willing to talk about women and their rights. Such variations in responses and attitudes reveal that Swat society is so diverse that it is impossible to generalize without understanding the diversity, not only ethnically, topographically , economically, gender wise but also in terms of family norms and attitudes.

3.5. Other factors influencing women's land rights

Other social processes such as marriage, the practice of *Mehar*,[18] and distribution of property after the father's death also influence women's land rights. The following sections discuss these issues.

[18] Mehar or Dower is a sum of money or other property to be paid or delivered to the wife. The Mehar belongs to her and she can deal with it in any manner she wishes, and neither her husband nor his relations nor even her relations can dictate to her in the matter of using the Mehar money or property.

3.5.1. Changes in social practices

The majority of men and women in the study villages commented on social relations and practices like *jahaiz* and marriage customs, many of which have changed over time. One of the older women, from a landlord family, reported:

> As the world is changing, the trends in Swat are also changing. The traditional practices at different occasions are not the same as they were a decade or two ago. For example, in the case of marriage, in old times the in-laws did not give the bride clothes at all, but now the bride receives up to 30 suits from her in-laws upon marriage. The amount of *jahaiz* given to the girl has doubled. This trend has shaped a particular mindset in the people, in that the more *jahaiz* a girl brings from home, the more she is respected among her in-laws.

Another woman, a teacher from a middle class family, said, "A girl's traits and her character are not sufficient to make a marriage work; the accessories she brings carry weight too". This changing trend has introduced another dimension of compromise in terms of women's rights to own and inherit land. For instance, the *jahaiz* a girl receives in marriage is considered to be compensation for her share in the family's land and property. The tradition of lavish *jahaiz* has inculcated greed in people. Ironically, at the time of marriage, in-laws expect a lot of *jahaiz* and in addition, they expect the girl to claim her share of land from her family, even if she opposes the idea. The parents and family of the bride arrange the money for the *jahaiz*, and often it is more than they can afford. Getting into debt to ensure that a girl has a lavish dowry is very common. Parents sell their property or take loans in most cases, which is why they argue that the daughters no longer have any share in land or inheritance rights. This changing trend for more *jahaiz* has increased pressure from in-laws for granting land rights to the woman, but this is a ruse for transferring land from the males of one family to the males of another family. It can be

argued that the increasing materialistic approach has increased not only social pressures on parents, but has also deprived girls to some extent of their rights to own and inherit land.

3.5.2. Other common disputes and issues around land and ownership

The father in a family holds the authority and control over the family's property while he is alive and may wish for the property to be distributed among all his children. However, after the father dies, it sometimes happens that brothers do not want to share the property with their sisters. We found while interviewing women that their father wanted to give them their share, but after his demise their brothers kept all the shares. Many men and women in the selected villages referred to similar experiences. In the village of Mashkamai[19], for example, there was a rich family with two sons and a daughter. The father wanted to distribute the land among all three children. However, there was a disagreement, as the brothers did not want their sister to get her share. Before the matter was settled, the father passed away. The sons became so blinded by greed and desire for the land that they murdered their sister.

Another woman said, "There are hardly any rights regarding land given to women and if someone claims to have done so, then he must be lying, because I don't believe it". However, we found an example of sisters who went to court and filed a lawsuit against their brothers. When asked if there were any cases in the villages where women won a court case, every respondent reported the same case, which shows that claiming land rights through legal processes is very uncommon in the area. The case involved two aged women who stood up against their brothers and filed a law suit to obtain their share of the family property. They remained steadfast during the tedious process and finally won the case. Everyone in Swat knows about the case. Unfortunately, these women now live outside Swat and could not be interviewed directly.

[19] A neighboring village of study village

Nevertheless, women admire their courage while men see it as an unnecessary attempt to disturb the social fabric.

One of the respondents, while discussing the situation of women and land rights, narrated a story of her family. She said:

> My father-in-law married twice. He was not happy with his first wife so he never gave any rights to her, let alone land ownership. Even after his death when everyone's names were being registered in his property, the sons did not give his first wife's name to the *Patwari*. So in the *Patwari's* papers my father-in-law is recorded as married only once.

The above case shows another dimension of how women are denied their legal rights to own land. If the first wife had been granted rights to her land, she could have sustained herself in a more satisfactory way. In such cases when women are deserted by their husbands, they return to their natal homes and spend the rest of their years serving the brothers and their families. Mostly these women are uneducated and unemployed, so if they were given their due right in property and *Mehar* it would increase their wellbeing and autonomy. In addition, they would be empowered in the sense that they could take small decisions about their personal lives, and spend money on themselves without requiring permission and finance from others.

Generally, a woman can only use land independently if she buys her own land, which is extremely rare. This is due to the social constraints described above, and also legal and economic pressures. Moreover, women avoid formal legal options such as contacting lawyers and courts for two main reasons. Firstly, it is against the local culture for women to go to court and secondly the process is extremely expensive. If a woman goes to the court, she will more than likely have to withdraw after some time due to high expenses. Moreover, she would need male assistance,

someone to negotiate with the real estate agents and clients during the process and later assist in transferring the property to her.

3.5.3. Cultural interpretations of social relations i.e. Marriage, property, Mehar

Property ownership has direct and indirect links with marriage practices. In Islamic marriages, women can own property or money through marriage contracts. Women are entitled to a share in the property of their husbands. Nevertheless, even that is conditional because if they do not have children, this right lapses. Mehar is the fundamental right of women in Muslim marriages and is cemented in the marriage contract. Mehar is the only thing that women possess, yet the tradition is plagued with deep-rooted cultural practices. Mehar comprises a transfer of resources directly to the bride from the groom's family. The basic philosophy is to uplift the wellbeing of women in marital relationships. Mostly gold is given and demanded by the bride's family because the chances are good that gold will remain with the woman and not be taken back by the in-laws. It is not common to give land in Mehar in Swat, but in some cases, we met women who have Mehar in the form of property such as houses and shops. These women are particularly from landed families. They are not in charge of the property − their male counterparts are.

A well-off woman said in her interview:

> I had been given 80 shops in my *Mehar*. Up to this date (more than 15 years of marriage), I do not know anything about the income from that property. My husband provides me with everything I need. It would be strange to talk about my *Mehar*. I have to live and die with my husband. Talking about *Mehar* would mean that I want separation. Nevertheless, sometimes I do think that if I had been given my right and received full income from the 80 shops I would have spent the money according to my will and I would be powerful and confident. The papers for my shops are with

> my brothers as security that my husband would not sell them and my husband receives the income. This is the *Riwaj* here.

She further reflected on her inheritance rights and continued the story, saying:

> I haven't got any share in my father's property nor have I asked for it because this is the *Riwaj* and we cannot go against it. The actual right on family property is for sons because this keeps the property within the family. In this regard, they do not consider Islam or Sharia. If they give land ownership to women especially in the father's property, it calls for many disputes and conflicts. The main reason is that they don't want to share the property with some other family. Why would they give their property to some other family, without getting any benefit in return?

Interviews with many other women, revealed that the women often do not know the location of the property or the extent of its earnings, and they have almost no say in its management and dealings. The women are given some amount from the production of the land as pocket money. However, in the case of giving gold as *Mehar,* the chances are high that it will stay with the woman and she can use it independently. Nevertheless, sometimes husbands do take the gold to invest in their business or to pay off their loans. If the husband is wealthy or from the upper class, he might compensate the woman by paying her, but as the financial class gets lower, the chances of returning the *Mehar* or compensating the woman are negligible.

Though *Mehar* is a woman's legal and Islamic right, like all other social relations and practices it has cultural interpretations as well. A very disturbing tradition prevailing in the society is that of a woman withdrawing from *Mehar* in favor of her husband. It is thought to be the trait of a loyal wife if she does not accept what her husband owes her in *Mehar*. In other cases, if the husbands pay the *Mehar*, they consider all their duties and responsibilities towards their wives to be done for the rest of their lives. During interviews and discussions it was revealed that all men and women recognize *Mehar* as a religious obligation, but they weigh the attached cultural

interpretations more heavily. Men expect women not to ask for it and women to large extent withdraw themselves from this right. The struggle of becoming good wives, daughters and sisters deprives women of their basic rights.

The whole process of women claiming their rights, or not, can be linked back to the concept of empowerment, which per definition is a bottom-up process. Improving the everyday situation of women and empowering them demands a renegotiation of gender roles and responsibilities, constraints and organizations, and above all, renegotiation around resources. Here Bina Agarwal's (1994) argument about women's land rights is applicable, namely that entitling women to hold land not only empowers them economically, but also strengthens their ability to challenge social and political gender inequalities. The same author further argues that empowerment is a collective action by women which uplifts their self-confidence and polishes their abilities to challenge oppression. It also helps in reducing gender inequality.

The process of women's empowerment can further be linked to Naila Kabeer's (1994) arguments emphasizing that 'power within' needs to be strengthened in the context of South Asia. She argues that 'power within' requires deeper analysis of the subordination of women. Women need to step away from a situation of powerlessness, generate inner strength and move towards a sense of 'collectiveness'. In the context of Swat, we argue that if the women object collectively and do not accept the cultural interpretation of marriage and *Mehar*, it will be the first step towards empowerment. If women start discussing their *Nikkah Nama* [20]with their father and brothers before marriage, and afterwards with their husbands, it will be another step towards empowerment.

[20] Muslim marriage contracts

3.5.4. Cultural barriers in legal aspects of women's land rights

After the merger of Swat with Pakistan, it became mandatory to record the names of heirs legally in the office of the *Patwar khana*. However, very often, brothers conduct informal settlements by taking signatures on blank stamp papers in advance of the legal process. They enter the names of the sisters in legal papers, and have a side document signed by sisters that they can use later on for transferring property to their own names without telling them. Thus, in some sense, they abide by both the legal process and *Riwaj*.

Land is very important in Pakhtoon life but now times have changed. People are exposed to the outer world − they migrate to seek work and they are more educated than before. Some people opt for daily wages and remittances. This change in the pattern of life has altogether affected *khanism*[21] in Swat. Nowadays women go to court to end forced marriages and settle inheritance issues. However, they have to bear the consequences and very often suffer in different ways. In the worst case scenario, it has been known for husbands to kill their wives for taking such extreme steps. Land ownership can also lead to polygamy, for example, a man may marry his brother's widow if she owns any piece of land. The widow is forced to marry her brother-in-law mainly to keep the land within the family, as well as to avoid any disputes or claims of land by the widow.

A middle class woman explained:

> In Pakhtoon society sons and daughters are not equal. One out of hundreds gives their daughter her legal share happily and without her having to make a claim. In this society, everything is for sons. This is our custom and it has been practiced for decades and no one knows how long it will remain the same.

[21] *Khanism* is similar to the feudal organization of land, but less extreme.

As discussed earlier, *jahaiz* is accepted by women as compensation for land ownership and inheritance. When sisters or daughters need help, the males of the family give them money rather than transferring any property to their names. A women from the upper class said, "I belong to a landed family. After my father's death, we sisters withdrew from our rights, as we want to keep ties with our brothers". Many women interviewed in the study villages reported the consequences of a woman claiming her right to land − her parents abandon her and her brothers cut all ties with her. People strongly condemn any woman who asks for her share in the land. They call her bad names and use her name as a bad example in front of other women. As a result, very few women claim their rights to land, particularly through formal and informal institutions such as the courts and the *Jirga*[22] for settling land disputes and rights claims by women. Thus people narrate stories over the generations of the few courageous women have done so.

It can be argued that the women of Swat have internalized and accepted the consequences attached to claiming the rights to own and control land. Further, men hold it as a duty to maintain the ancestral land and property under their control in order to sustain their power, honor and political integrity in society. Another perspective on not allowing women to own land or access their rights to land is the reluctance to share ancestral property with another family. It ultimately divides the power and reduces the economic production of the land.

At the same time, there are cases where brothers have given land to their sisters who are building their homes on it. If brothers give land rights to their sisters without any objection, they are praised for their generosity and not because they have fulfilled their legal duty. However, the culture is interpreted in a different way in cases where parents and brothers give lots of *jahaiz* and gifts to women on all important occasions in life and stand by them through any difficulties.

[22] In formal institution for conflict resolutions

For example, daughters visit their natal families every month, they receive care and respect, and on various festivals parents and brothers send them gifts and money. The wife of one landlord said "I prefer my brothers' love and respect over the land. If I get the land, I have to compromise on the warm welcome and love of my brothers and my family".

Although a woman may be given gold or land in *Mehar*, the chances of her exercising authority over her rights are minimal. Regarding gold, the practices vary and have class and economic dimensions. Women from upper class families own lots of gold and it stays with them, but lower down the economic ladder women face issues in keeping the gold as their personal possession. In the case of land, papers are withheld and some amount of money is paid to the woman every month. In cases where a woman is not given any income from the land, her family settles the issue with her husband and in laws. For widows, it's even more difficult to obtrain their share. A widow from Middle Swat described her situation:

> My husband died 8 years ago, and my brother-in-law confiscated the property. I filed a suit but there is no result. I have paid a lot of fees to the lawyer during the case. I was alone and couldn't fight my brother-in-law so I withdrew the case.

The examples from the field and personal observations reveal that in many cases, women themselves withdrew from their rights because they consider this to be a social obligation. They are brought up to believe that this will qualify them to be viewed as a responsible daughter, sister and wife. This shows that women are strongly influenced by societal expectations and male domination.

The process of women's empowerment can be linked to the concept of 'power from within'. The change or the empowerment process will be strengthened once women themselves start feeling the power they have and utilizing it to bring about change. It also can be linked to 'power with'

i.e. through collective action the notion of strict gender norms could be dismantled, for example, expected behavior regarding land rights for women. Exceptions to expected behavior derive mostly from the wealthy class. A rich widow in one of the villages is empowered compared to her fellow women. She lost her husband 13 years ago but still lives with her in-laws and gets a share from the land her husband owned. Although the property is not legally in her name and is handled by her brother-in-law, she is satisfied with the arrangement. Her brother-in-law gives her half the profit from the land. She did not demand transfer of the property into her name as her son is still young and there would be no one to look after the land if it were transferred into her name. This shows that women need to have a male family member to deal with legal issues and the tenants working on the land. There are also cases where unmarried women from well-off families live with their brothers. According to *Riwaj*, these women cannot own any property. They lead a dejected life. They have a share in the land, which is not given to them; instead they are provided with clothes, food and some money to buy the goods that they need. The amount of money they receive is significantly less than the value of their share of the land.

The consequences on women of denied land rights are generational. For example, there are rich and middle class landlords who have aunts who were not given their share of land by the previous generation. These old women legally have a share in their father's property, but the land is under use and management by their nephews. In most cases, the women lead difficult lives, with a low income. They are in poor health and are dependent solely on their sons who are not financially secure enough to take adequate care of them. The rich nephews derive profits from their land, but do not support or assist their aunts. Thus the denial of land rights affects women's wellbeing even in rich families.

4. Conclusions

This paper has explored gendered perceptions and understandings of women's land rights issues in the Swat Valley in northwestern Pakistan. The issue of denied women's rights is very complex, particularly when studied as a micro process by trying to understand the perceptions of men and women and cultural interpretations of the processes of ownership, access and rights. The land rights of women in Swat are strongly dominated by local culture and traditions that make it difficult for women to attain their rights, not only legally but also socially. Field research revealed that issues of women's land rights are very complex, comprising legal, religious, customary and social aspects, all of which are gendered. Men and women acknowledge these rights and are vocal about the issues, but the practice in reality shows that both genders have their own explanations for not respecting legal and religious laws. The process of women's empowerment is also contextual and power driven. Due to the patriarchal nature of society and patrilocal family structures, power lies with the male head of the family. In most cases, women are excluded from the negotiation process over resources.

During this study, some fundamental questions surfaced over different cultural and traditional interpretations and practices related to the denial of women's rights to own and inherit land. For instance, what narratives justify men and women distinct land ownership? Does anyone challenge the justification, and if so, how? Lastly, to what extent it is relevant to talk about the empowerment of women concerning land ownership in the Swat Valley? These questions are interlinked and interrelated in the context of women's land rights in Swat. For instance, there are legally pluralistic narratives of men's and women's distinct land ownership rights in Pakistan generally, and in Swat in particular. These range from statutory laws, to religious laws, to

customary laws that are present in the overall discourse of gendered dimensions of land rights in Swat.

As mentioned earlier, Swat is culturally strict, religiously conservative, and under democratic rule of the Government of Pakistan. Concerning land rights, Swati's prefer to exercise the customary laws that were enacted until 1969 i.e. before the merger of Swat into Pakistan. This makes the situation very complicated and conflated. The political shift from an independent kingdom to being part of Pakistan has greatly affected land dealings. Barriers to dismantling the male-centric discourse on land rights include not only strong cultural values, but also the delay in the introduction of Pakistani writ in the newly merged state. Another important aspect that plays a major role in maintaining existing practice in terms of land records is the revenue department. Revenue departments both at union council and district level are functioning on old pattern where the sole power is at the hands of *patwari*,[23] who is very prone to commit forging and fraudulent activities. [24]

Connecting the discussion to women's empowerment, we conclude that there is a need to consider various dimensions of power ('power within' and 'power with') in order to understand how women and men might renegotiate power relations to improve women's ownership of land. Both inner strength and collective efforts can initiate the empowerment process in Swat society, with resulting improvement in land rights for women. Women themselves need to start negotiating the issues and the current ill practices regarding their rights to land. Nevertheless, the role of men is of critical importance. The participation of men in negotiations around land and access issues will enable discourse on land rights at local levels, where both men and women can easily talk about the issues and exchange views within families. Furthermore, empowerment with

[23] Officer at land revenue department who basically looks after land matters and responsible of keeping the record
[24] For details see Khalid et al., (in press)

respect to land rights in Swat will improve when women become relaxed in terms of mobility, networking with women in other villages, exchanging views, and sharing problems. Women need to come together, as argued by Agarwal (1994) and Kabeer (1994, 2001) i.e. internalizing their strength in challenging and eliminating gender inequality. In addition, collective action is required to favorably influence the structural denial of women's rights, which is becoming a pressing issue in the society.

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Assessing and analysing the impacts of conflict and flood on livelihood activities and changing gender roles in selected villages in Swat, Pakistan

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Abstract:

In Swat, gender relations are strictly defined. In the recent past, however, slight changes have been observed in gendered livelihood patterns. This paper aims to study the shift in gendered roles and responsibilities in terms of livelihood activities. The research focuses on women's accounts of how they have negotiated independence in their livelihoods. Moreover, how men have resisted and adjusted to these changes. The data was collected through in-depth interviews and by recording life histories. The findings reveal that crises have not only widened the space for women's livelihood activities, but also helped in accepting their involvement in economic development.

Key words: gender, crises, conflict, culture, ethnic groups, livelihoods, diversity

1. Introduction

'It's not over. I fight cultural barriers every day when I go out or when women come to my shop. I am breeching the barriers of the traditions that are centuries old but I am glad I have succeeded in making a slight change.'

(Interview with first woman entrepreneur in a small village in Swat, July 2013)

The 1976-1985 'United Nations Decade for Women' was a milestone in highlighting and emphasising the invisible role of women in social and economic development in their respective countries. A major shift was seen in the approaches followed in the domains of both academia and policymaking. More attention was placed on understanding the complexities of women's employment. Policy makers shifted their focus from a welfare-oriented approach to a diversity of

approaches highlighting the productive and economic development role of women (Moser, 1989).

In Pakistan, there is significant variation regarding the social and economic status of women (Syed, 2009). On one hand, there are women who lead professional lives as doctors, lawyers, academics and executives. This is, however, in stark contrast to the millions of poor, illiterate women workers who struggle to benefit from economic development (Patel, 1991). In reality, as elaborated upon by Mumtaz and Shaheed (1987), Pakistani women bear restrictions imposed on them in the name of culture and religion. In particular, narrow interpretations of Islam and cultural norms and values greatly affect women's participation in activities such as education and employment (Ali, 2000; Syed, Ali & Winstanley, 2005). The case of the Swat Valley community is a clear example in which strict religious and cultural interpretations have largely shaped women lives and access to livelihoods. However, some changes have become visible after conflicts and floods (2005-2010). To reflect on these changes, this paper investigates the changing gender roles and livelihood patterns in the aftermath of recent crises in Swat. The main research question concerns how the crises have affected men and women's lives and livelihood activities in selected villages in the Swat Valley. More precisely, how have women's livelihoods changed, and how have men resisted, supported or adjusted to new gender roles and responsibilities?

2. Conceptualising livelihoods in complex situations

The livelihood concept is in clear contrast to the traditional economic development focus on income and employment, which had been unsuccessful in addressing the fundamental building blocks on which the poor build their lives and livelihoods (Schafer, 2002). Livelihoods provide people with access to the necessary resources that help them achieve their survival and long-term wellbeing (Jaspars et al., 2007), and lower the extent of vulnerability that results from a disaster. The safety of livelihoods, as Chambers (1989) illustrates, depends on the safe ownership of, or access to savings and income opportunities, which in return helps to stabilize risks, lower the extent of shocks and meet surprising events. Sen elaborates on this idea by discussing famines, arguing that the major problem is lack of entitlement on the part of individuals to resources such as available food (Sen, 1981; Drèze & Sen, 1989). Further, Chambers and Conway (1992) reflect on entitlement with respect to access. According to them, access refers to the chance of utilizing

a resource or service in order to obtain information, food, income or employment. However, in these frameworks of entitlement and access, the gendered aspect has been overlooked. Furthermore, in the studies mentioned, inequality in power relations, cultural contexts, and local complexities are not discussed explicitly.

Diversification of livelihoods is another key factor that complicates the study of livelihoods. For example, "livelihood diversification overlaps various mainstream policy discussions in rural development, including household coping strategies (Davis, 1996), household risk strategies (Carter, 1997), intra-household relations (Hart, 1995), rural growth linkages (Hhazel & Haggblade, 1993), rural non-farm activity (Fisher et al., 1997), rural urban migration (Stark, 1991), and rural poverty (Jazairy et al., 1992) (Ellis, 2000 cited at p: 5)". Fragmented penetration into the diversification of livelihoods reflects that there are conflicting propositions about causes and consequences (Ellis, 2000).

There are multiple causes and consequences of livelihood diversification, such as location, assets, income level, opportunity, institutions and social relations. The exhibition of these causes and consequences varies in different context and circumstances (Ellis 2000, p. 6). In particular, livelihoods become more vulnerable during complex emergencies. Duffield (1994) defines a complex emergency as follows: "Complex emergencies are essentially political in nature: they are protracted political crises resulting from sectarian or predatory indigenous responses to socio-economic stress and marginalization" (p. 38). Terms like 'emergencies' and 'chronic conflict' can be used interchangeably (Schafer, 2002); in particular, the word 'chronic' reveals the persistence of such situations. Compared to chronic conflicts, 'acute' emergencies can occur periodically, where political instability exists without necessarily any 'emergency' and where humanitarian attention is not necessarily required (ibid.). Duffield (1998, p. 90) illustrates that 'emerging political complex' is a more appropriate term to use than 'chronic conflict and political instability' because complex emergencies are 'self-contained political systems' that develop from the debris of the previous nation state.

In conflict-affected societies, people may be suffering the effects of direct physical threats or they may be recovering from long-term livelihood damages (Shanmugaratnam, 2008).There are huge variations in how people cope with the stresses and frequent shocks, for example, poor people struggle more for shelter, food supplies and income (Maxwell & Smith, 1992; FIFC,

2004). Rich people can stabilize the hazards of conflicts, for example, if the household owns or has access to income, assets and reserves (Chambers, 1988) contrary to poor.

Generally, livelihood revival is achieved in multiple ways, which reactivate people's living conditions, contribute to their survival, and lower the vulnerability level caused by conflict or other disasters. As illustrated by (Jaspars & Shoham, 2007), during a conflict situation, short-term coping strategies may be observed, such as quick reactions to rescue lives and livelihoods; however, over time, the trends in, and extent of reactions may fluctuate. Many studies (e.g. Orero et al., 2007) reveal that conflict leaves strong impacts on macro and micro economies of households, including the loss of employment and market failure. Indirect effects of conflict may be observed on income, prices, wages, access to markets, access to places of safety, social, economic and political institutions, relations in the community, and increasing levels of insecurity (Justino, 2009). Some risks affect the wellbeing of people, communities and households differently and may be felt more directly than others (Dercon, 2000).

In conflict situations, gender and livelihoods become more complex to investigate and to understand. Cagoco-Guiam (2013), illustrates that conflicts, disasters affects men and women differently, and in return, they respond to them in different manner as well. Men in any conflict situation are actively involved in combating the situation; however, "they are the first to disappear from the public sphere they used to move in as entrepreneurs, skilled workers, and merchants. Being conscripted into rebel or government groups or as parties to clan war forces men to abandon their economic responsibilities toward their families." (Cagoco-Guiam 2013pp: 18). There are many examples of violent conflicts and war like situations where disappearance of men has created a space for women to works and take part in economic development e.g. Mindanao Philippines is one such example (ibid). However, context of Swat is different from other conflicts, for instance from Maoists in India and Nepal or Tamils in Sirilanka. In Swat, the conflict was purely ideological and was deeply rooted in religious belief systems. Gender gap, women empowerment, gender and livelihoods in this area is already under researched, challenging to explore and sadly not documented in the literature Therefore, this paper will answer the above posed questions to fill in the gaps to some extent.

3.1. Describing Swat:

The Swat district falls under the provincial control of Khyber Pakhtunkhwa in the frontier region of northwest Pakistan. Swat is located about 150 miles from Islamabad and about 100 miles from the provincial capital, Peshawar. The entire population of the district is estimated to be around 1.7 million, although reliable census data is unavailable (Nyborg et al., 2012) A significant number of ethnic minorities reside in Swat, including Kohistanis, Gujars, Tirwoli, Khattaks, Miyangans, and Sikh minorities. The dominant group is the Pakhtoons (mainly from the Yousafzai tribe) and the dominant language is Pashto. Regardless of their ethnicity or tribal backgrounds, the people of Swat share a common identity and history in many ways (Sultan-e-Rome, 2008).

3.1.1. Crises in Swat

Before the merger with Pakistan, Swat had its own legal, social, cultural and political frameworks that were functional from 1917 to 1969. In 1969, the state was merged with Pakistan, with complete abolishment of previous systems of rules and legislation. However, the social structures and status of the citizens remained the same as before the merger. For example, the status of the clergy, the landless, and women can be traced back to the Pashto era, which is necessary in order to understand the modes and scale of conflict in recent times in the Swat Valley (Sultan-e-Rome, 2008).

Since its merger into the State of Pakistan, Swat has remained prone to political and social instability. In the last two decades, Swat has undergone two major disasters. The first was the Taliban militancy, which started in 2005 and resulted in a military operation in 2008, with the consequent displacement of 3.5 million people. The second major disaster was the flood in 2010. Both these disasters have damaged land and land-based resources and affected gender roles and livelihood activities.

Generally, livelihoods in Swat are based on agriculture and trade, and until the recent conflict, tourism was also a major source of livelihood. In the lower area (Lower Swat), large-scale agriculture dominates while in upper Swat, the nature of rural livelihoods becomes more diverse: landholding size diminishes; land ownership shifts to smallholders; and production changes from crop-based to more orchards, forest and animal-based systems (Nyborg, Nawab, Khan, & Ali, 2012). Women are hardly visible in mainstream livelihood practices; however, their presence cannot be ignored, thus making the study of gendered livelihood relations both complex and

challenging. Swat is still struggling to rehabilitate livelihoods after the damages caused by the crises. Despite the extensive mobilisation of both government and international aid, recovery has been slow, and local women and men continue to face both security and development challenges in trying to rebuild their lives and livelihoods (Nyborg & Nawab, in press).

The effects of war/conflict in any context are indeed devastating, but also extremely varied, and highly gendered (Nyborg & Nawab, in press). In Swat, the situation was soon exacerbated by the devastating flood, which turned the whole area into a complex emergency (Duffield, 1994). Political crises and natural disasters pushed the society to its limits in trying to cope with social, political and economic upheavals at the same time. Accordingly, gender roles and livelihoods changed — not only did international and national NGOs and government interventions provide emergency, rehabilitation and development aid, but men (and particularly women) also uncovered their own strategies and found ways to earn their livelihoods that had not previously been familiar in the society. These diverse coping strategies also affected gender roles and responsibilities to some extent, and shaped traditional features of the society in new and different ways.

4. Methodology

In order to understand the impacts of conflict and flood on livelihood activities and changing gender roles in selected villages in Swat, Pakistan the extensive fieldwork for this study was conducted in 2012 and 2013 in two villages of Swat Valley. 38 interviews were conducted from three villages included 20 women and 18 men. In addition to these interviews, the life history approach was used to understand gender roles and livelihood diversity in complex and very traditional settings. This approach contributed to a better understanding of the differences of gender roles and relations and livelihood patterns among different ethnic groups residing in Swat, that is, the Yousafzai Pukhtoons, Gujjars, Miyagans and Parachas. Four women from different ethnic groups and social classes were interviewed applying life history approach. Data from life history method together with in depth interviews gave a very holistic picture that how crises effected and changed the livelihoods of the local men and particularly women. In addition, how gender roles have changed trajectories after exposure to crises, displacement and huge influx of development organizations. Apart from focusing on local men and women gender, based projects of the NGOs working in the study area were also examined. For instance, the most

popular livelihood projects were examined in terms of their effects on the local communities i.e. how men and women perceived the project and how they are benefitted from them.

The interviews and the perceptions regarding gender based livelihood projects helped in understanding that how different types of livelihoods and changes that happened after crises are inherently gendered. In addition, how men and women from different social classes and ethnicities approach livelihoods and how differently gender roles have shaped in different socio-economic class and ethnicities. However, the qualitative methods applied are particularly intended to understand the gender relations, power hierarchies and women's access to livelihoods that are inherently gendered.

During the first phase of data collection in year 2012, we visited eight villages. The main purpose of the initial visit was the selection of study villages according to the designed criteria. Finally, two villages were selected out of eight villages visited initially. The selection was based upon their exposure to crises i.e. flood and conflict. The villages in upper Swat was severely hit by flood and indirectly by the conflict; however, village from lower Swat was hit both by the flood and the militancy. The exposure to crises in both villages has affected the livelihood and gender roles differently as the ethnic diversity, livelihood patterns and gender roles and relations vary from lower to upper parts of Swat Valley.

The villages were selected in different topographical regions of Swat based on their land holding organization, ethnic diversity and gender roles and relations. The selection of study village was done in different topographical regions because in lower villages large scale agriculture prevails, while in villages in upper Swat rural livelihoods are more diverse, shifting from large landholdings to orchids, forests and animal-based production systems (Nyborg et al., 2012). Study village from lower Swat has very definite land based system consisting of Khans, tenants and sharecroppers together with very distinctive socio-economic class differences. However, the selected study village in upper village is organized on land-based resource management system; it is not entirely dependent on agriculture as in village in lower part of Swat. The major difference in both the selected villages was that active women participation in resource management i.e. women in upper Swat were active in resource management while in lower Swat they are mostly confined to their houses or opted for options other than agriculture for instance.

4.1.Research tools

This study used the qualitative data collection approach. Combination of purposive and snowball sampling techniques were used to reach out the respondents in the selected study villages with respect to ethnicity, gender, socio-economic levels and livelihood strategies. Detailed unstructured interview guide was developed to gather the data. However, focus group discussion were carried out sporadically depending on the security situation. Focus group discussions were not used as main data collection tool as the study villages were still not secure during fieldwork. To avoid any unpleasant incident focus groups were conducted when security situation was 100 percent ensured[1]. In addition, the number of participants in focus groups were restricted to 3 to 5 participants. Large gatherings in volatile settings would have caused problems both for researcher and the locals.

For comprehensive understanding of changing livelihood patterns and gender roles and relations as an after math of crises men and women were interviewed separately. Respondents were further classified based on their ethnicities, economic classes and livelihood activities. Broadly, men from upper class were mostly land lords and business men; men from middle class were involved in small scale farming , share cropping and small businesses; however, men from lower class were mainly involved in daily wages and working as tenants on the fields of land owners. In literature, there are debates regarding women's class e.g. Millet (1970) is of opinion that women's class is directly related to her economic dependency. In context of South Asia generally women from upper class in rural context are not necessarily economically viable and independent in decision making, spending , earning and lastly in accessing and controlling the resources. Agarwal argues that "Class differences among women, derived through men, can be and often are divisive in terms of relative economic privilege or deprivation, the associated ability (or lack of ability) to dominate women's groups, perceptions about which aspects of gender relations need challenging, willingness to engage in collective struggle, and so on" (p. 15). However, in this study we considered women class with respect to their husbands and fathers economic classes. Women from the upper class were housemakers, ones from middle class were diverse in their professions i.e. teaching, personal tailoring businesses, or livestock management businesses, those from the lower class were wives of tenants or involved in the dairy business. As one moves across socio-economic classes the ethnic diversity becomes visible

[1] The key informants and the local organization who were facilitating during the fieldwork were continuously updating and guiding regarding security threats and situation.

as well. For example, respondent who belonged to upper and middle class were mostly Yousafzai Pakhtoons and Miyangans; respondents from poor class were mostly Gujjers and other minorities. However, Pakhtoons were also present in the lower income group.

Interviews were taken privately in the presence of interviewee, the researchers and the female field assistant /translator. Interviews were mostly conducted in Pashto and were transcribed by the field assistant. Average time of single interview was 1.5 hours. However, the female assistant/translator was not present mostly while interviewing male respondents as local traditions and customs are conservative about free mobility of women in men's spaces. I being non-Pakhtoon women had the liberty to move freely by limiting myself within the traditional boundaries.

5. Results and discussion

The general perception about traditional rural communities in mountainous regions presents the picture of women staying at home and men working outside, participating in livelihood activities. However, the reality is quite different. Swat, with its ethnic diversity and strongly traditional society, presents a complex picture of different ethnic groups not only residing in different ecological niches, but also experiencing diverse gendered livelihood activities. The wave of recent crises, that is conflict and floods, not only opened up new avenues of livelihoods for the affected communities, but also left deep impacts on them. Before the crises, the main livelihood trend was the pursuit of foreign remittances, where one or more working males went to the Gulf area, Saudi Arabia or to southern Pakistan, for example Karachi, to seek work as labourers. After the 2005-2009 conflict and the 2010 floods, men and women living in Swat experienced unexpected changes in their living patterns. With the onset of the crises, many NGOs and government departments launched gender-based livelihood projects. These interventions from government and the private sector influenced the social fabric and gender roles of local men and women in many and significant ways.

To understand these changes and their impact on society, this article presents the analyses of detailed interviews of men and women of selected study villages and four life histories of women from different ethnic groups and economic classes. The conflict and flood crises affected the livelihood of these women and many like them, both directly and indirectly. Before we present the life histories, in depth interviews and data analysis, it is important to understand women's

livelihood practices and participation in economic development through a cultural lens. In the case of Swat, traditions and culture are dominant and difficult to separate from gender and livelihood development.

5.1. The influence of culture and religion on women's economic autonomy

'I am helping my husband with his business considering it to be my duty as a good wife. Practically speaking I share 50 percent of his burden. Despite of all the hard work and effort I never get enough money to spend on myself. Neither am I allowed to go out on my own and shop.'

(Interview with a middle-class Pakhtoon woman in a study village in Swat, October 2013)

The socio-cultural and religious contexts play important roles in shaping Pakhtoon women's autonomy and participation in economic activities in North Western Pakistan, particularly in Swat. Women in Swat experience greater constraints and limitations on their mobility and free movement in the society and in decision-making processes as compared to women in cities in Pakistan. The field data collected for this study demonstrates clear indications that culture has a stronger impact on female economic autonomy than, for example, religion. Trends are changing in the aftermath of the crises, in that women are now present, more visible, and their participation in livelihood activities is beginning to be more acceptable. Nevertheless, in Swat the regional culture and code of conduct, *Pakhtoon Wali,*[2] continues to play a dominant role in deciding women's place in society. In the villages studied, *Pakhtoon Wali* automatically excludes women from participation in some spheres of life, for example, access to land and resources, and in the majority of cases, participation in economic development and decision making. However, we cannot generalise this concept, as exceptions were found during this research study.

In order to illustrate the context clearly, we presented the example of the middle-class woman who bears half the burden in running their 'mutual' livestock business with her husband. She does so without realising the extent of her contribution to the economics of the household. She

[2] Pakhtoon Wali is the standard code of conduct followed by the Pakhtoons of North Western Pakistan. For details, see Ahmed (2006), Barth (1959), and Ahmed (1972).

assumes that her responsibility is to work within the four walls of the home, and does not acknowledge her contribution to their family business. Ignoring her participation in sustaining the livelihood of the family, she claims that her husband is the 'sole earner'. This example illustrates the nature of the society and views on gender roles in a very dynamic way; despite being actively involved in their family business, she continues to be disempowered.

When asked about her role in the family business and gender relations in the household, the respondent said: 'We are born with the electronic chip fitted in our brains that is programmed to obey our husbands without questioning them or disagreeing with them. There is no concept of discussing business problems with wives and asking for solutions. Business dealings and external affairs are settled outside the family and discussed with the partners and friends there. If I help him with his business, it is my duty as a good and responsible wife. Every woman in Swat does it as a good wife'. This example indicates how women's contributions to economic activity are invisible and ignored due to cultural perceptions and interpretations of gendered roles and responsibilities. Furthermore, discussions about NGO interventions, particularly the introduction of gendered livelihood interventions, are also heavily influenced by cultural norms and traditions.

5.2. Role of NGOs in stirring the conventional gender roles and livelihood patterns

The role of development organizations was very limited in Swat before the crises. There were very few NGOs active in the area with very specific development programmes focusing gender and livelihoods (Elahi et al., 2015). However, after the recent crises, livelihood and empowerment programmes for women were launched by multiple organizations in several villages including study villages. For example, the LASOONA handicraft programme provided women with 12,000 PKR (118.64 US dollars) per woman, but the project ended after three months as it was short term project. This particular programme was very well received by women of all ethnic groups and from all parts of the Swat Valley (upper and lower). However, other programmes like kitchen gardening, bee cultivation and agriculture were not successful, for multiple reasons. One of the reasons was an inadequate understanding of the dynamics of the culture, including the variations and diversity present in the cross section of Swat society.

In attempting to ensure equal participation, NGOs involved both men and women in the process of negotiating and initiating development projects in study villages. However, due to time

constraints, short-term goals, the complex emergency situation, strict cultural values, political barriers and corruption, the process was neither successful, nor sustainable. In the study villages in particular, the women's committees that were established, turned out to be nothing more than 'pseudo committees' as told by one of the key informants. These committees were formed spontaneously, without having conducted a proper baseline survey. The members of these committees are mostly family members and friends of the NGO contact person in the village. One of the NGO contact persons in the study village reflected on this situation, saying: 'NGOs take the formation of female committees as a formality to fulfil the requirements of the project. The women's committees are formed at the spot. Mostly we gather women by telling them that they will get either food or money at the end of the meeting. Therefore, they come and attend the meeting'. He narrated a particular incident to illustrate the situation: 'We were in Upper Swat for a hygiene programme. One of the requirements of the project was to form a women's committee and train them. They would then further facilitate the process in the community. We had only one day to form the committee and train the members. What we did was to gather some women from nearby working sites and conduct the training. In addition, at the end we gave them some money for helping us to fulfil the requirement of the project. This is how it is done in the majority of the cases'.

Another dilemma with gender-based projects in traditional societies is that the entry point for most organisations is the male members of the community. In the majority of cases, they give a very biased picture of gender roles and livelihoods in the community. Furthermore, the responses to questions, particularly by males, are heavily influenced by cultural norms. Based on what we have learnt from the women's life histories presented in the following section, we argue that although men refer to women's activity in the village, they tend to imply that women are totally excluded from livelihood activities. This contradictory picture presented by males is another factor that adversely affects gender and livelihood development projects in Swat.

As already mentioned, local NGOs lack experience in implementing research projects and understanding the complexity of the society. We argue here that they tend to ignore many important aspects of the process; they use gender as an additive supplement in already ongoing process of development projects , rather than incorporating a deeper understanding of the role of culture and tradition in local communities. Although NGOs carried out much work during the

times of conflict and floods, they have not been able to achieve the desired goals due to insufficient understanding of the local context and complex emergencies. To further build on our argument that local context and complexities were not understood well to deliver sustainable gender and livelihood projects; in the section below we will present data related to local men and women experiences regarding changes in livelihood patterns and gender roles and relations.

5.3. Local experiences of changes in livelihood patterns and gender roles and relations

In this section, four case histories of different women are presented. These women have different educational backgrounds and belong to various families, economic classes and ethnic groups. We emphasise the importance of *family* because gender roles and relations vary from family to family, even though they follow the same broader cultural and traditional practices. To a large extent, it is the family structure and flexibility of the male head of the household that dictate which opportunities female members of the family can avail themselves of. These variations in attitude influence the female role in livelihood activities and in social relations. The following cases exhibit diversity in economic status and ethnic diversity, and also reflect the variation in family thinking and perceptions about livelihood and gender.

1. Case one

This is the story of Tasneem Bibi[3] who belongs to an upper middle-class family of Yousafzai Pukhtoons. She has been actively involved in the teaching profession all her life, thus presenting a picture that is not common or well documented in terms of traditional Pakhtoon society.

When asked to narrate her story, Tasneem Bibi said: 'I have been a teacher for 28 years now. I started working before I was married and continued my job after marriage as well. My late husband was supportive of my profession. I did matriculation about 30 or 35 years ago, when education was not considered favourably in our society. People talked behind our backs during the time my siblings and I were studying. They labelled us 'infidels', saying that we were deviating from the righteous path. It was my father and later my brothers who paid no heed to

[3] Bibi is a very commonly used named for women. It is used for giving respect. Name "Bibi" is mostly used after first name as respect.

them and stood by us. Interestingly, the people who pointed fingers at us at that time, are educating their families today.' When asked why they might be educating their children today, she said: 'Times have changed. People want to live good lives and have good earnings. Education is one of the ways to achieve that. Now people don't mind investing in girls even. If I talk about myself, I am glad that I stood against all the odds at that time. Today when my husband has passed away, I can easily support my family. My husband was supportive. All through his life, he supported me financially, even though I was earning myself.'

Even though Tasneem Bibi is now a sole earner and head of her family, she still faces some constraints that require male assistance or help. She said, 'It's a little unusual in this society to be this independent and do all the work yourself. Being part of an influential family gives me an edge. In addition, trends are changing now. Most people prefer to do their work themselves, which has made this more acceptable on a wider scale. Had my husband been alive, my life would have been easier from all aspects. Apart from financial comfort, I would also have had moral support and someone to rely on and share my burdens with. Although I can now manage my house and school quite well, sometimes a situation arises in which I find myself in need of male assistance. For example, when my daughter misses her school bus, it is difficult to arrange an alternative for her as she studies in the next town to our village. I keep contact numbers of taxi drivers with me, but sending my daughter alone is risky, so to avoid any undesirable situation, I ride with her, which affects my job. Sometimes managing everything alone becomes difficult.'

When asked about the conflict and how it affected her life and livelihood, Tasneem Bibi replied in a positive sense. She said, 'During the conflict all schools were closed for at least three months as most of the people had been displaced. In addition, military operations were taking place. It was a difficult time in all respects. Our lives and livelihoods were at stake. For three months, I had no job and I was the sole breadwinner. Since I had some savings, I used that to sustain my family.' She further reflected on the effect of the conflict on her livelihood and said that it did imprint some very positive impacts on the overall society, although this aspect hadn't affected her directly. When asked how this had manifested itself, she said, 'Now people accept and respect women who are working as teachers. Many parents encourage their daughters to join the teaching profession. This encouragement is multifaceted, that is, with increased economic crises, people in tiny pockets of society do encourage women's participation in earning a

livelihood. However, they only allow women to work in specific fields, not in all types of work. But things are moving ahead, even if very slowly.'

This is the case of an upper-middle-class professional woman from a Pakhtoon family. Her story displays the varied perceptions and increased acceptance of independent women in society over time. The challenges remain high, but their intensity has decreased over time and with the changing socio-political situation. Her story shows that strict culture and traditions can be interpreted and practised in a different way if a woman has the space to avail herself of opportunities and experience a greater degree of autonomy. As mentioned earlier, family circumstances play a very important role in defining the limits for a woman to participate in opportunities outside the four walls of her home. In this particular case, the father supported the woman before her marriage, and thereafter her husband also supported her desire for independence. Currently she is widowed and her brothers continue to support her in terms of her livelihood activities.

This case presents a relatively different picture from general perceptions about this traditional society which expects women to remain in a domestic role. After the crises, Swat society began to recognise the value of female education to a larger extent. Furthermore, it was observed in the field that education and teachers enjoy great acceptance and respect in this society. In fact, respect for teachers is part of the culture across the valley. With increased exposure to the outer world and the crises in 2005 and later the flood in 2010, this respect has extended to female teachers, who are now considered to be as important as male teachers. Consequently, the number of female teachers in the village has increased to about 10 or 15 as compared to before when there were hardly 2 to3 of them . On a wider scale, this acceptance of female teachers has contributed to an increase in livelihood activities of women in the valley. After the crises, social awareness in Swat society has increased, and people are more open to change. People in the study village see and learn from each other. The mass media has also played a noticeable role in this increased awareness. Both men and women realise that the only way to excel in life is through education. According to Tasneem Bibi, most people in her village use her example to motivate their children, especially girls, to attain higher levels of education.

The common professions for females now are teaching, nursing, and health work. It generally remains unacceptable for women to work in NGOs. Before the conflict and flood, people were

very sceptical of NGOs and NGO workers, since they associated their activities with western agendas. Although people's perceptions about these organisations changed during and after the conflict, and to some extent after the flood, they are still not willing for local women to join NGOs. One of the major reasons is the rather 'open environment' in offices where males and females work togetherwhich is against the cultural traditions of the area.

During the field research, most women claimed that the conflict has had obvious impacts on gender roles, notably that there are more opportunities for, and acceptance of women in the space outside the home. The case of Tasneem Bibi illustrates how a single working mother passed through different stages of her life, with the moral support of various male family members. Her story highlights changes in attitudes and new acceptance of working women in the society. This acceptance is due to recent exposure to the media, higher levels of education, and increased social awareness. These effects can be linked to the crises which resulted in an influx of NGOs and the displacement of people to neighbouring areas. The increased exposure of people to the outside world enabled them to become more open to accepting social change, compared to previous social traditions.

2. Case two

Zarmeen Bibi belongs to a poor household and a different ethnic group, the Parachas. The Parachas are an ethnic minority present in Swat, where the Yousafzai Pakhtoon comprise the majority. The Parachas own donkeys and provide transportation for fruit and vegetables to markets. They claim to be part of Pakhtoon society; they speak the same language and are heavily influenced by Pakhtoon culture and traditions. However, if their lives are monitored closely, clear variations are visible both in gender relations and livelihood patterns. For example, women are not restricted to the home environment − they are involved in agricultural activities on a small scale, helping their male counterparts. They also work as house cleaners and helpers in the houses of Pakhtoon landowners.

Zarmeen Bibi is an 80-year-old woman who is still actively involved in earning a livelihood for her family. She started her story as follows: 'I never remember a day in my life that I never worked. I had been working before marriage and after marriage as well. Before marriage, I was helping my family on a small piece of land we had and with the animals and I continued the same after marriage. In addition, I served the families of the landowners of the villages. In my

lifetime I have served nine different families of Pakhtoon landlords. They helped me with food, clothes and wages.' In her own family, she has a husband and six sons. Five of her sons live separately with their wives; however, the family of the youngest son lives with her, as he is abroad (in Saudi Arabia) for work purposes. When her husband was healthy, he had donkeys to transport people's products from storage places to the market for sale. He also used to take fuelwood to the market to sell on a daily basis. Zarmeen Bibi also works in the fields even today but mostly deal with buying the seeds and selling of vegetables, thus negating the idea that women in this society do not work as farmers. She does not own any land, but the landowner has given her a piece of land where she sows vegetables for her own personal use (kitchen gardening). According to her, 'I go to the market alone and bring seed and seedlings for my piece of land. Sometimes when we have a good yield, I arrange transport on my own and sell the extras in the market.' I told her that people in the village say that women don't engage in agricultural work in Swat. She replied 'I am doing it, many like me are also doing it. We are poor people − we have to get out of our houses and work – something that woman in this society are not supposed to do.'

Zarmeen Bibi is the sole decision maker in her family. When asked about power relations in the family, she said 'I decide everything myself since I am the soul breadwinner, so all the decisions in the house are made by me. I discuss things with my husband, but I have the final say. I handle decisions such as my grandchildren going to school, doing shopping and other matters that arise suddenly. I receive the money that my son sends from Saudi. I supervise all the money spending in my household. My daughter-in-law stays at home and looks after the children and does household chores. Sometimes she sews quilts for people who bring the materials to her at home. She doesn't work outside the house.'

When asked how the conflict and flood affected her life, Zarmeen Bibi responded: 'The NGOs gave free food items during the conflict and flood and that helped me a lot in saving money for my house. During the conflict and flood I used to accept all the edible items from the NGOs and save money for building my own house. At the time of the conflict, we benefitted from a handicraft project of one of the NGOs, where we were given money for doing embroidery on shawls. We got 30 thousand rupees for doing embroidery on six shawls. We were also given 12

hens but they died. I don't recall any training, nor can I think of any other project that benefitted me.'

This case presents the story of a woman from a lower class who is earning a livelihood for her family as well as carrying out her husband's responsibilities. Her story reflects the involvement of woman in agricultural activities in the area, thus contradicting common perceptions. Such examples help NGOs to design land-based livelihood projects for woman as well as for men whoa re particularly involved in agricultural activities. The case also shows that women from different ethnic groups and economic classes have different interests and livelihood activities. Furthermore, gender roles, mobility and access to resources vary among different ethnic groups residing in the study villages.

3. Case three

This story is of a Pakhtoon woman, Bibi Khan, who belongs to a middle-class family. This case is interesting because of the courage she showed in establishing her own business. Her shop provides a socialising place for other women in the village and a platform where they can gather and discuss their issues. Women in the village talk about her success and use her example to learn and find alternatives for them to support themselves.

Bibi Khan's village is similar to many other villages in Swat, where women are mostly restricted to the confines of their homes. Bibi Khan is 45 years old, married, and has three sons and three daughters. She is a homemaker who grew up in a very strict cultural environment. She was denied the right to education and work, was wedded at a young age and bore the violence of her husband. She experienced not only personal difficulties, but also financial ones.

She started her story as follows: 'I was married at a very young age, almost 14 years old. It was not a happy marriage, but rather it became the source of worries and miseries in my life. My husband never loved or respected me. I bore the violence of my in-laws and tolerated deprivation of basic human needs in the past two decades of my marital life. Allah gave me six children from my marriage − three sons and three daughters.'

She continued, ‘In seeking peace and happiness in my life I diverted all my energies and hopes into my children’s better upbringing and education. When my eldest son passed tenth grade, he refused to go to college and went to work in Saudi Arabia. He saved some money and then came back. Since my husband works in a government water management department, his salary is not enough to fully support the family. We thought to set up a business for my son to improve our family income. To our shock he refused to work.’ When asked about the reason for starting her own business, she said, ‘After my son refused to work, I decided to take a step forward and set up a boutique. I knew it would be extremely difficult to convince the male members in the family. At first they rejected the idea outright. They argued on cultural grounds, but I convinced them using the same logical argument − I decided to open the boutique inside my house, exclusively for women.’

When asked about the details of managing the business and how it affected the gender relations in the household, Bibi Khan said: ‘Initially it was hard for me to look after the business and do household chores at the same time. However, gradually we as a family adopted this business. Now things are better than before. My husband and son who resisted so much earlier, now help me in shopping for the boutique. Sometimes we go together to the main city Mingora in Swat, or sometimes the provincial capital Peshawar for shopping. This has really helped me, as it was impossible for me to move alone for business purposes. Not only them, but my daughters also play a pivotal role in managing the business. Since I am uneducated, I cannot take care of accounts − my daughter who is in the sixth grade looks after the accounts. Had she not been attending school it would have been very difficult to manage the accounts. Setting up a business has opened new avenues of thinking to me and my family. I now recognise the importance of women’s empowerment and education. I see that my daughters are more exposed to life and the management of life than I was. In addition, I realise that if a woman is economically strong, she earns respect. For example, I can clearly see the difference in my husband’s attitude. After my contributions to the economics of the household, my husband regards me better and asks my opinion about every family matter, which was not the case before.’

When asked more about her experience she said, ‘It’s not over. I fight cultural barriers every day when I go out or when women come to my shop. I am breeching the barriers of traditions that are centuries old, but I am glad I have succeeded in making a slight change. My husband and sons

are more open to the idea of women working than they were before, which means that my daughter-in-law will lead a better life than me. I have made a difference. In addition, the women themselves have started to think about their own lives. It gives me pleasure to listen to them discussing their problems and ideas to overcome their problems'.

This case illustrates that in a society like Swat, if a woman has her own space separate from men, it can be utilised to set up a small-scale business. This example provides an option for the government and NGOs to design micro-credit projects to help women in such settings to improve their livelihoods. As seen in this case, even though the owner of the business is not literate, her sixth grade daughter and her husband help with shopping and managing the accounts. The business she is running is the result of constant negotiations among the family members, as the broader society finds it hard to accept such an endeavour. Nevertheless, together as a family they have succeeded.

This case provides insights into how gender and social relations changed after the improved economic status of the senior woman in the household and the resultant effect on domestic power dynamics. The change can be indirectly related to the crises due to increased acceptance of a woman working as a shopkeeper, as people experienced more exposure to the outside world during displacement or after the influx of national and international NGOs in the area.

4. Case four

This case is about a Gujjar woman from Upper Swat, which is more diverse both ethnically and with respect to gender roles and responsibilities. Villages in Upper Swat were not directly involved in the conflict, but they experienced indirect effects such as reduced mobility to lower areas and lack of access to main markets. However, Upper Swat was badly hit by floods in 2010. Thereafter, the lives of the people took a different course and this story illustrates the changed gender roles and livelihood adaptations in the mountainous area that is home to the Gujjar community.

Before the flood, Gujjar women were heavily involved in livestock management. They were active in managing agricultural activities and helping their menfolk to gather fodder for the animals. However, the task of collecting fuelwood from the forests was done mainly by the men. Women were free to move within a few miles of their dwellings, but not to go far from their

living vicinity. Since Gujjars are involved largely in livestock management, they follow seasonal migration patterns to the pastures in the mountains where they stay for almost half the year. They move with their families. In addition, they are involved in 'ashers' which is a communal practice of helping each other in harvesting fruit and vegetables. Both men and women are involved in this activity. These communal gatherings are arranged in different spaces for men and women, although segregation is not very strict.

Gujjars are considered a lower caste compared to Yousafzai Pakhtoons. Although the livelihood activities and gender roles of Gujjars are different from those of the Pukhtoons, the former have proudly adopted influences from the dominant Pukhtoon culture, as described by Gujjar and Pakhtoon respondents to interview. Soon after the conflict, Swat was hit by one of the worst floods in history which destroyed agricultural land carrying cattle with it, and leaving hundreds of Gujjars and Pakhtoons homeless and penniless. Gul Makai is a resident of one of the many unfortunate villages in which the meaning of life changed after the catastrophe.

Gul Makai presents a unique case from a minority group in the upper part of the Swat Valley. When was asked about her experience during the floods and how it changed her life, livelihood and gender relations, she reflected as follows: 'My name is Gul Makai and I am 35 years old. I lived all my life in the mountains of Swat until the floods hit Swat in 2010. Floods brought with them destruction and sorrow. It has changed the pattern and meaning of life for us altogether. We lost our livestock which had been the main source of livelihood for us. We also lost the small piece of land we had for growing our own vegetables.' When asked about gender relations she said, 'Despite the large influence of the Pakhtoon majority and taking up their traditions, we still have our own values and identities. I think that, unlike most of our community members, we are a bit more flexible than our Pakhtoon brothers and sisters. Together with doing household chores, women were and still are involved in outdoor activities to a greater extent, namely livestock management and small-scale agricultural practices. In addition, women participate equally in seasonal migration activities. We go to the mountains in the summer for 6 to 8 months and look after our livestock there. Migration to the mountains in summer is a communal practice where we (Gujjars) bring not only our own animals, but also those of Pakhtoon landowners. They pay us a certain amount for each animal they send. Women participate equally in this process of migration and livestock management. In addition, we have other communal

ceremonies, like ‘asher’. The philosophy behind this ceremony is to share each other’s burden during the busy period of harvesting and fruit picking. All the neighbours and the relatives get together and take turns to help each other. Men and women have separate ceremonies but the segregation is not that strict, as you find with the Pakhtoons.’

She continued: ‘After the floods, 95 per cent of our lives have changed. We migrated for the first time to down country and lived in tents that were set up by the government and development organisations. We stayed there for one month. Our migrations to the upper mountains have been reduced to nil. In addition, I have seen women (including myself) doing chores that were not known to us before. One day I asked my husband to start rebuilding our house ourselves. He refused and argued based on little resources and no labour. I convinced him that we could build it on our own. After detailed discussions, we finally started building our house ourselves. I remember working a whole day carrying bricks from large distances and then working at home to sustain the family. For the first time my husband and I shared the burden equally. Men of our community were earning daily wages for the first time. This was a huge shift in their livelihood patterns. In other words, it would be correct to say that both of us − husband and wife − were doing double work to drag our life back to normal. Our step in building our own house had motivated many families; later on, it became a community struggle, and together we managed to build a few houses and some families shifted back. This was a very tough time; however during all those years of marriage and living together, this was the time we as a couple understood each other better and talked about our lives specifically and struggled for survival on an equal basis. In addition, our communication improved a lot during this time. Automatically we started sharing responsibilities on equal terms.’

When asked to explain how responsibilities were shared, she explained, ‘for example, before the floods I never went to Madyan alone to hospital in case of an emergency, but now my husband trusts me to deal with outdoor work, one hundred percent. In addition, now it’s me who goes shopping for groceries alone − earlier this wasn’t the case.’ She further said, ‘I am happy with the mutual trust that has been built during this struggle, but it has also increased the responsibilities’. She then said excitedly, ‘One more positive change that this tragedy brought is that we both acknowledge the work and burden we are carrying to sustain our lives. He now understands that his life and sustenance of the family and livelihood are incomplete without my

contributions and I see the struggles he makes to provide for us. With his support I have started a tailoring business. I am happy to contribute to the household economics. It has also increased my self-confidence that I am not very dependent on my husband and that I can do something on my own. Economic development does have abstract dimensions attached to it. When a woman is not economically dependent on anyone, it automatically generates a message that she is strong and it increases her worth.'

5.4. Shift in power relations between men and women in selected study villages after crises

Crisis along with physical destruction of the property and material wealth also influences the social relationships in the communities mainly in formal and informal institutions. Conflicts and disasters effects both men and women equally in terms of experiencing deficiencies and destitute (Cagoco-Guiam, 2013). Agbalajobi, 2010 illustrates that in conflicts and disasters women and young girls are equally exposed to "…environments where social services on which they once depended become degraded or disappear altogether…" (ibid.pp: 234).

Shifts in power relations between men and women during conflict and disasters can both have positive and negative impacts on women's autonomy and empowerment (Dwyer and Cagoco-Guiam, 2012). As illustrated above in case of Swat women along with men played significant roles in relief distribution although the roles and responsibilities were strictly framed with in cultural framework of the region. However, there were exception among women who took lead roles in village leaderships and influences the village men and women. Pasaa Bibi an old women from Miyangan family is known as a local leader and played a very vibrant role during crises. One of the male respondent from upper class reported: "Passa Bibi holds huge respect in the community. During floods[4] she dealt not only with the development organizations in distribution of the goods among women particularly but also helped in displacement process of the men and women effected by the floods." Women interviewed also said that she was the great support during the difficult time of flood. She not only helped in making the relief work easily accessible but also provided a platform where we go and discuss our problems of all sorts. It was also learnt that many women during flood were involved under Passa Bibi supervision in managing relief work for local women of the village. Indirectly, it helped women in showing their leadership qualities. However, it also developed feelings of frustration that they cannot practice their

[4] Passa Bibi is from the village in upper Swat. Communities there were directly affected by the floods majorly.

leadership qualities further in community building process. On the other hand, men also recognized women's abilities and capacities, which were unknown to them earlier. One of the male respondent from Gujjers said: "Our women have amazed us. They stood by us like men and helped us. It made us proud but also we felt shameful that they are doing chores that are not meant for them to do. They are leaving houses and going out to markets, hospitals and for earning purposes. It was never like this before the crises hit us."

However, women long with showing satisfaction and relief that they played their equal role in recovery and rehabilitation phase during crises, also told about addition stresses they are going through. Women who lost male heads during conflict in village in lower Swat reported that it was difficult for them in searching for opportunities for available livelihoods. Women found it challenging to adopt unfamiliar roles that were formally taken care off by men. In addition, to this challenge women faced resistance on the cultural fronts as well. The traditions and culture as mentioned earlier are very strict in Swat, women who earned appreciation by adopting additional productive roles also bore resistance by the communities, kinship and families in the name of culture and traditions.

It is noticed that during crises most of the men are exposed to a different kind of stress after they lose their livelihood and come across difficulties in providing for their families. In traditional societies like Swat, gender roles expect men to fulfil the productive roles and provide for the economic needs of the families. Thus, loss of livelihood opportunities during crises put them in greater stress traditionally and psychologically and in some cases, if the traditions and family rules are very strict then desperation and extreme consequences might occur.[5] As one of the male respondent from lower middle class said: "lose of livelihood has greatly affected me and many others like me. It is very hard to accept that we no longer can provide decent earning to maintain our families. In simpler words, its more like losing a part of our masculinity. In addition, its more upsetting to internalize that our women are also working now." These emotions of men are quite opposite to women who have taken it as a challenge to improve their lives. Although women

[5] In many cases where traditions are very strict and men under certain conditions lost their jobs do not allow their wives, sisters, daughters to take part in earning livelihoods and contribute in the economics of the household. The pressure for providing for the household soon turns into stress and then desperation. This desperation in multiple cases take the shape of violence and abuse.

who got involved in earning livelihoods or who already were doing work realised that it was very hard to maintain their triple role.

The experiences of local men and women show a high level of diversification and variety in the experiences of crises for both men and women from various classes and ethnicities. The study assessed their livelihood strategies and the impacts of local crises on the lives of the women particularly and their families. Although the impacts of the crises are rather indirect, they are present. Furthermore, the findings of this research study add another dimension that breaks the stereotypical perception about the role of women in traditional societies such as in the Swat Valley. Women were present in different professions and livelihood activities in relatively large numbers even before the crises, but gender roles in the area were never studied in detail. Existing literature on Swat (Barth 1956, Ahmed, 1972) did not discuss women role or presence in mainstream development, which is not true in reality. As discussed earlier, the situation in Swat became a complex emergency when the conflict was immediately followed by devastating floods (Duffield, 1994). The amalgam of political and natural disasters pressed the society to the limits in having to deal with social, political and economic crises all at the same time (Nyborg & Nawab, in press).

In this multifaceted situation, gender roles underwent a variety of changes. Firstly, the massive NGO and government relief, rehabilitation and development interventions had an impact on social and gender relations in the valley. Secondly, people (particularly women) adjusted their strategies in order to cope with the changing social and economic scenarios. Thirdly, existing professions for womenfolk (such as teaching, being a shopkeeper, or running a business) gained wide acceptance after the crises. In addition, the incredible diversity in the Swat Valley in terms of gender roles between the lower and upper parts of the valley, between ethnic groups, and in different cross sections of the society. This paper provided empirical evidence of this diversity. This research, conducted after the crises in Swat, has helped to promote understanding of the complexities in gender roles and relations. In addition, the reasons why development organisations (from implementing partners to donor agencies) did not achieve the desired goals in gender-based programmes are now better understood. Executing any development initiative concerning gender and livelihood should be based on pre-requisites such as understanding the society and cultural norms attached to gender. As Weber (1998) illustrates the fact that class and

gender are not constant, but are social constructions that change continuously, not only at the level of social institutions, but also at the personal level (the identity of an individual). Class and gender are historically specific and clearly dominated by socially constructed hierarchies. They are deeply rooted in the practices and beliefs of social institutions, for example, the power relationship system; they represent not only different lifestyles or cultural beliefs, but also power hierarchies in which one group exerts power to control others and to gain access to material and non-material resources (Weber, 1998).

The analysis presented above are practical examples of Weber's illustration, as the gender roles and relations showed variations at different times and in different situations. The power relations within the households, for example in decision making and expenditure, shifted after the gender roles and relations had undergone changes. Women from different classes have access to different types of economic development and livelihood opportunities, which illustrates the differences among them and their experiences. Here Moore (1993) concepts of 'the difference between' and the 'difference within' are also operationalized. It refers to the diversity of experiences not only between men and women, but also between women, and between men. Feminist scholars from the global South emphasised the concept the 'difference within' and rejected the Western feminist assumption of common interests among women (Anzaldúa, 1990 in Moore, 1993, p. 21). For example, crises in Swat affected women's economic development, both directly and indirectly. For some, it opened new doors to exercise autonomy; for others it relaxed cultural perceptions and brought acceptance and recognition of their work. Although cultural interpretations and norms around women's empowerment and livelihoods remain strict, women are now more evident in the workforce than they had been previously. Kabeer (1994) states that social relations analysis contributes to a better understanding of gender relations, as there are no 'quick fixes' to address gender inequality. Social and gender roles and relations need to change in order to redistribute power and relocate economic resources equitably. Women in the study villages were affected by changes in a wide range of societal relations. They not only became economically better off, but power relations within the family changed, the women took on roles they had not performed before, and they became role models for other women and families. These shifts improved equality issues, if not wholly, then at least partially. However, the extent of these changes is very small and they are evident only in tiny pockets of the society.

The role of development organisations, both governmental and non-governmental, in gender and livelihood projects in Swat cannot be overlooked. They played a significant role in revitalising gender perceptions and development in the valley. Although these projects did not necessarily achieve their desired goals, abstract changes in the lives of local men and women are visible.

6. Conclusion

This paper has discussed general perceptions about gender and livelihood strategies in the Swat Valley in North Western Pakistan, and presented empirical data in which women themselves have taken a bold step to earn their own livelihoods. The field data can be viewed from multiple perspectives. They present a comprehensive picture of diversity within women experiences and how they took positive action to improve their economic conditions. These women provide grassroots examples that the empowerment of women is possible without breaching the social fabric in a traditional patriarchal society.

Women in this society are and were engaged in various professions even before the interventions of NGOs. Nevertheless, recent NGO projects in the aftermath of the crises caused by conflict and floods have helped to broaden the thinking horizons of the people; they have come to accept changes in gender roles and women's empowerment to a greater extent than was previously so.

Such empirical examples are important, not only for NGOs to design long-term gender and livelihood projects, but also for policy makers. The findings of this study provide the foundation to document a policy that will promote solutions to grassroots social problems. This paper has made another important attempt to break down clichéd concepts about the status of women in Pukhtoon culture. The generalised concepts that women in Swat society lack personal freedom and are not allowed to participate in economic developmental activities have been challenged, even if only in small pockets of the population.

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Gender and development in Swat: Critical analysis of NGO approaches used in gender-based livelihood projects in selected villages in the Swat Valley

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Abstract

The concept of 'gender and development' is still marginalised and misunderstood. In Pakistan too, policy makers and development organisations are struggling to understand the concept and implement it in a meaningful way. After the crises of 2009 (conflict) and 2010 (flood) in Swat, there was an influx of development organisations which introduced numerous projects ranging from early recovery, to rehabilitation, to development. These projects focused on both men and women, with the intention of assisting them according to their needs, and pursuing the higher goal of gender equality. This study used qualitative methods to understand how development organisations understand the concept of gender and development, and how they implement it. Data was collected from two villages and two NGOs working in selected villages. Analysis reveals that the term 'gender' is often misinterpreted by local NGOs, making it difficult for them to see how their projects can contribute to improved well-being of both women and men, in the light of the diversity and dynamics of local gendered norms and relations. Instead of being included from the start as stakeholders, women are often involved as 'additions' to projects. Furthermore, NGO workers are not sufficiently trained in how to consider gender in the implementation of projects. This study found that NGOs on the whole, and women's and gender focused projects in particular, have surfaced another discourse and rhetoric in development practices in the area, which in turn has promoted the active involvement of women.

Key words: gender, development, NGOs, social mobiliser, conflict, flood

Introduction

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As a concept, 'gender' attained acceptance in the development discourse during 1975 when the United Nations Decade for Women drew attention to documenting the ground realities regarding women in rural areas, and how development has failed in positively affecting women in developing countries. As a result, the next ten years focused on women, through specially designed projects, either within mainstream development or alongside it (Momsen 2010). Unfortunately, at the end of that decade, the desired results regarding gender equality had not been achieved, mainly due to a lack of documentation of issues regarding women around the world and development approaches at the time (ibid.). Nyborg (2002) illustrates that problems lie not only in general approaches to development (i.e. top-down, non-participatory), there were as well flaws in our conceptual understanding of gender which had an impact on how change is promoted. While there has been increasing attention to class, race and ethnic complexities and an understanding of social dimensions of development, there was a serious flaw in the broader spectrum, i.e. lack of understanding of how social relations defining resource access and control are inherently gendered.

Momsen (2010) notes that in post-colonial settings and marginalised conditions of the global South, economic transitions have increased discrimination against women[2].However, keeping in mind the complexity of rural communities, the dynamics of the development process are always contextual. The situation becomes more challenging to understand in post-conflict situations. (Nyborg et al. 2010)[3] illustrate that in a post-conflict context, for example, parts of the population will need more conventional humanitarian assistance for a longer period, while others will be involved in early processes of livelihood revival and other longer-term development activities. Likewise, although some areas will experience relative peace, others may continue to experience violent threats in the form of insurgencies, lack of law and order, increased domestic violence, and/or conflicts over resources. Post-conflict contexts evoke dimensions of existing issues that remain under cover or poorly articulated during times of peace. For example, in the field of livelihood studies, it is only very recently that livelihood security has been explored in post-conflict contexts or 'areas of chronic conflict or political instability' (Schafer 2002). In post-

[2] For example, in the agriculture sector, the process of modernization has altered and left obvious footprints on gendered labour patterns. General observations reveal that these changing patterns in the division of labour and gendered relations have directly affected women's access to opportunities. Women have become relatively more dependent on their families and husbands than before (see Momsen (2010) for details).

[3] Joint project document Gender and Human Security in Post-Conflict Pakistan: Policy implications of local, gendered understandings of security and development, by Noragric and CIIT Abbottabad.

conflict settings, humanitarian and development organisations face more complex challenges, since they have to address not only sustainability requirements, but also underlying security threats and changing social and political dimensions of the society. Shanmugaratnam (2008) highlights the fact that issues of personal security and the role and interplay of state and non-state institutions are not touched upon in conventional frameworks of livelihoods and gender and development. The main issues that demand attention are those that surround the conflict situation, particularly demands for resources (ibid.).

This paper, however, focuses on understanding gender and development in selected villages in post-conflict Swat. In particular, how have gender-based livelihood projects addressed or understood gender and gender relations in the study villages? In the light of changing gender relations, have compromises been made in development initiatives during the process of implementing such projects?

2. Conceptual framework

Kabeer (1994) argues that there are diverse ways of thinking about women and development. Consequently, development policy approaches to women's empowerment have been categorised in several ways (Moser 1989, Kabeer 1994; Agarwal 1994; Razavi and Miller 1995). Moser's (1989) analysis shows how various approaches to development have inherently different understandings of gender and the roles played by men and women in a society, particularly in the household. Further, there is incomplete understanding of the needs of both men and women, and the differences between women and between men (Moore 1993). Another important factor that influences gender planning is the disaggregation of households and families based on gender (Moser 1989; Kabeer 1994; Agarwal 1994).

Gender and development planning in third world rural societies is particularly challenging, as there is a strong belief among conventional researchers and policy makers that within the household there is equity and equality of resource distribution. In some societies, the traditional gendered division of labour is considered natural rather than discriminatory. Often, such beliefs and assumptions are reinforced ideologically through legal and educational systems, as well as the media, without realising that such practices strengthen women's subordination and oppression within societal structures (Scott and Tilly 1982; Moser 1989; Naz and Rehman 2011). Moser (1989) argues that conventional ideologies, linked to the gendered division of labour that

views the household as a uniform unit, have severe limitations in relation to women's triple role, particularly in female-headed households[4].

Gender planning for rural women in developing countries should be based upon the interests and needs-based priorities of local men and women. Gender policies and planning should be formulated by keeping in mind local concerns, contexts and realities (Kabeer 1994, 2001; Razavi and Miller 1995). Molyneux (1985) argues that a clear understanding is needed in order to distinguish between women's interests and gender interests. Moser (1989) discusses women's interests as follows:

> …….the position of women in society depends on a variety of different criteria, such as class and ethnicity as well as gender, and consequently the interests they have in common may be determined as much by their class position or their ethnic identity as by their biological similarity as women. Within the planning context, women's needs also vary widely, determined not only by the specific socioeconomic context, but also by the particular class, ethnic and religious structures of individual societies. Consequently, although the category of women's needs is frequently referred to by planners in general policy terms, it is of limited utility when translated into specific planning interventions. (p. 1803)

Various gender and development approaches have been devised to address these developmental challenges, as described by Kabeer (1994):

> Each of these different approaches represented a response to a distinct set of imperatives, but they should not be regarded as either chronological or mutually exclusive. In some development agencies old approaches persisted as new… For analytical purposes, however, welfare and efficiency have been constituted as the

[4] For details see Moser (1989).

> two dominant and opposing approaches, located as it were, at either end of the policy spectrum. (p. 5)

Most of the NGOs working in Swat focus on equity, equality and empowerment approaches. However, these approaches become problematic when practised in patriarchal societies where women are subordinated and the distribution of power and resources is imbalanced. Development organisations tend to implement initiatives without understanding how resources and power are inherently gendered (Nyborg 2002). As Buvinic (1983: 26) explains, 'focusing on all women, rather than on poor women only, calls for equality at all levels, both among programme beneficiaries and programme implementers'. Kabeer (1994) argues that

> … new development approaches and programmes faced resistance by pre-dominantly male-staffed development agencies to redistributionist concerns, equal opportunity programmes, even in their watered-down versions, presented high political and economic costs which undermined their chances of implementation. Instead , the new focus on women was accommodated within the official agencies of development by linking it to the emerging concern with poverty alleviation and basic need (p. 7)

In other words, as Staudt (1985) illustrates, although women in development (WID) has achieved a great deal over the decade in terms of symbolic politics, there have been fewer concrete achievements. Furthermore, the critique of WID strategies is as long as their existence. The biggest critique is on how development institutions integrate (or should integrate) women into development initiatives. This in turn, leads to other very important questions, namely: Is development gender neutral? Can we make room for women in development without displaying any bias?

Goetz (1992) makes the point that institutions that are responsible for development planning and administration are not exempt from disputing gendered processes in the public domain at large. Kabeer (1994) notes that '[b]ureaucracies do not passively reflect the values of the wider society, but are actors in their own right, with a stake in upholding the hierarchal organisation of gender'

(p. 87). Goetz (1992) further explores the relationship between local cultures, bureaucracies and gender relations, and states that despite differences in cultures, location, and the resources a society may control, there is clear similarity in their rules and practices around gender and how they reformulate gender hierarchies.

Kabeer (1994) states: 'increasing awareness of women as a category of development led to the setting up of national machineries of women's affairs and WID units in bilateral and multilateral aid agencies' (p. 87). However, Momsen (2010) and Goetz (1992) point out that women are often viewed as an additive to existing or mainstream development concerns and processes. They are seldom included during the process, in rule formulation, resource allocation or policy formulation. Staudt (1985) refers to this so-called 'women's development' as a 'women's desk', with very little function, authority or voice. Unfortunately, Pakistan is still suffering from gender bias, power struggles and cultural influences in bureaucracies that adversely affecting gender and development.

3. Study area and methodology

The Swat Valley is located 150 miles from Islamabad, the federal capital of Pakistan, and falls under provincial control of the Khyber Pakhtunkhwa province. The population of the district is estimated to be around 1.7 million, although reliable census data is unavailable (Nyborg et al. 2012). A significant number of ethnic minorities reside in Swat, including Kohistan, Gujars, Hindu and Sikh minorities, with the dominant majority group being Pakhtoons (mainly the Yousafzai tribe), and the dominant language is Pashto. In many ways, the people of Swat share a common identity and history, regardless of their ethnicity or tribal background (Sultan-e-Rome 2008). Swat became part of Pakistan as recently as 1969. Before that, it was an independent state with a separate constitution, rules and ruler.

In recent times Swat has undergone two disasters. One was the conflict/militancy that surfaced in 2005, during which the Taliban took control of the valley. The Pakistan army managed to bring peace to the valley through an extensive military operation in 2009. Soon after that in 2010, the unfortunate valley was struck by a flood which caused severe infrastructural damage and left millions penniless and homeless. These two disasters opened the doors for development and aid organisations in the area, with Swat becoming the hub of development activities. Development

organisations spread their activities through the length and breadth of the valley. The development period in Swat can be broken down into two major periods, i.e. pre- and post-crises.

3.1. Gender and development in Swat

Gender development is interwoven with the strict cultural values in Swat, for example, women are specifically restricted to their reproductive role (Naz and Rehman 2011). As a result of the patriarchal nature of the society, development activities are still to some extent, male centric.

A historical examination of development in Swat, based on the literature, shows that before the merger with Pakistan, the major focus was on the eradication of socio-cultural vices. However, Sultan-e-Rome (2010) argues that deep cultural and traditional values have been perpetuated while conducting development practices and interventions. A prime example is that of women and land rights − according to the state's constitution, women in Swat are not allowed to access and inherit land. Another important aspect that has shaped development practices in this cultural and traditional area is the power dynamics in the society. The power, status and position of the traditional leadership and privileged classes have remained largely intact, even if, with the passage of time, considerable changes have been brought about in the social setup (Sultan-e-Rome 2010).

After the merger with Pakistan (during the 1970s and early 1980s), specialised departments of the Government of the Khyber Pakhtunkhwa Province of Pakistan provided development support to the region to modernise its economy and social structures (Geiser 2012). Towards the second half of the 1980s, the efficiency and effectiveness of this state-led model of change came into question, as economic growth had increased only marginally. At a global level, this period coincided with enormous expansion in development aid and Swat became a hotspot for donor-supported projects (ibid.). These projects introduced the new paradigm of 'participatory development', which saw a lack of involvement by ordinary people as the key shortcoming of the state-led approach. Community-based organisations (CBOs) were therefore initiated to act as platforms for dialogue between community members, donors, non-governmental organisations (NGOs) and state representatives (Geiser 2012).

After the conflict was over in 2008-2009, a major influx of development organisations occurred, when the Internally Displaced People IDPs started returning to Swat after three months of

displacement. With the help of local partners, donor organisations introduced hundreds of livelihood projects during the emergency phase. The flood in 2010 reversed the development process to a state of emergency and early recovery again. Most of the projects were extended to the second phase of rehabilitation. Numerous gender based livelihood projects were introduced to rehabilitate the men and women of Swat in the aftermath of both crises.

Elahi et al. (2015) highlight the shortcomings in the development process by arguing that the ground realities regarding gender-based livelihood projects are generally quite different from the project documents and strategic plans. The role of development projects in empowering men and women in local communities, and the dynamics of local institutions have not been recognised. However, Elahi et al. (2015) argues that implicit changes are noticeable in raising awareness among men and women about self-reliance, education, jobs, access to local resources, livelihoods, as well as participation in the local political system . The same authors illustrate the pre- and post-crisis scenarios and highlight the differences between them. Before the crises, project interventions had the purpose of improvement and change in local people's lives, but the problems of extent of participation, capabilities, equal distribution of resources, and knowledge of management practices, reduced the broader goal of sustainability. After the crises, the situation became more complex and unclear. There are multiple overlapping factors which make the participatory process difficult, if not impossible. However, on a broader scale, changes have been seen, as the disasters brought not only destruction, but through the NGOs, also an increased awareness and the hope of change (ibid.).

This is one side of the picture, which reflects the progress of interventions; the other side is the ground realities and stories of the people. Nyborg and Nawab, (in press) found a complete lack of documentation regarding analysis of local responses to the conflict and flood, or how Pakistani institutions and private families responded to the situation of IDPs and devastation caused by the flood. As a result, development initiatives after the crises are quite challenging and difficult; in particular there is a lack of coordination between government departments, development organisations and civil society in extending services to the people and pursuing sustainable development (ibid.).

4. Methodology

This study began in 2012, with initial visits to eight villages in Swat. Two villages were selected one in upper Swat and one in lower Swat, based on criteria devised to address the research problem. The chosen villages were hit by both conflict and flood to varying degrees; they comprised different ethnic groups, diverse gender roles and livelihood patterns; and they were the subject of NGO interventions after the crises. Each village consists of more than 60 households. These two villages were studied in depth for their ethnic variety, gender roles, livelihood patterns, customs around gendered land rights, local culture and institutions, and also how they experienced humanitarian and development aid. The humanitarian and development activities and approaches used by NGOs in the aftermath of the crises were also studied and explored.

4.1. Data collection methods

Data was collected using qualitative data collection methods. Purposive and snowball sampling techniques were used to identify respondents in the selected villages. The data collection tools used were unstructured and semi-structured interviews, and participant observations. Fifty-four in-depth interviews were conducted with men and women in the selected villages, who belong to different ethnic groups and economic classes. Livelihood activities of the respondents were also diverse. Men from the upper class were mainly landlords; those from the middle class were small-scale farmers and share croppers; and those from the lower class were tenants. Women from the upper class were mostly homemakers; those from the middle class were involved in teaching, personal tailoring businesses, or livestock management businesses; those from the lower class were the wives of tenants or involved in dairy businesses.

Respondents from the upper and middle classes were mostly Yousafzai Pakhtoons and Miyangans; those from the lower class were Gujjars and other minorities, with a few exceptions of Pakhtoons. Interviews were also conducted with six social mobilisers, two key informants[5], three NGO officials, and one professor in Saidu Shareef [6]with a sound knowledge of the local

[5] Key informant interviews are detailed interviews with the people who have sound knowledge of happenings in the community. In addition, with their deeper understanding and knowledge they present the deeper analysis of communal problems.
[6] Main city of Swat

culture, history, crises and development activities after the crises. Focus group discussions were conducted where it was deemed safe[7].

Interviews were conducted in Pushto, the language of the area. Since I do not speak Pushto, I hired a translator for language facilitation. I conducted the interviews in personal and private spaces of the interviewees, and a field assistant / translator was also present. The interviews lasted for 1.5 hours on average. Men and women from different social classes and ethnic groups were interviewed separately, in order to evaluate their perceptions of gender-based development after the crises. I also attended two training sessions with the community in upper Swat about bee keeping to examine how NGOs introduce concepts of gender and empowerment in rural communities.

After the periods of conflict and flood, Swat was approached by more than 100 NGOs that were involved in various rehabilitation and reconstruction projects (PDMA 2012). At present, 72 national and international NGOs, and civil society organisations are active in the reconstruction phase in the area (ibid.). This study selected two NGOs in order to examine their approaches, activities and projects in the study villages. Most of the respondents referred to these particular NGOs and their development and gender-based projects, which was one of the criteria used to select the organisations to be studied.

The methods used to study the approaches of development organisations included a desk study of their project documentation, interviews with staff, and observations during their meetings. Secondary data were collected from NGO offices in Swat, relevant websites, online journals, government and donors' planning documents, and completion reports. The main focus during discussions with heads of organisations, project managers, social mobilisers and community men and women, revolved around how organisations distribute aid, design development projects, what they have achieved and what is lacking, and whether of not their goals have been achieved.

5. Results and discussion

[7] During fieldwork, Swat was still struggling with security. To avoid any unpleasant incidents I was very careful with focus group discussions. Rather, I tried to keep the number of respondents as low as 5 and chose to conduct the discussion when I was fully satisfied with the security situation. The main person who assisted me with the security updates in the communities and villages was the key informant.

Gender and development concepts and practices are heavily contextual and dominated by cultural values and traditions, particularly in the case of Swat. In April 2009, after the end of the conflict, the Government of Pakistan requested international financial institutions, including the World Bank and the Asian Development Bank, to launch and lead a rapid Damage and Needs Assessment (DNA) to promote medium to long-term recovery in the five crisis-affected districts of Khyber Pukhtoon Kha and the two tribal agencies of the Federally Administrated Tribal Areas (FATA). The strategic objective of the DNA was to help create conducive conditions for immediate recovery and rehabilitation in the most severely crisis-hit areas, including the return and resettlement of IDPs (DNA 2009). However, in July 2010, after floods, the Government of Pakistan launched a massive relief operation, supported by provincial and local governments, and national and international humanitarian organisations. The emergency relief phase ended in most areas on 31 January 2011 (Joint Report by Asian Development Bank and World Bank 2010).

Numerous NGOs diverted their relief and rehabilitation services towards Swat in the aftermath of the two disasters. However, for multiple reasons, the desired goals of the development initiatives were not achieved. The major question that arises is: Where was the gap, and how can it be bridged? The analysis in this study shows that the problem was embedded in a basic lack of contextual understanding, namely that social relations and access to various resources are highly gendered. Furthermore, there was a lack of documentation and understanding of diversity regarding ethnicity and gender relations in the local areas of lower and upper Swat. In particular, organisations and agencies carried stereotypical and essentialist views of society as a whole, and women in particular. These two basic factors created barriers to achieving gender equality by means of the designed development projects and programmes in Swat.

In the following sections, the results of the data analysis are presented from different dimensions, in analysing gender and development practices in Swat after the crises.

5.1. What approaches and why?

Only one of the two selected NGOs agreed to share their official gender policy. Analysis of the document reveals a clear gap between the written policy document and practices on the ground. The policy itself is written in a very balanced and clearly understandable manner. For instance, it clearly states that:

> The Organization "A" has realized to formally write, approved and publicized gender policy to give strategic direction to the organization and also to make it accountable. It is a fact that inequality between men and women is deep rooted and manifested in discrimination against women in different forms. To achieve gender equality balances the environment both at organizational and field …The overall objective of the policy is to provide an enabling environment for women and men within the organization and communities.

The vision provided in the policy clarifies the importance of gender in the development process and promotes the 'equitable distribution of responsibilities, burdens and benefits between women and men as well as their participation in dialogues and decision making in development'. However, despite having a well-formulated gender policy, this organisation has no gender specialist on their staff. Neither is there any clear conceptual understanding of the term 'gender' among the male or female staff, particularly the field staff commonly known as 'social mobilisers'. However, gender dimension has been added in all their projects and programmes. In addition to these lacking aspects, the organisations in Swat (in general) have repeated the classic mistake of treating women as additives in existing projects and programmes, rather than revising their strategies and projects using a gender lens. It is notable that, after the crises in Swat, all the organisations added a gender dimension to their aims, scope and expertise in order to attract more donor funding without focusing on equipping them with conceptual understanding and competent staff in this area.

Due to a lack of understanding of gender as a concept and how gendered the local context is, many of the NGOs enter the communities with some extent of gender bias in their approaches. The majority of NGOs in Swat follow welfare, empowerment and equality approaches to gender and development, which have not resulted in the desired results due to a flawed understanding of the concept 'gender'. Participatory approaches to development are more effective as documented in reports by numerous organizations and researches, since all stakeholders in the communities are involved in the process from the beginning. However, many critical questions can be raised regarding the methodology applied for targeting the groups and encouraging their involvement in

development projects. For example, Kabeer (1994) argues that there are diverse ways of thinking about women and development, and the basic question that should be raised is how development and local institutions integrate and include women in mainstream development activities.

The integration of women into mainstream development activities is hindered by the patriarchal nature of development bureaucracies and local power dynamics. Prevailing gender approaches in rural areas generally, and in Swat in particular, are based on welfare and efficiency, and to some extent, employment, but in a very unclear sense. The main aim of these approaches is provide equal opportunities to women in competing with men. However, public institutions have evolved deeply gendered ways of training women in marketable skills and abilities. This will not give women the same degree of agency as men in the public domain, as long as public institutions and government bodies do not accommodate the different needs and values that women bring to the workplace.

One of the key informants in a study village, who happened to be the project coordinator for gender-based projects, said 'Unfortunately, we don't follow any approach appropriately. I have been part of projects where we were making pseudo committees for women'. When asked how this happened, he replied, 'There is a lot of poverty in this region. It is not difficult to tell poor women to come and sit for training and then give them 100 or 200 rupees. It lessens our burden and they get some benefit as well'. About the project activities he said, 'Later on with our trusted people in the villages we targeted a few households where men and women have no issues with participation and taking part in trainings, then we work with them.'

Swat is very diverse ethnically and has a clear and well-defined class system which further complicates gender and development. Various ethnic groups have different levels of power in the social hierarchy as well as very different and well-defined gender roles and responsibilities. In addition, gendered access to resources is also very diverse among these ethnic groups (Ribot and Peluso 2003). To a large extent, development organisations have failed to understand the social relations among diverse ethnic groups and the nature of gendered access to different resources and opportunities, as illustrated by Nyborg (2002) in her work in Baltistan on resource management. This lack of understanding is a significant setback in achieving gender and development goals.

In the study village in upper Swat, the Gujjar and Pakhtoon ethnic groups are in abundanceThe village lies at the intersection of two union councils[8] in that the Pakhtoon majority comes under Union Council A, and the Gujjars fall under Union Council B. During the relief, rehabilitation and development phases after the flood[9], both these groups remained neglected, not only because of their division into two different union councils. The development agencies in each union council abdicated the responsibility for this particular part of the population, claiming it should have been shouldered by the others. In addition to this disparity, another important aspect that compounded the negligence towards this community was their low social status and weak political hold in the area. Historically, the political power and supremacy in Swat remains with the Yousafzai Pakhtoons. This supremacy is visible even in humanitarian aid distribution and the execution of development projects in local villages. The control and distribution of aid remains with the Pakhtoons who naturally favour their relatives and families and neglect other poor minorities.

5.2. Development initiatives after the crises in Swat

After the crises in Swat, NGOs formulated gender policies and added a gender dimension to their development programmes. The main goal was to reach out to both men and women in local villages. Since cultural values in Swat are traditionally very strict, female mobilisers[10] played a vital role in distributing humanitarian aid to women and carrying out development projects. Although this paper does not focus on distributional disparities in humanitarian aid in Swat during and after the crises, we discuss the situation briefly in order to set the scene for the development initiatives that took place after the crises. Since, in this study we collected data from two villages in upper Swat and lower Swat, the data shows variations depending on the topographical location, ethnical diversity and intensity of the crises in the study villages.

Data from both villages reveals that aid reached both men and women. However, the political, social and power tensions and struggles created disparities between different ethnic groups, social and economic classes, and also between men and women. For example, some poor men complained that several rich people were provided with many relief goods, which they did not

[8] A union council in Pakistan is an elected local government body consisting of 21 councillors, headed by a *nazim* (equivalent to a mayor) and a *naib nazim* (deputy).
[9] Upper Swat was severely hit by floods in 2010.
[10] Social mobilizers are male and female staff who go out into the field and work directly with communities.

need; it would have been much more helpful if such relief had been given to the poor instead. One of the woman reported, 'Not everyone in the community was flood affected. All the people who were not affected by flood were also provided with aid, and the money wasted like this could be spent instead on other development projects in the village'. Another objection made by a male respondent was that 'the provision of seeds and agriculture tools to the people whose lands were completely washed by flood was also pointless and a waste'. One of the influential people in the village said, 'The aid was distributed mostly among friends and relatives and among political allies in the village, which has created tension among the community. Most of the people even now do not attend various ceremonies and functions of the persons who were involved in the distribution of aid'.

In this process of unfair aid distribution, widows, and particularly female-headed households, remained marginalised and could not benefit from aid. One of the widows said 'There was no family member at home who could go and do all the process and then bring rations home'. The dependency on aid was also highly gendered. According to women respondents, 'Many people, particularly women whose belongings were all washed away, were fully dependent on aid after the flood'. One of the men said, 'The poor were dependent on aid. Mostly widows were highly dependent on humanitarian aid'.

The situation in the villages in middle and lower Swat differed slightly, as the lower areas, in particular, were struck by conflict in 2009. The government provided assistance in the form of cash (25,000 rupees) to most of the villagers through debit cards, and also announced support packages for those were injured during military operations, and for the families of those who died in the shelling or were killed by militants. However, the government gave some villagers 0.4 million PKR [11]for each damaged house. Many men and women from the rich class were dissatisfied with the cash payments provided, since they feel their damages amounted to more as compared to the compensation offered by the government.

The situation during and after the crises in Swat (2008-2012) was extremely difficult, not only for the communities who were struggling with revival and resettlement, but also for the organisations who were delivering services to the communities. It has been argued (Duffield 1998; Keen 2000) that in such a complex emergency, humanitarian assistance and development

[11] 3,918.99 US Dollar

initiatives and activities occurred in parallel. In upper Swat[12], for example, male respondents reported that before the flood, NGOs worked in the village and some development activities were carried out by the government, such as building infrastructure, water channels and roads; however, most of the humanitarian and development activities were initiated in the village after the flood. Various NGOs initiated different activities such as water, education and health projects. Both men and women said that some organisations started activities such as 'Cash for Work' and 'Food for Work' after the flood affected the village. Almost 80% of the villagers were involved in these activities, i.e. approximately one person per household. The community also reported that most of the NGOs which initiated development activities, were different organisations from those that delivered humanitarian aid.

One of the male respondents reported:

> The main goal of the majority of NGOs was to help the community with short-term humanitarian activities that they achieved and it benefited people. Now both government and NGOs should start long-term sustainable activities which can contribute to the livelihoods of the community, like livestock farming, poultry farming, agriculture training, bee keeping, vocational training and other development activities like irrigation channels etc.

Another male respondent suggested that:

> The local priorities now are health facilities, education, water, roads and infrastructure for the development of the village. They want a basic health unit, veterinary hospital, proper solid waste management, safe drinking water and sanitation facilities, and employment opportunities in the village. They want assistance with agricultural activities like seeds, fertilizers and agricultural tools etc.

[12] Upper Swat was directly hit by the flood and indirectly by the conflict. During the conflict, the roads were closed, there was limited access to the market in the lower parts of the valley, and access to education and health facilities was scarce. In the flood of 2010, some parts of upper Swat were washed away, leaving thousands penniless and homeless.

> They also want small machines for cultivation and modern farming tools to augment existing traditional farming practices. Their poor economic status is a constraint in achieving all these requirements. And government and NGOs should include a local perspective of development in their agenda and they won't find better time than this.

Furthermore, women's perspectives of development activities highlighted the same needs and demands. However, a conflict of interest arose between men and women regarding their perspectives on social development and their immediate needs. Women involvement in decision-making, equal distribution of resources and power redistribution is still interpreted and opposed in terms of strict cultural and religious values and laws. Men, interpret women' role inside the house only. However, now with changing social and economic dynamics women are allowed to pursue their careers in specific fields only. Women on the other hand, largely want their equitable share in decision making, resource distribution and management and power relation. As discussed above, Swat is a patriarchal society where social and gender relations are over shadowed by male dominance. When I was discussing social development initiatives with the men in both the study villages, their responses were similar, irrespective of their ethnicities and economic classes to which they belong. For example, one of the male key informants, when asked regarding the steps to be taken for the improvement of women's involvement in decision making, said 'We want the decision making power to stay with men because we do not want women to make their own decisions since we provide them with everything and women just take care of their children and household chores'. Another respondent said:

> Women know nothing about the outer world. God has created them to stay inside the four walls of the house honourably. Moreover, we men are sent to provide for them and take care of them. Therefore, the best decision maker and empowered person should be the one who is providing for the family. In addition, involving women in decision making will create an imbalance in the natural order, resulting in a chaotic society.

It can be argued that development initiatives in infrastructure (roads, drainage systems, water and sanitation etc.) and service delivery (education, health, employment etc.) are for the mutual benefit of both men and women in the villages. However, gendered-based empowerment initiatives and the introduction of gender-based livelihood projects are not part of the local development discourse in the area. Considering the patriarchal nature of the society, Kabeer (1994) argues that

> New development approaches and programmes faced resistance from pre-dominantly male-staffed development agencies to redistributionist concerns, equal opportunity programmes, even watered-down versions, and presented high political and economic costs which undermined their chances of implementation. However, the new focus of women was accommodated within the official agencies of development by linking it to the emerging concern with poverty alleviation and basic need (p. 7).

5.3. Social mobilisers: critical actors in the development process

'Gender' is a misunderstood term in Pakistan in general, and it becomes more difficult to conceptualise in the context of traditional societies like Swat. Under such conditions, with strong cultural and religious beliefs in women's reproductive role, it takes extra effort to shift perceptions and introduce the idea of productive roles in the local discourse about empowerment and economic development.

When NGOs introduce any gender-based project, the social mobilisers (males and females) play a critical role in communicating with the community and introducing the activity. Nowadays, NGOs emphasise the participatory development approach, in which both men and women take ownership and are involved in the execution of the projects. However, there are problems in carrying out this approach. For example, many social mobilisers are not well trained. One of the female mobilisers, when asked about the challenges of working in a crisis situation, said

> We are never given proper training, particularly how to talk about gender with men and women. Most of the people in the villages consider us bad women and they do

> not let their females talk to us. Some of them who cooperate are only interested in the benefit they will get. I don't know if this is called 'development'.

A male social mobiliser said, 'One of the biggest challenges is the time constraint. Projects do not have enough time to invest in mobilising the community in true spirit. We simply go, tell them about the activity, and reflect on the benefits, then leave.' When asked about the participatory approach and involvement of the community, one of the respondents said, 'I don't think that we are doing it in the right way, but again Swat is a difficult area as compared to the rest of the country. Both the nature of the crises is severe which is further exacerbated by the strict norms and cultures of the people'.

Another respondent said, 'Participatory development is not simple to undertake in the context of Swat. It involves power, domination, politics, social class and ethnicity'. He then narrated an incident saying:

> During the early recovery period, we went to one of the conflict-hit villages and met the Khan of the village and requested him to give us assistance in distributing the aid. It so happened that we went to the Khan who was not from the ruling political party at that time. When the other Khan with political power came to know about our visit, he went to the head office of the NGO and told them that all the aid distribution and other developmental activities should be discussed and arranged in his *hujra*.[13] This power and political tussle affects our activities and work.

According to a female social mobiliser:

> The extremely low literacy rate in females is another barrier in conducting training in the community; sometimes it is so hard to make the point clear as none of us is

[13] A place or room outside house where males gather and discuss the problems. It is strictly male space, females are not allowed to enter the place.

> trained in pedagogy. In addition, we are always overburdened with work. It also affects our working capacity and quality of our activities.

She added that:

> Gender-based development projects or other livelihood projects are hard to execute and the involvement of women is always challenging because the prolonged humanitarian assistance and aid has made people lazy. They now do not consider putting any effort into earning anything. For them it's the duty of the NGO to come and provide and sometimes when we tell them that they have to work in order to achieve something, they don't listen to us and in worst cases, some women had literally thrown us out of their houses.

The same woman then quoted an example of a very famous project about handicrafts in which, during first phase, women were given shawls for embroidery and earned a handsome amount. In the second phase, the women were supposed to extend their work by becoming entrepreneurs, but most of them refused to take part and demanded to shift the project back to phase 1. One of the women in the community, when asked about the project, said that:

> It was a good project that was adjacent to our traditions, but then they changed it and asked us to go out in the market and do business. How can we do that? They want us to become men. In addition, many women are speculating that these social mobilisers have taken all the money−that's why they are telling us to do unacceptable things.

Interviews with key informants−men and women from the community−provided a perspective that is different to what one finds on national and international forums about NGO interventions in complex emergencies like Swat. Before the crises, the NGOs did not have deep access to communities in the villages in upper and lower Swat, and there was significant unacceptance and resistance towards them. NGO interventions, particularly gender and livelihood projects, have continued to face many limitations and problems.

5.4. How has culture affected development and aid assistance?

In Swat, the initial humanitarian aid efforts and later the development initiatives were beset by traditional and cultural influences. As mentioned earlier, Swat is a Pakhtoon-dominated area with particular culture and traditions, enshrined in a code of conduct called *Pakhtoonwali*. Many NGOs and their staff were from other parts of the country and hence unaware of the cultural practices and norms of the area. The first setback was their naivety in failing to understand the traditional nature of local practices. Secondly, female staff faced particular challenges in that their non-Pakhtoon identities hindered their work and limited their authenticity and legitimacy in the communities. The general manager of one of the development organisations, who is very active in the development sector in the area, said 'The female social mobilisers are young women who in most cases are not from Swat and are unaware of the culture. When they go into the field, people feel threatened to let their women talk to them'. He further illustrated the concern that 'No matter that NGOs are now widely accepted in Swat due to their contributions during and after the crises; people still have orthodox opinions about them particularly about the women working in NGOs'. He referred to another important aspect, saying that

> Most of the female social mobilisers are young and get high salaries, for them the salary is more attractive than their work. They come to Swat to gain experience, take the high salary and then leave after 6 months to 1 year. Again, new girls come and they do the same. It really affects the quality of the work. Secondly, none of the social mobilisers, both men and women, are trained specifically in field-related work. So it is really difficult for them to get acquainted with the scenarios.

Another important aspect is the short duration of most projects, allowing very little time for NGO staff to begin to understand the area and the nature of local issues, to build rapport and then to deliver results. To save time, most of the NGOs approach the influential people and work in communities through them. One of the respondents in a study village said,

> In our village, all the aid and the projects are executed through one of the landlords. His house is like the headquarters of the NGOs; his elder brother is also serving in a

key positon in one of the NGOs in Mingora. All the goods are stored in his house. He distributes some and leaves the rest for his family. During the conflict, every village got their share of aid, but our aid was also distributed to the people from the next village as the landlord's in-laws come from there. The short-term projects due to their time constraints have to rely on powerful actors in the community to execute the activities. And in return, most of the deserving people fall out of the process.

6. Conclusion

This study analysed the official gender policies of selected organisations, their women's and gender-focused project documents, and the experiences of the communities in the selected villages. The results reveal that NGOs lack a basic understanding of the term 'gender', instead loosely using various terms such as 'gender mainstreaming', 'equality' and 'equity'. The over ambitious commitments made in policy and project documents, when translated into practical activities on the ground, faced multiple challenges and barriers and so did not bear the desired fruit. Approaches used by aid workers should not remain aloof from the local culture and local institutions. The situation in Swat was compounded by a combination of ambitious, misunderstood approaches used by the NGOs, inadequately trained social mobilisers, and conflated religious and cultural values attached to humanitarian aid and development initiatives. Nevertheless, even though the practices were flawed, they did bring about change and elevated the status of people's conditions in difficult times.

Although local institutions tried to assist the NGOs and other organisations during the crises, this also created certain barriers regarding local politics and the power dynamics of different stakeholders in aid distribution, and later in development activities. The key persons in the study villages are from the influential classes and they influenced NGO activities and the outcomes and quality of their work. The NGO staff themselves did not properly understand the best approach to use, which adversely affected their work in the communities. The core issue is the need for adequate training for staff, in doing baseline research, in understanding the concept of gender in

the local context, and in learning how to resist pressure from local institutions and cultural norms.

Despite all these challenges, the NGOs worked hard during the crises in Swat and brought about noticeable change in the thought process of men and women in the communities. Exposure to new ideas and discussions with NGO staff triggered change, in spite of the multi-faceted challenges that hinder development initiatives. Gender and development, empowerment, Women in development and participatory approaches are now being adopted by organisations in Swat and are beginning to make a difference, although they continue to face some fundamental issues and challenges. Local communities do take part in the projects, but the gender balance, and access of men and women to development projects, is still power driven. Sustainable development and empowerment cannot be achieved through gender and development approaches alone, without pursuing social and institutional democracy.

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