

Do Women's Land Rights Promote Empowerment and Child Health in Nepal?

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Summary. — Women's land rights are increasingly put forth as a means to promote development by empowering women, increasing productivity, and improving welfare. However, little empirical research has evaluated these claims. This paper uses the 2001 Nepal Demographic and Health Survey to explore whether women's land rights empower women and benefit young children's health in Nepal. The results provide support for both of these hypotheses. Women who own land are significantly more likely to have the final say in household decisions, a measure of empowerment. Similarly, children of mothers who own land are significantly less likely to be severely underweight. © 2007 Elsevier Ltd. All rights reserved.

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1. INTRODUCTION

Worldwide, women own only 1–2% of land (Crowley, 1999; Sachs, 1996; Seager, 1997). Like men, many women are active farmers and depend on agriculture. Yet most women remain dependent on the existence and goodwill of male relatives for access to land (e.g., Deere & Leon, 2003; Kevane & Gray, 1999; Rao, 2005). In recent years, this gender gap in land rights has received attention from development practitioners and activists. In the international arena, the Food and Agriculture Organization of the United Nations, the Convention on the Elimination of Discrimination Against Women, and the UN Human Rights Commission have all called for equal treatment for women and men in access to land and agrarian reform (Crowley, 1999; FAO, 1995; UN Commission on Human Rights, 2002). Multilateral and bilateral development agencies, including the World Bank (World Bank, 2001), the Australian Agency for International Development (AusAID, 2000), and Britain's Department for International Development (DFID, 2002), have also noted the importance of women's land rights.

These institutions address women's land rights because they are seen as a tool to promote development. Like other women's issues, such as girls' education, women's land rights

are put forth as a way to realize human rights, increase economic efficiency and productivity, empower women, and promote welfare and well-being (Agarwal, 1994). Despite the increasing prevalence of these claims, however, little research has empirically evaluated their validity. This paper attempts to address this gap in part by exploring the connections among women's land rights, women's empowerment, and child health in Nepal.

(a) *Defining land rights*

Land rights broadly defined can be understood as a variety of legitimate claims to land and the benefits and products produced on that land (e.g., Meinzen-Dick, Brown, Feldstein, & Quisumbing, 1997; Schlager & Ostrom, 1992).

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When activists and development practitioners call for women's land rights, however, they are referring to effective land rights, which Agarwal (1994, p. 19) defines as "claims that are legally and socially recognized and enforceable by an external legitimized authority, be it a village-level institution or some higher-level judicial or executive body of the State." Ideally, an analysis of women's land rights should take different aspects of rights into account, including whether women own land and exercise control over land in practice. However, due to data limitations, in this paper women's land rights are defined simply as land ownership.

(b) *The Nepali context*

Land plays a crucial role in Nepal. The country is predominantly rural with over 80% of households directly depending on agriculture and land (Lumsalee, 2002). Since land comprises the main source of economic livelihoods, it is also an important source of power and status in Nepal: "Land is more than a physical entity; it has been, and continues to be, the economic backbone of the agrarian system and the rural power structure" (Bhandari, 2001, p. 168).

Women play an important role in farming this land. Some agricultural activities, such as plowing and irrigation, are largely or entirely done by men. However, many other activities, such as fertilizing and transplanting rice, are done by both men and women or women exclusively (Acharya & Bennett, 1981; Pun, 2000). Furthermore, Nepal is experiencing a feminization of agriculture. Men are increasingly moving into nonagricultural work or migrating to urban areas or outside of Nepal for employment, leaving women to take over agricultural activities (ADB, 1999; Cameron, 1995). As of 2001, over 90% of women workers were agricultural laborers or land managers compared to 64% of male workers (Nepal Ministry of Health *et al.*, 2002).

Despite their active role in agriculture, however, women have limited land rights. In Nepal, the main means of gaining land is through inheritance, which is largely patrilineal. Thus, when discussing land rights and inheritance, women's rights are usually defined in terms of their relation to men. As reflected in the 11th amendment of the Civil Code, widows have a right to a share in their husband's property. Daughters, on the other hand, only have a right to a share in their father's property if they are unmarried. Further, if daughters marry after

inheriting parental property they are supposed to return their share to the other heirs. Widows have a relative advantage because they keep property within the same patrilineal line of descent. Daughters, on the other hand, marry into other families and transfer property out of one line of descent and into another.

While it is not the norm for Nepali women to own land, there are some women that do. In 2001, 11% of all households and 14% of land owning households in Nepal comprised women landowners (author's calculations from Nepal Census, 2001a, 2001b). Many of these landowners are widows who inherited land when their husbands died. However, different ethnic and local inheritance practices also play an important role. Some castes and ethnic groups, especially Tibeto-Burman groups, have more egalitarian inheritance practices and do pass on land to daughters (e.g., Holmberge, 1989; Jones & Jones, 1976; Molnar, 1980; Watkins, 1996). Some parents also choose to give land to daughters because they have no sons, they have plenty of land to go around, or for other reasons. Additionally, some women who have high paying jobs in urban areas buy land with their own earnings (Shrestha, 2006). It is also increasingly common for couples to register newly purchased property in both the husband and wife's names (Joshee, 2006).

In the last few years, women activists have taken up the issue of women's equal inheritance rights (e.g., Adhikari, 2001; Shrestha, 1999). In 1994, a group of activists and lawyers challenged the inheritance law in the Nepali Supreme Court, starting a process that led to the introduction of a bill on inheritance of parental property to parliament (Malla, 1997). In 1998, when parliament failed to discuss the new bill there were demonstrations by women all over the country (ADB, 1999). In 2002, a version of the bill was finally passed as the 11th amendment to the Civil Code.¹

2. THE RATIONALE FOR WOMEN'S LAND RIGHTS

As noted above, the attention to women's land rights is certainly not unique to Nepal. The importance of women's land rights to development has been discussed in similar ways in reference to many countries. This section discusses the theoretical arguments as to why women's land rights may empower women and benefit family welfare. It also outlines the exist-

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