

BACKGROUND

The 2022 floods in Pakistan caused widespread destruction of housing and human settlements. More than 7.9 million people have become internally displaced persons (IDPs), with most living in makeshift temporary sites.¹ More than 2 million housing units have been damaged, of which 780,000 units were completely destroyed and more than 1.2 million partially damaged.² The damages are predominantly in rural areas. The housing stock in Sindh Province has been the worst affected, accounting for 83% of the total housing damages.³

The ongoing emergency relief and recovery phase is unfolding in a complex and sensitive environment with regards to housing, land and property (HLP) rights, in particular in rural areas. Most of the population in flood-affected areas in rural Sindh live below or on the poverty line, and a considerable percentage do not formally own any land or property. To access housing, land and livelihoods, landless⁴ farmers (*haris*) are often tied into coercive and dependent relations with private landowners. These communities are among the poorest and most vulnerable in Pakistan,⁵ both in terms of lack of secure tenure and exposure to the flood hazards, and disproportionately affected by flood-induced loss, damage and displacement.

For an equitable relief and recovery effort, including housing reconstruction, it is of key importance to explicitly consider those with precarious HLP rights even before the disaster whose need for social protection measures have magnified, and integrate them into program design. This is particularly imperative as in contrast to the 2011 flood response, housing recovery will comprise of significant cash transfers and the construction of permanent housing including in cases where beneficiaries may not legally own any land. To this end, this brief intends to inform internal discussions of key underlying and flood induced HLP challenges in rural Sindh Province to support ongoing IOM emergency and recovery programming in line with the 4RF.⁶

UNDERLYING HLP DYNAMICS PRE-DATING THE 2022 FLOODS

Unequal distribution of land:

Rural Sindh Province has an entrenched feudal system of landownership, characterised by medium to large-scale landowners who often exercise considerable control over agricultural production and wider economy. While the sector is varied in structure and includes landowning, small-scale, self-sufficient households; a large percentage are landless, daily wage, and temporary agricultural workers. Landlessness is very prevalent, with two-thirds of rural households in rural

Sindh not owning any cultivable land.⁷ Among these households, a significant percentage work as tenant farmers (*haris*) for private landlords, accessing land, housing and livelihoods in return for their labour, share of input costs, and a percentage of the harvest (sharecropping). This marked land inequality, and resulting insecure land access for livelihoods and housing, is one of the key determinants of rural poverty in rural Sindh.

¹ Pakistan Floods 2022: Post-Disaster Needs Assessment (PDNA).

² *Ibid.*

³ *Ibid.*

⁴ Landlessness is defined as the lack of legally enforceable right to cultivable or residential land.

⁵ Oxfam. 2011. *Land Rights and the Indus Flood, 2010-2011: Rapid Assessment and Policy Review.*

⁶ This overview is based on a literature review and consultations with relevant UN, NGO and civil society stakeholders in Islamabad and Sukkur, Larkana, Hyderabad, and Karachi in Sindh Province in November 2022. The key objective was to examine the impact of the floods on land-insecure, rural communities in flood-affected Sindh Province, in particular the specific situation of landless tenants in sharecropping arrangements with private landlords. While a key aim was to document and consolidate lessons learned from the 2010-2011 floods, it proved difficult due to high staff turnover and institutional memory loss in the past 10 years. As such, this overview does not aim to provide a comprehensive holistic analysis of the HLP situation in Sindh, but rather a practical snapshot of key HLP trends and challenges to inform IOM's emergency and recovery programming.

⁷ Shirkat Gah. Nd. *Scoping Study: Women's Access and Rights to Land and Property in Pakistan.*

Prevalence of non-documented, informal sharecropping arrangements:

Most sharecropping contracts between tenant farmers and landlords in rural Sindh are verbal and informal. Landlord and tenant obligations are stipulated in existing laws and legislation such as the Sindh Tenancy Act 1950, but are not widely enforced. Inter alia, despite clear stipulations, even long-term/permanent tenant farmers are not formally registered in land records. The absence of formally recorded land rights also translates into the lack of any property documentation among large swathes of the rural population.

High levels of indebtedness among tenant farmers:

Seeing their lack of productive assets, many *hari* tenant farmers are often heavily indebted to their landlords in order to cover their share of agricultural production costs. This debt dynamic can bind the *hari* to a certain landlord and by implication, a certain location, sometimes over generations.⁸ Seeing the often-extreme power imbalances, landlords can grant or restrict access to their land at any time and set conditions for its use, including exploitative provision of loans. As such, tenure security comes at the high cost of exposure to/risk of coercion and extortion, which can be generational.

De facto tenure security is correlated to area of residence:

In rural Sindh, there are distinct categories of home ownership and ownership of the land on which the homestead is built. As per the 2017 Sindh Housing Census, based on self-reporting, home ownership is very high; however most do not legally own the land on which their homestead is built. Residence location thus plays a central role in determining degrees of residential rights and protection from forced eviction. Generally, sharecroppers living in villages on government land are enjoying higher levels of residential security than those living on private land belonging to the landlord. Tenants' rights of residence generally extend only insofar as tenants remain in an economic relationship with their landlords or employers.

Insecure tenure and non-affordability are key factors impacting housing investment:

Landlessness and insecure tenure, coupled with lack of resources, is one of the structural determinants of high-risk land use as well as housing construction typologies in rural Sindh (*katcha* mud houses using light weight construction material such as straw, reed). While many factors such as capital status, access and location bear on housing types (i.e. coastal areas have more frame/grass; floodplain has more mud walling), the uncertainty stemming from weak or unclear tenure plays an important role in determining housing investments. This is mirrored in low land investments by landlords, who often have extensive off farm income sources and assets, and as such limited incentives to invest in land productivity as they do not depend on it.

Settlement/encroachment in extremely hazardous riverine areas and floodplains ('katcha'):

Across riverine areas of rural Sindh, a defining settlement feature is settlement/encroachment of landless farmers working fields in riverine areas and the Indus floodplains (*katcha*) despite their official non-habitable status. Much of *katcha* land used to be forest land under the Forest and Irrigation Department, which has been successively cleared and taken over by fish farms/farming activities and private bunds, often in contravention of existing legislation. In addition to the high exposure to flood hazards, to the high risks of evictions for those living in *katcha* areas, the built infrastructure in *katcha* area is also a major impediment to natural drainage/flow of water.



Lush farmland in Shikarpur district has turned into a vast expanse of water after the 2022 floods. [Usman Ghani/IOM 2022]

Significant regional and district-level variations in land ownership:

Land ownership and nature of landlord-tenant relationships across Sindh vary geographically. In Upper Sindh, landholdings are typically owned by larger landowners with close kinship ties to their tenants. In these areas, *purdah*, the practice of secluding women from interactions with men outside the family, influences settlement patterns by leading families to settle in homogenous groups in small compounds (*para*). In contrast, Lower Sindh has fewer tribal ties and a higher number of non-Muslim communities, including nomadic and scheduled castes such as *Kohli* and *Bheel* communities which often face additional obstacles in accessing land and housing, and tend to migrate for seasonal work.

Social networks strongly determine land access/tenure security and access to services:

In the absence of legally enforceable land rights, social networks and kinship group solidarity are of key importance in ensuring livelihood and social security for landless farmers, including security of tenure and protection from forced evictions. Socially sanctioned rights of possession - often secured through intermediaries - do prevail, and poor and marginalized communities rarely engage directly with the State.

⁸ Schütte, S. & Kreuzmann, H. 2012. Social vulnerability in Sindh - recent floods as amplifiers of social crisis in Pakistan. In: Internationales Asienforum 43(3), p.204.

Tenure discrimination based on group identity or individual circumstances:

HLP rights are particularly constrained for women who comprise the majority of the agricultural labour force but have very limited access and control over productive resources,⁹ with social norms such as *purdah* additionally restricting women's understanding and enforcement of property rights. Semi-nomadic communities, including scheduled castes such as the Hindu *Kohli* or *Bheel* communities, are among the most socially marginalized groups in the region and face tenure discrimination based on their religion and caste, restricting access to land and livelihoods.



In Shikarpur district, a partially damaged house stands as a testament to the destruction caused by the floods in Sindh. The floods have destroyed or partially damaged over 2.2 million houses. [Usman Ghani/IOM 2022]

EXACERBATED HLP ISSUES IN CONTEXT OF THE 2022 FLOODS

Exclusion from response based on HLP ownership/tenure status:

Seeing the lack of formally recognized HLP rights among many flood-affected households, there is a risk of exclusion from access to emergency and recovery assistance, including for housing reconstruction. This is particularly acute for landless women-headed households and nomadic, non-Muslim communities without a fixed abode. In the 2011 flood response, it is documented that assistance was contingent on landlord's permission and that actors had to accept the fact that it was often impossible to negotiate secure tenure.¹⁰

Increased indebtedness and dependencies among tenant farmers:

The floods have significantly worsened the situation for landless farmers, causing the loss of their harvest, income, and housing for which they have no formal titles, while risking aggravating the living conditions of the most vulnerable groups as landowners may transfer their losses to them. Findings suggest that the floods led to increased incurring of debts and increased mark-up on loans, with often no options to repay outstanding credit.

Flood-affected households pursuing rural-urban livelihood strategies:

HLP-related considerations had a significant impact on the immediate movements after the floods. Many chose to remain in close proximity to their village of origin or in the vicinity of the lands they previously cultivated in order to protect their assets or maintain contact with their landlord. Debt was also identified as a key factor in determining affected people's displacement trajectories. There is evidence that for some, the prospect of returning to exploitative labor relations may no longer be desirable, and resources and social networks allowing, attempt to seek out new livelihood opportunities in urban areas.

Displacement-induced loss of civil status documentation:

Displacement - induced loss of civil status documentation, including computerized national identity cards (CNICs), is a

key protection concern in areas where flood waters came in suddenly and left little time to evacuate, such as Dadu district. Loss of civil documentation can lead to potential future issues of accessing social security/financial schemes for post-flood recovery, including housing reconstruction.

Humanitarian and recovery interventions can exacerbate HLP challenges:

Weak tenure security and landlords' barriers to tenants accessing emergency and recovery assistance can be significant impediments to housing recovery and "building back better" after the floods. Some landlords may be reluctant to allow the construction of robust or permanent shelter/housing or infrastructure on their land because it could strengthen HLP claims of tenants. Additionally, housing recovery efforts without any provisions for tenure security or land titles for tenants may be prone to elite capture, further exacerbating inequalities. The same concern applies to cash transfers provided to tenants for housing reconstruction.

Additional access barriers to HLP for socially marginalised groups:

Flood-included damage, destruction and displacement has exacerbated existing gender inequities and social marginalization, including with regards to access to HLP. Nomadic communities without fixed abodes may be unable to prove their eligibility for recovery assistance and thus slip through the cracks of post-disaster assistance.

Increase in HLP disputes in areas of return:

While current evidence suggests that most internally displaced communities are or will be able to return, the scale of displacement and concurrent washing away of landmarks and boundary demarcations is conducive to increased risks of land and other HLP disputes, including through land grabbing and commercial interests. HLP disputes can be further exacerbated through humanitarian and recovery interventions which do not account for HLP dynamics, such as by increasing risks of forced evictions.

⁹Pakistan Labor Force Surveys, 2017 – 2018, 2020 – 2021.

¹⁰Pakistan - 2010 - Floods – Overview / Shelter Cluster, p.82.

RECOMMENDATIONS

Experience shows that there is a window of opportunity following periods of disasters to intervene in progressive

ways that address pre-existing social inequalities and socio-economic disadvantages. To this end, it is recommended:

Humanitarian Response

Provide legal protection assistance on HLP and civil status documentation:

To focus on support for re-issuance of civil status documentation (such as CNICs and birth certificates), provision of information about relevant rights and entitlements, in particular to government compensation schemes for recovery assistance, as well as HLP dispute resolution support. In coordination with relevant authorities, such services should be provided through mobile legal clinics for maximum reach in flood-affected areas, and focus on reaching the most marginalised.

Develop context and sector specific HLP Due Diligence guidance and standards (Shelter, CCCM, WASH):

To support humanitarian actors to understand land ownership and tenancy rights and design measures to protect tenure security for beneficiaries ahead of any

intervention. Inter alia, this should ascertain prevalent tenure type(s), include checking whether there are any land disputes over the land in question, and to obtain formal Non-Objection Certificates from district officials (for interventions on government land) or landlords (for interventions on private land) which stipulate beneficiary rights prior to construction/work on the land. Shelter assistance should be designed so that materials remain in the possession of tenants in case of eviction.

Strengthen the capacities of humanitarian and recovery actors on HLP:

To provide dedicated training sessions on HLP to enhance information or understanding of ownership, user and other HLP rights.

Advocacy activities on HLP:

Related to HLP risks identified and challenges faced.

Recovery Response (4RF - Resilient Recovery, Rehabilitation & Reconstruction Framework)



Three children cross flooded waters to reach their partially damaged house in Sindh. [Usman Ghani/IOM 2022]

De-link recovery assistance from direct imperative of return:

Flood-affected communities may miss out on assistance, if such assistance is linked with the pre-displacement site of residence. A major challenge in previous disaster recovery processes is an implicit or explicit bias for recovery support in the pre-displacement site of residence; however some displaced households may never return. It is therefore of critical importance to not limit the discussion or develop policies exclusively for recovery assistance in pre-displacement areas of residence. Instead, assistance to flood-affected communities should be 'people-centred' and be provided irrespective of current location.

Advocate for and support land titling/strengthened tenure to underpin housing recovery:

The government of Pakistan and its partners are pursuing owner-driven housing reconstruction policies based on financial assistance to affected households. Seeing that this will include households without legally enforceable land rights and indebted to private landlords, strong safeguards need to be put in place to protect from risks of asset capture, prevent forced evictions, and monetization of reconstructed housing units. This should entail exploring opportunities to provide land titles when reconstructing housing for the landless, as currently foreseen by the Provincial Government of Sindh. Providing social safeguards for landless households in disaster recovery has a national precedent in the Landless Policy which accompanied the post-2005 earthquake Rural Housing Reconstruction Program (RHRP) in KP Province and AJK, and provided for financial assistance to landless households to enable them to purchase new land to reconstruct their homes.¹¹ Recovery funding also comes with additional leverage to enhance tenure security for landless tenants, which should be widely explored. Such efforts are in line with the 4RF, recognizing housing, agriculture and livelihoods as the main affected sectors and therefore prioritizing operational reforms relevant to these sectors as crucial to accelerate recovery.¹²

¹¹ Families who lost land due to the earthquake, or whose land was rendered unsafe, were given financial assistance of PKR 75,000 to purchase land. This was over and above the housing reconstruction grants that they were eligible for. For more details see: [Rural Housing Reconstruction Program Post-2005 Earthquake – Learning from the Pakistan Experience. Washington, DC : The World Bank.](#)

¹² [Pakistan Floods 2022: Post-Disaster Needs Assessment \(PDNA\).](#)

Strengthen women's HLP rights in recovery:

As an important measure to strengthen women's ability to assert HLP claims, the registration of tenure and housing rights in joint or multiple names, including of women, should become standard procedure as part of both transitional shelter assistance and housing recovery.

Ensure consultative and compensatory mechanisms for any relocation efforts:

The 4RF states that 'building laws, awareness and supervision can ensure that construction is not carried out on hazardous terrain and encroachments on riverbanks...and to keep haphazard and structurally dangerous infrastructure development under check', while relocation is to be avoided as much as possible.¹³ Any efforts to relocate settlements on multi hazard uninhabitable land (e.g. *katcha* areas) – which will mostly affect landless, rural communities – should be contingent on ensuring that affected populations are

genuinely consulted, promptly compensated, and with grievance redressal available at the local level.¹⁴ Minimum standards should be developed and consolidated in tailored voluntary relocation guidelines, reflecting/based on applicable legal provisions and frameworks.

Provide livelihood opportunities through access to assets and skills development:

To provide for supplementary sources of income and diversification of livelihoods for the landless rural population, which require urgent debt relief. This should include a cash-for-work or creating employment opportunities through rehabilitation programs (e.g. land clearing, irrigation canal repairs etc), focusing on the most vulnerable community members.

Enhance access to non-exploitative credit facilities:

To reduce existing dependencies of tenant farmers.

Coordination***Identification of relevant civil society counterparts working on land issues in flood-affected areas:***

To consolidate a partner repository, in particular Rural Support Programmes, such as Sindh Rural Support Organisation (SRSO) and Thardeep, which have long-standing experience in working with rural communities in the most flood-affected areas and an acute understanding of local HLP dynamics.

Closely work with community-based organisations (CBOs):

To work with and through existing community based structures in view of localized interventions, such as the

National Rural Support Programmes (NRSPs), to understand and effectively address the land-related challenges and opportunities facing rural landless communities. Compile list of CBOs and link them up with potential HLP coordination mechanism.

Establish coordination structures on HLP:

To focus on HLP issues that are emerging as critical challenges for the immediate implementation of programs and projects under the 4RF. This could be conceived of as an inter-sectoral technical forum with a dedicated technical advisory role to the Shelter, Protection, and Housing Recovery Sectors.

Research & Analysis***Conduct HLP mapping on district level to understand HLP landscape:***

Given the highly contextual nature of land and property relations, it is important to understand them in their local specificities ahead of any intervention, and to identify potential HLP issues that will emerge during the recovery process. The focus should be on tenure and land ownership dynamics and identification of HLP concerns of vulnerable and marginalized groups. Selection of districts for profiling should be based on the percentage of housing destruction and scale of displacement, and results be shared across the response.

Examine current flood related rural-urban migration trajectories:

This should include scale and scope, identification of

underlying reasons for rural-urban migration following the flood, and identification of key issues faced by IDPs including access to protection, housing, livelihoods, security, etc. in urban settings and possible recovery support in their current location(s).

Include HLP considerations in sector or multi-sector assessments and monitoring:

Including IOM's Displacement Tracking Matrix (DTM) and MSNA. This should also include the integration of HLP considerations in all monitoring and evaluation activities, with a focus on verifying tenure security beyond the immediate project period.

¹³ Pakistan Floods 2022: Post-Disaster Needs Assessment (PDNA).

¹⁴ UK Aid. Desk Study 2013: Indus Floods Research Project, p.39.