

## TABLE OF CONTENTS

<b>Abbreviations</b> .....	<b>xi</b>
<b>Preface</b> .....	<b>xii</b>
<b>Foreword</b> .....	<b>xvi</b>
<b>Executive Summary</b> .....	<b>xxiii</b>
<b>Chapter 1: Introduction</b> .....	<b>01</b>
1.1. Context of the Study and Existing Research on Women's Property Ownership .....	01
1.2. Design of the Study and Methodology .....	08
1.3. Limitations of the Study .....	13
<b>Chapter 2: Discriminatory Laws affecting Land and Property Rights of Women</b> .....	<b>14</b>
2.1. Context of Analysis .....	14
2.1.1. The Legal Framework .....	14
2.1.2. Socio-Economic Background: Impact of Armed Conflict, the <i>tsunami</i> and Civil Disturbances on Women's Land and Property Rights .....	19
A. Impact of the conflict in the North and the East on women's land and property rights ...	19
B. The impact of the <i>tsunami</i> .....	26
C. Civil disturbances outside the North and the East	30
D. Recommendations made by the 1994-1998 Commissions of Inquiry into Enforced Disappearances .....	35
2.2. Relevant International, Regional and Comparative Norms ..	38
2.3. National Constitutional and Statutory Norms .....	49
2.4. Gender Discriminatory Statutes Pertaining to Property Rights - Statutes at Central Government level ...	54

2.4.1. Land Development Ordinance No. 19 of 1935 (as amended) . . . . .	55
A. Succession by a Spouse. . . . .	56
B. Inheritance in the Absence of Nomination – Statutory Discrimination . . . . .	64
C. Case-law on the Land Development Ordinance . .	66
D. Initiatives Towards Law Reform. . . . .	75
E. Further Matters for Discussion – Regulations under the Ordinance . . . . .	79
2.4.2. Land Grants (Special Provisions) Act No. 43 of 1979 . . . . .	82
2.4.3. Protection of Tenants (Special Provisions) Act No. 28 of 1970 (as amended) . . . . .	86
2.4.4. Rent Act No. 7 of 1972 (as amended) . . . . .	91
2.4.5. Debt Conciliation Ordinance No. 39 of 1941 (DCO), Registration of Deaths (Temporary Provisions) Act No. 17 of 2005 and the <i>Tsunami</i> (Special Provisions) Act No. 18 of 2005 . . . . .	98
A. The Registration of Deaths (Temporary Provisions) Act No. 17 of 2005 and its impact on the DCO .	104
B. The <i>Tsunami</i> (Special Provisions) Act and its impact on the DCO . . . . .	106
2.4.6. <i>Tsunami</i> (Special Provisions) Act No. 18 of 2005 and the Primary Courts Procedure Act No. 44 of 1979. .	109
2.4.7. Prescription Ordinance No. 22 of 1871 . . . . .	111
2.5. Gender Discriminatory Statutes Pertaining to Land and Property Rights at Provincial Government level . . . . .	114
2.5.1. Western Provincial Council . . . . .	114
2.5.2. North Central Provincial Council . . . . .	114
2.5.3. Other Provincial Councils . . . . .	115

<b>Chapter 3: Field Survey Findings, Focus Group Discussions, In-depth Interviews and Reflections on the Advocacy Consultations</b> .....	<b>116</b>
3.1. Head of Household .....	118
3.2. Ownership of Land .....	124
3.3. Legal Documents .....	127
3.4. Marriage and Implications on Property Ownership .....	129
3.5. Knowledge of Laws .....	131
3.6. Equal Right to Succeed .....	140
3.7. Awareness on the Land Development Ordinance (LDO) .....	144
3.8. Wife's Entitlement to Husband's Property .....	147
3.9. Alienation of Land .....	147
3.10. Depriving Lawful Rights Over Land .....	147
3.11. Displacement and Its Impact on Land Ownership .....	149
3.12. Court Action Relating to Land Disputes .....	152
3.13. Female Headed Households .....	154
3.14. Property Ownership at The Time of Husband's Death ..	156
3.15. Impact of the <i>Tsunami</i> .....	157
3.16. Issues Relating to " <i>Ande</i> " Cultivation .....	157
3.17. Indebtedness .....	158
3.18. Perceptions on Women's Land Rights .....	158
3.19. Conclusions and Reflections on Findings in the Advocacy Consultations .....	161

<b>Chapter 4: Conclusion and Recommendations</b>	<b>165</b>
4.1. General Conclusions	165
4.2. General Recommendations	177
4.3. Recommendations on Law Reform	178
4.3.1. Amendment of the Land Development Ordinance No. 19 of 1935	178
4.3.2. Amendment Proposed to the Land Grants (Special Provisions) Act No. 43 of 1979	182
4.3.3. Amendment Proposed to the Protection of Tenants (Special Provisions) Act No. 28 of 1970	182
4.3.4. Amendment Proposed to the Rent Act No. 7 of 1972	183
4.3.5. Amendments Proposed to the Debt Conciliation Ordinance No. 39 of 1941	184
4.3.6. Amendments Proposed to comparable legislation to the Registration of Deaths (Temporary Provisions) Act No. 17 of 2005 that may be enacted in the future	185
4.3.7. Amendments Proposed to Section 3(2) and 3(3) of the <i>Tsunami</i> (Special Provisions) Act No. 18 of 2005	187
<b>List of References</b>	<b>189</b>
<b>Annex I: Questionnaire used for the field survey</b>	<b>196</b>
<b>Annex II: Extraction of Most Relevant Final Survey Tables</b>	<b>212</b>
<b>Annex III: Stories from the Field</b>	<b>275</b>