

Women and Pastures in Chong Alai Valley of the Kyrgyz Republic

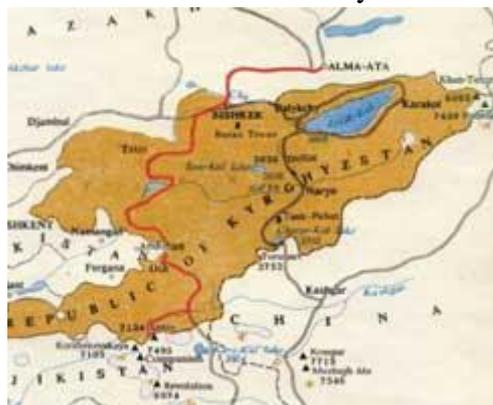
CASE STUDY

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Country background. Kyrgyz Republic is a small landlocked mountainous country located in north east Central Asia. Kyrgyzstan's territory is about 198,500 square kilometers and 90 percent of it is under the mountain ranges of Tian Shan and Pamir Alai, while the rest 10 percent is under the valleys and lowlands. Its located at the high altitude from 500 to 7,439 meters above the sea level. Mountain ranges are cut by gorges and small fast rivers.



Pastures make more than 86 percent of agricultural land of the country and cover area of 89,000 km². All pasture land is State-owned and is used for animal grazing purposes by individual and communal herds based on leasing arrangements.

The sub alpine and alpine meadows provide summer grazing for livestock, while rangelands in the valleys and foothills provide spring, autumn and winter grazing. The Kyrgyz are traditionally a nomadic people with a pastoral production system based on transhumant livestock grazing practices. The Soviet regime forced a sedentary lifestyle upon Kyrgyz tribes with their settling in the valleys and collectivization of all animals. During the Soviet period livestock production was organized by the state and implemented by professional shepherds concerned only with meeting ever greater production targets. This led to a vast degradation of pasture resources. With the collapse of the Soviet Union in 1991 and dismantling of the collective and state farms, Kyrgyz received animals as asset' shares and started individual herding. During the first years of independence, the country experienced a sharp economic decline which was reflected especially on the livestock. From about 10 million sheep and 2 million cattle in late 1980s, Kyrgyz livestock size dropped dramatically to less than 2 million sheep and half a million cattle in the first few years of 1990s. Slowly, with the land and agricultural reforms, the livestock sector has recovered to where in 2006 there were more than 1 million cattle and 3,876,000 sheep and goats¹. Currently, livestock production takes about half of the agricultural domestic production with sheep and goats being priority animals. The number of cattle is growing with increasing market opportunities for dairy products in neighboring Kazakhstan and within the country.

Overview of Poverty Conditions and Gender Balance in the Rural Sector. Kyrgyzstan's population is more than 5 million people with Kyrgyz being predominant ethnic group, and with almost equal number of men and women. Kyrgyzstan is a secular state with a predominantly Muslim population.

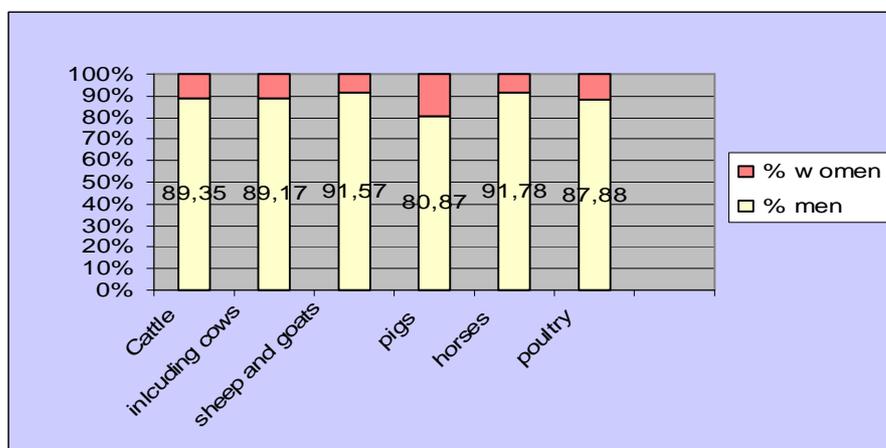
¹ Kyrgyzstan in Figures. Official Edition. National Statistics Committee of the Kyrgyz Republic. Bishkek, 2006. p. 107

Poverty in the Kyrgyz Republic is high with 40% living in absolute poverty. Poverty is higher in rural areas with 75% of poor and 80% of extremely poor living in rural areas². Households, headed by single women, tend to be more poor than ones headed by single men. According to the household survey data, 53% of families headed by single women are classified as poor and 15% of them are classified as extremely poor³.

Kyrgyz women traditionally have fewer opportunities than men, in particular with regard to access to resource allocation and distribution and decision making positions at the level of state agencies, farms and enterprises. There is a widespread stereotype in the society that a man should be a head of the household and make decisions on managing a household's resources.

In January 2002 according to the most recent agricultural census, there were 246,900 farms in the country with only about 12 percent of them (30,600) headed by the women⁴. Livestock keeping is considered mainly a male activity and households headed by women do not have a big number of animals. From Table 1 its clear that majority of animals is in the farms headed by men, while women headed households have only 12-14%.

Table 1. Distribution of animals and poultry between women and men headed households



(Source: Agricultural Census, National Statistics Committee. 2002)

In a single female headed household in rural area, animals are mainly kept either for subsistence, or for subsistence with some surplus for emergency needs.

Gender in Legislation and State Policy in the Kyrgyz Republic. Kyrgyzstan has liberal and gender sensitive legislation. There was a good foundation to build on as the state in the Soviet era emphasized and provided for equality through its system of centralized control. During the Soviet time women had a high degree of equality. Almost 80% of women of working age had jobs outside the home, mostly in education, healthcare, clerical and banking services. The Government supported social services including childcare, which allowed women to work. Female literacy rates in the late 1980s were well over 95% of the rates of men⁵.

2 World Bank. Poverty Assessment. 2002

3 Women and Men of the Kyrgyz Republic. Compendium of Gender Based Statistics National Statistics Committee. Bishkek, 2006

4 Agricultural Census Data. National Statistics Committee. Bishkek. 2002

5 Women and men of the Kyrgyz Republic. Compendium of Gender Based Statistics. National Statistics Committee. Bishkek, 2005

As a result of UN Conference on Women in Beijing in 1995, Kyrgyz Government adopted National Actions Plan to achieve gender equality in 2002-2006. One of the actions to be achieved is ensuring women's access to economic resources. Access to productive assets including land and livestock together with access to inputs could significantly alleviate rural poverty, including among women.

However, from 1996 to 2004, the level of measured economic activity among women dropped by 4.9 percent, while the equivalent figure for the men was 1.9 percent. Women account now for 53.3 percent of all illiterate citizens, of which 15,000 (45 percent) are unemployed living in rural areas⁶. With such declining level of rural employment, lack of non farm opportunities and collapse of the state social safety net, agriculture has become very important in providing for basic food security and subsistence.

Women continue to play an active role in agricultural production and in farming with from 30 to 70 percent of total labor contribution on the fields and with primary responsibility for farming the land of the household plot. Women employment in agriculture is relatively high, at about 46.5%.

Kyrgyz pasture related legislation does not distinguish the rights of men and women in access to pasture land. According to the Land Code (1999), Law on Use and Management of Agricultural Land (2001), Resolution #360 on Pasture Management and Use (2002), women have equal rights with men in regards to their access to the agricultural and pasture lands. In some cases, *de jure* (Resolution #360) women, especially single women, should be provided with easier access to the pasture land using benefits and exemptions from the auction procedures as socially vulnerable population.

There are some limitations for women in access to animals which are related to the legislation on restructuring of the collective farms. In early 1990s, women have been mainly employed in services and industry sectors, while after collapse of the Soviet system because of the lack of non farming employment, they were largely pushed into agriculture. Since people who lived or worked in towns were not eligible to receive land shares and animals as property shares hypothetically it effected women who were employed in small towns and now deprived of animals.

Customary Law and Formal Law on Access to Pasture Land

With the country's independence, the weakening of a centralized state and rise of nationalism, traditional or customary practices have been reinvigorated. There is a return to more patriarchal methods of governing and managing of assets, particularly in conservative rural areas. Women have problems with access to land and with protecting and exercising their land rights guaranteed by legislation. In fact women have increasingly faced a two-pronged challenge to their access to rural assets. On the one hand, Kyrgyzstan passed legislation to carry out market reforms and the transfer of state assets to private hands. In practice this process was dominated by male heads of households. At the same time, the increasing strength of customary law and traditions upholds a patriarchal vision of domination of men in households and male control over immovable property including animals. These problems are further exacerbated by the lack of awareness among rural women of the protection of their rights afforded by legal norms.

The primary difference between the customary and formal law is the emphasis on individual rights set forth in formal law versus the role given to the family, generally headed by a male, as an indivisible subject under customary law. Women's rights to pasture land and animals have a

⁶ Women and Men of the Kyrgyz Republic. Compendium of Gender Based Statistics National Statistics Committee. Bishkek, 2006

secondary nature, derived through their position in a household and secured mainly through marriages. Animals are considered a major family asset and thus more attributed to men than to women.

By customary law, animals are inherited by the youngest son or the son who has stayed with the parents and took care of the household farming. Daughters rarely inherit animals of their parents unless they have no male siblings.

In the tradition of Central Asian indigenous peoples, when a woman gets married, she leaves her paternal household in order to join her husband and often his paternal family and sometimes she moves to another village. In marrying, women are provided with a dowry from their family; traditionally this dowry includes all manner of household items, but almost never immovable property (at least in rural areas) – indeed, when tradition is to have women leave their parents' household and enter their husband's it is not practical to include immovable property. They rarely but still may take few animals as a part of their dowry and even then the number of these animals usually limited to one cow and few sheep.

If woman becomes a widow, she and her children continue to use her husband's pasture and has no problems with access to it if protected by her husband's extended family clan. A women who has divorced her husband usually goes back to her paternal village to stay with her parents. In majority of cases, women leave their husbands taking only children. Animals almost always stay with the husband and she rarely gets any compensation for them or any other shared property. Pasture land is continued to be used by her husband.

The rights set forth by legislation on shared ownership in many cases may be further ignored due the increasing prevalence of religious, extra-legal marriages. More and more often marriages and/or divorces are not registered in official registration bodies. This is in part to avoid expenses which are associated with registration of marriages and relevant ceremonies, but also in some cases to get around the minimum age requirement of 18 years. However, since these marriages and/or divorces are not officially registered they are not considered to be valid in terms of law. In these cases women cannot prove their ownership if disputes occur. Spousal rights to immovable property are not registered.

Further, there is a low trust among population to the formal institutions of justice to utilize those norms of formal law which would uphold individual property rights. People rarely apply to courts when there are property disputes in community or in family, mainly because they don't want to spoil relationship in family or with neighbors, and don't want to go public. Another important reason for that is high cost for state fee for review of case of property division (reaching from 5 to 10 percent of total property value). Therefore more often these disputes are resolved by community institutions, such as courts of elders, which are almost uniformly composed of elderly men with a stake in preserving customary law, including the designation of males as owners of immovable property.

Women can rarely use family animals as collateral for micro credit unless the microcredit program is focused on women and women's groups when men encourage women to apply for funds to be used by the household.

In a period from 1997-2002 the Kyrgyz Agricultural Finance Corporation, a World-Bank supported rural lending entity, issued 38,514 loans of which only 4,621 were given to women, or only about 12 percent of the total lending portfolio. This suggests that either women were less interested in receiving credit (less economically active) or faced difficulties in providing collateral necessary to access credit.

The latter is closer to the truth. Statistics show a remarkable degree of entrepreneurship overall among women in the Kyrgyz Republic. This conclusion is borne out also by looking at micro-credit lending patterns, where collateral is either extremely small or provided in the form of social collateral through group lending. Among these institutions, initially funded by UNDP, the US Government, IFAD, WB and others, nearly 80% of the recipients of such credits were women.

Example of Kashka Suu in Chong Alai Valley.. The Kashka Suu aiyl okmotu (*rural municipality*) is located in Chong Alai valley, a highland in the Southern part of the country.

This *aiyl okmotu* is comprised of five villages located at the altitude of 2800-3100 meters above the sea level. It lies next to the famous Peak Lenin at the 7,439 meters above the sea level which attracts alpinists and mountain trekkers from all over the world.



The Chong Alai valley borders China and Tajikistan, comprising a long area of 135 kilometers which in most places ranges in width from 2 to 8 kilometers, but sometimes is as wide as 20 kilometers. The lowest point in the Valley is 2300 meters above sea level.

Kashka Suu aiyl okmotu is comprised of mixed types of villages – those which were formed in late 1970s by Soviet authorities (Kashka Suu village) and old traditional villages such as Kara Kabyk. The newer villages tend to include a more mixed population of resettled persons whereas the older villages have long established large extended families. The population of this aiyl okmotu has access to more than 85,000 ha of pastures. During Soviet times, Uzbek and Tajik livestock farms used to bring their animals to this valley for summer grazing.

There are more than 20,000 people living in Chong Alai valley with about 6,150 people in Kashka Suu aiyl okmotu. They mainly belong to three big tribes: the *teit*, *kypchak* and *naiman*.

More than 90 percent of the area's population is qualified as poor, earning an average of USD 17 per month. Many young males left for Russia and Kazakhstan as labor migrants. They send some remittances back to home which is invested mainly in the livestock. The vast majority of the population's livelihood is derived from the natural resources available in the high mountain valley. The people use the valley's enormous pastures for grazing animals, including sheep, goats, horses, cattle and yaks at the higher altitudes; gather berries, mushrooms and medicinal herbs for home consumption and small scale trade; collect various bushes and grass species for fuel; fish for trout from rivers and hunt for mountain goats, badgers and marmots. Many continue age-old Kyrgyz transhumant traditions, taking their flocks up to various pastures during the spring-summer where they will camp in yurts.

There were number of reasons why this aiyl okmotu was selected for the case study. First, tending livestock is a major economic activity and source of income of its population. Second, there is a high level of poverty. Third, there was the an old tradition in Chong Alai which is unique for the Kyrgyzstan: women are responsible for herding their livestock in the spring, summer, and autumn pastures. Women with children take their flocks and leave winter houses in early May and stay at the spring pastures till June. In June they move higher to summer pastures

where they stay till the end of the summer. At the end of the summer they move to the autumn pastures where they stay usually till the mid October and then come back to winter houses. Men stay behind in the valley taking care of agricultural crops, sowing wheat, barley, potatoes and collecting hay.

It is evident that women play a major role in animal husbandry and it was interesting to see their access to pasture land. In general terms this area has a large amount of pasture land in terms of the size of herds using it. The level of tension and conflicts over access to it is very low in comparison to other regions.

Another reason for selecting this location was related to the fact that there is a mix of new and old villages which have different level of influence of traditions and customary rules. In villages formed a few decades ago, migration to seasonal pastures is organized in groups of 5-15 households which can be neighbors in winter settlements, relatives and/or friends. In old traditional villages grazing is organized by kin groups of close relatives. Old traditional villages have preserved more traditional and customary rules which govern daily life of their inhabitants. In recently formed villages there are mix of traditional and Soviet practices of managing, organizing grazing and use of pastures. Although the traditional rules and mechanisms for land use are not clearly codified, people in traditional villages follow such customary law related to use regime.

Women and Livestock in Case Study Location. Focus group discussions with women and men and semi structured interviews were conducted in Kashka Suu in October, 2007. According to the results of this rapid research, Chong Alay women traditionally enjoy a quite high status in the household. The majority of interviewed households' members stated that women either make major economic and financial decisions or have a significant input into such decision making of men. They link this relatively high level of women's empowerment in the household to the fact that women have active participation in the livestock keeping and that mainly women there are in charge in distribution and allocation of family funds.

As written earlier, Chong Alay women role in livestock keeping is very high. Every day they feed and bring water to animals; milk dairy cows, yaks, mares, female goats and sheep; watch their health and help with lambing. During spring, summer and autumn while at the pastures, women are fully responsible for their household's animals with the help of their children and sometimes hired shepherd.



Pastures near villages are used by community on the basis of the open access principles and payment is done per head of the livestock. More distant spring, fall and summer pastures are leased out by families or by shepherds and payment is also based on the number of heads of the livestock.

This traditional pattern of use of pastures is not in line with official legislation (which is lease based use and payment per hectare) but reflects well the centuries-old customary pastoral practices of Kyrgyz people. This pattern is well accepted by people and ensures access for women to pastures who would easily lose access to pastures if they pasture lease rights were

competed out at an auction with men participating, as is called for by current legal procedures (Resolution #360).

In traditional villages women are protected by their clans and or clans of their husbands. They graze animals jointly with the relatives and have no problems with access to good pasture land and water sources. In modern villages, women and especially single women have no tribal protection and rely more on the formal government institutes such as village government with women councils under them.

It was interesting to note that all interviewed women think that they are more and better protected by tribal and customary rules than by the formal law which is seen by them to be irrelevant and ineffective.

Since Kashka Suu has a vast area of pasture land there is very limited number of conflicts and they mostly with the secondary users of rangeland resources from outside of the community, such as tourists and hunters.

Pasture Development Program and Women in Kashka Suu.

Kashka Suu was a pilot area for the World Bank project on pasture management and improvement in 2006. In the framework of this pilot, the Agency for Community Development and Investments (ARIS), designed and conducted a social mobilization campaign through focus group discussions with various stakeholders, village meetings for formation of a community based Pasture Management Committee (PMC).

The Pasture Management Committee members were elected by the population of five villages and were charged with developing a pasture improvement plan. Based on the pasture improvement plan, World Bank financed five small micro projects in this area. These projects involved rehabilitating some roads and construction of few bridges on the route to the remote pastures.

In the course of the research for this case study, women of Kashka Suu complained that despite their willingness to participate in the PMC, they were not elected because they were not well informed about the project and its objectives; they were misled by men who told them that this is pasture infrastructure focused project. In their opinion, because PMC consisted only of men, road infrastructure projects were selected. Since men go to pastures only to take their families and come back – by car or truck -- they are interested firstly in roads to these pastures. At the same time women, who in fact are the major user of pasture resources in Kashka Suu, have different priorities such as clean and safe water at the pastures for people and animal, lack of fuel for cooking, problems with animal health, investments into small scale processing for additional income generation.



Conclusions and Recommendations

Kashka Suu's livestock herding patterns point to several important conclusions in pasture management and the role of women therein:

- Ü The formal legal system regulating pasture use based on formal lease procedures does not coincide with customary pasture usage regimes. Lease usage is widely ignored in favor of access rights based on numbers of animals.
- Ü Customary regimes for livestock herding put women at some disadvantage, Customary regimes place the man at the head of the household and thus property rights , including animals and pasture land use rights, are attributed to him even when women play a critical role in livestock keeping. When a women divorces, she loses all rights to the land and pasture to the former husband.
- Ü Nonetheless, customary use regimes are viewed positively when compared to the formal system. Women enjoy access to pasture land insofar as they belong to the associated clan, which is headed by men. This is more pronounced in the more historically established communities in the Kashka Suu rural municipality. In the newer ‘Soviet’ villages, women achieve power through more formal structures, e.g. women’s councils, but these structures are quite weak.
- Ü Public decision-making tends to be dominated by men and their interests. This is reflected in the Pasture Management Council in Kashka Suu or in the use of aksakal courts for resolving civil disputes. Women’s attendance at public meetings is not seen as ‘appropriate’. Furthermore, women’s duties in the homes make it practically more difficult to attend such meetings.
- Ü Because of the greater domination of men in public meetings, a formal system of auctioning land is viewed as providing even less opportunity for women.
- Ü The population is still passive in familiarizing itself with legal norms and with questioning official documents. Women are especially negligent since major household decisions are expected to be made by men. Since real property ownership is mainly a ‘male’ affair women do not feel it appropriate to assert their formal property rights, nor become informed about such rights. In any case, customary law de facto prevails.
- Ü Development programs for pasture management and improvement need to bear in mind the challenges posed by (i) differences between formal and customary regimes, with the de facto prevalence of the latter, (ii) view of ownership and use rights as being issues for men, and (iii) the problems of having bona fide women representation in public decision-making. This is a particular challenge insofar as external development initiatives must necessarily go through and/or establish formal mechanisms. At a minimum, they need to mandate women’s participation in decision-making entities for natural resources management and planning of improvements, as well as informal adjudication in the event of conflict.
- Ü There is a need for greater sensitivity towards the challenges of women asserting property rights, and compensatory actions undertaken to assure such rights, by all stakeholders – lawmakers, village governments, the courts of whitebeards/elders, local property registration officers, villagers in general, and women themselves.

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