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Abstract

Studies recognize that formal land ownership for poor rural women in developing countries may provide socio-economic benefits that may significantly improve women’s lives. Despite the high involvement of women in rural activities, in many developing countries women experience land tenure insecurity. Bolivia has some of the most advanced gender-sensitive land laws in Latin America, which explicitly recognize the goal of gender equality in land ownership and titling programs. Yet, full implementation and wide recognition of these laws remain a challenge in practice. Using a qualitative approach based on field research in the department of La Paz, Bolivia, this thesis examines how socio-cultural practices and norms combined with institutional obstacles, may hinder Bolivian rural women’s ability to ensure their land rights are respected, recognized, and secured. The success of ensuring gender equality in land policies and titling programs must involve an analysis and consideration of the local socio-cultural frameworks that may be gender discriminatory.

Keywords: Land; women’ rights; patriarchy; ownership; socio-cultural
Dedication

Dedico esta tese ao meu avo, Fernando Carvalho y a mis compañeros del programa de Latin American Studies, especialmente a Giselle Liberman y Jacobo Calles por su apoyo y amistad.
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List of Acronyms

CDIMA  Centro de Desarrollo Integral de la Mujer Aymara
CECASEM  Centro de Capacitacion y Servicio para la Mujer
CEDAW  Convention on the Elimination of all Forms of Discrimination against Women
CONAMAQ  Consejo Nacional de Ayllus y Markas del Quillasuyu
FAO  Food and Agriculture Organization
ILC  Instituto Nacional de Reforma Agraria
INRA  International Land Coalition
OMAK  Orgnaizacion de Mujeres del Kullasuyu
USAID  United States Agency for International Development
1. Introduction

In both developed and developing countries, many women continue to suffer discrimination for the simple fact of being female. In many parts of the world their gender remains a target of discrimination, violence, and disrespect for their rights as human beings and as citizens. Particularly in many poor developing countries, on average women are still less educated than men, lack access to decent work, have fewer economic opportunities, lack a sense of empowerment and independence, have minimal participation in political and economic decision-making processes, and often live in unsafe environments. Worldwide of the 774 million adults who lack basic literacy skills, some 64% of them are women; of the 72 million primary school aged children who do not attend school worldwide, 57% are girls, and 20 to 50% of women experience partner violence at some point in their lives (USAID’s Office of Gender Equality and Women’s Empowerment). Furthermore, this situation has meant that many women around the world have remained at the top of the poverty scale, in what some have named “the feminization of poverty” (FAO 2011, Nzioki 2007, Tortolosa 2009).

One of the areas from which women in many developing countries are excluded is land ownership. Despite their high involvement in agrarian activities and the widely recognized notion that land ownership can improve women’s social and economic conditions, many women around the world are still denied land ownership rights (Agarwal 1994, Allendorf 2007, Daley 2010, FAO 2011, International Land Coalition 2011, Landesa 2011, Lastarria-Cornhiel 2011, World Bank 2011). In many countries, women’s land ownership rights are not recognized under the law¹, and in some cases

¹ There are several African countries, for example, whose statutory law does not recognize women’s rights to land ownership, such as Kenya, Zimbabwe, and Swaziland (Benschop 2004).
where they are formally recognized, they are in practice denied or challenged, due to factors based in culture, social practices and tradition. Research shows that this has been the case for example in some Latin American countries, in Sub-Saharan Africa, in some countries of Southeast Asia, and as this thesis will convey, in Bolivia as well (Benschop 2004, FAO 2010, Landesa 2011, Lastarria-Cornhiel, 2011, Mutangadura 2004, Whitehead 2003, Kalabamu 2004, Scalise 2008). There are, however, developing countries that have passed quite progressive land policies and implemented land titling programs addressing gender equality and women’s land ownership rights. One of these countries is Bolivia.

Bolivia is the poorest country in South America and the country with the largest proportion of indigenous people, representing two thirds of the national population. It is currently governed by the first indigenous president in its history, President Evo Morales. The country has a high female population (52% women), of those, 45 percent are estimated to be involved in some sort of rural agrarian activity, such as agriculture or farming (Giarracca et al. 2008). In rural areas, 16.7 percent of households are estimated to be headed by women (FAO 2011). Being a rural woman in Bolivia often means belonging to a particularly disadvantaged group in society, for they face numerous challenges for being female, poor and typically indigenous. Many of these women are regularly faced with gender discrimination, exploitation, and even violence. Bolivian indigenous women are the poorest group of Bolivian society with high illiteracy (37.9%) and maternal mortality rates, and are often victims of domestic violence and exploitation (CDIMA 2011, CECASEM 2011, CIDEM 2011, UNICEF 2011).

One of the areas in which rural women still face discrimination is land ownership, despite the government’s important and numerous legal steps to addressing gender inequality in this area, such as the signing of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the land laws of 1953 (Ley de

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2 According to the UNICEF 70% of Bolivian women are victims of domestic violence. Many of the cases are underreported (UNICEF 2011).
Reforma Agraria), 1996 (Ley INRA) and 2006 (Ley de Reconduccion Comunitaria), the Constitution of 2009 and other gender related policies.\(^3\)

In Bolivia, the full implementation and recognition of gender-sensitive land policies has been met with several challenges in practice. While there has been substantial progress and a general increase in the number of titles in women’s names and in the number of joint titles since 2000, many rural women continue to face numerous challenges that impede the assertion of their land rights and the possibility to a formal title to the land they work in. Although legal and constitutional steps have been put in place to address gender equality in land ownership matters, in practice we find a myriad of obstacles, some socio-cultural and some institutional, that make the struggle for land ownership and titling for women arduous and complex.

\(^3\) These legal steps will be discussed in Chapter 3 Historical and Legal Framework of Bolivia’s Land Reform, Land Title Regularization, and the Inclusion of Women’s Rights in the Country’s Land Policies
1.1. Research Question and Justification

Considering that many poor rural women in Bolivia, and worldwide, face a myriad of socio-economic problems, why is it relevant then to address land rights for women? Why does land matter? Land does indeed matter, especially for poor rural women. Research worldwide shows that land ownership can bring various social and economic benefits for women (Agarwal 1994 and 2002, Arun 2010, Daley 2011, Deere 2005, FAO 2011, ILC 2011, Kelkar 2006, Landesa 2011, Lastarria-Cornhiel 2010, et al., Scalise 2008, World Bank 2011), increase their political power and participation in decision-making (Kimani 2008, Nzioki 2007), and increase a woman’s bargaining power within the household and her status as a citizen in the community (Deere 2005, Field 2003, Lastarria-Cornhiel 2010). Land ownership has been argued to give women a sense of empowerment, of self-worth, independence, and security (Agarwal 1994, Allendorf 2007), to reduce domestic violence (Agarwal 2002, Deere 2005, Jacobs 2002, Kelkar 2006, Scalise 2008), and to have direct implications on child educational attainment and health improvement, as well as on increased food expenditures and household resource allocation (Agarwal 2002, Allendorf 2007, Deere 2005, FAO 2011, Giarracca et al. 2008, Jacobs 2002). In addition, land ownership has been claimed to give poor rural women access to credit and productive resources (Agarwal 2002, FAO 2011, International Land Coalition 2011, World Bank 2011), as well as to have an impact in decreasing fertility rates among poor families (Field 2003). In addition to this series of potential advantages of owning land, having the right to legally own one’s land and to be able to fully enjoy this right is a right as a human being and as a citizen.

Bolivia has adopted a series of legal measures to ensure that women’s land rights are recognized under the law, and land titles in women’s names have indeed increased throughout the country (see chapter 3 for figures). Nonetheless, as this thesis will convey, Bolivia is an example of a country where laws and policies have been passed to address gender equality matters, but where in practice a number of obstacles continue to hinder women’s ability to own land and to fully enjoy and secure their rights. The importance of studying Bolivia stems from the fact that ensuring gender equality in land matters, and in other areas, is not always as simple as passing laws. Other matters, such as social and cultural norms and practices that often discriminate against women,
and that are still very much alive in many countries, must be taken into account when implementing such laws and policies. This thesis then looks at the successes and limitations of applying gender mainstreaming in practice in regards to Bolivia’s gender-sensitive land policies and land title regularization program in the context of traditional socio-cultural norms and practices that have favored men in land tenure.

The main research question that this thesis addresses is: considering the existence of progressive national gender-sensitive land policies, a modern land titling program, and a government that explicitly addresses and promotes gender equality, why do many rural women still face persistent obstacles in the struggle for securing and asserting their land ownership and titling rights? What are these obstacles, and how can these challenges be overcome?

This study of women’s land ownership rights in Bolivia is relevant for three main reasons. First, because it sheds light on the persistent gender discrimination that many women in Bolivia, particularly poor indigenous women, continue to face in the country. Second, the promotion of land ownership for poor rural women remains an important issue in the struggle for gender equality in developing countries and in the amelioration of rural women’s lives in the context of poverty. And third, because an analysis and consideration of local customary traditional socio-cultural norms and practices that often discriminate against women’s rights must be addressed when designing and implementing land policies and land titling programs if the application of gender criteria in theory is to be successful in practice.
1.2. Methodology

This research was undertaken as part of the Bolivian Specialization Project in Community Economic Development⁴ carried out by the Centre for Sustainable Community Development at Simon Fraser University (CSCD). Through the CSCD I was placed with a local non-governmental organization in La Paz, Bolivia, The Center for Service and Integration of Women (CECASEM), for a four month research internship. CECASEM conducts work in the fields of community economic development, human trafficking, domestic violence and access to justice for indigenous women. Their previous projects included women’s land rights, namely the organization of workshops for women in collaboration with the network of non-governmental organizations, namely the Coordinator of Women (Coordinadora de la Mujer). The aim of the internship was to work closely with the organization on the topic of women’s land rights, conduct fieldwork research, obtain data for this thesis, and write a report on my findings for the organization. CECASEM was instrumental in assisting me with my fieldwork research in Sorata by taking me to rural communities, and introducing me to local leaders and participants. Some of the staff at CECASEM were also pivotal in providing background information and assisting me with the interviews, since many participants, especially rural indigenous women, did not speak Spanish well⁵. While interning at CECASEM, I was also given access to the results and reports of their previous workshops in rural areas on women’s land rights. CECASEM’s staff also introduced me to a few key participants, and gave me the opportunity to attend a conference on

⁴ This project, in partnership with the Association of Institutions for the Promotion of Education (AIPE) trains AIPE leaders and local non-governmental organizations in the theory and practice of Community Economic Development (CED).

⁵ Many of the female participants spoke their native languages, namely Aymara, and two participants spoke Quechua.
Despatriarcalizacion⁶ and a day-long province-wide conference and workshop on women and land titling in the department of La Paz.

The methodology used for this study included a review of the literature on the topic of women and land rights, fieldwork research in the department of La Paz, Bolivia, where I interviewed key participants and stakeholders through focus groups and interviews, a review of CECASEM’S reports on previous workshops on women’s land rights, and participant observation of a conference on women’s land rights, which rural indigenous women from different parts of La Paz attended⁷. Although initially surveys were conducted with rural indigenous women, language barriers, time constraints and other difficulties led to the discontinuance of these surveys. Given the limited scope of this work, a case-study of one department of the country was selected, in this case La Paz.

To conduct interviews with rural men and women I travelled to Sorata, Coroico and Viacha, which are rural municipalities near the city of La Paz. In Sorata with the assistance of CECASEM I conducted individual interviews with local indigenous women and men, with an official from the local Alcaldia (town council) and with the President of the local peasant federation. I also conducted focus groups in different communities of the municipality of Sorata, such as in Pocobaya, San Isidro, Chalacaya, Chilcani, Avuspaya, Soque, and Chiwani. The women who attended the focus groups were of different age groups, from 18 to 75 years old and of different marital statuses. These focus groups allowed me to gather information in a collective setting without having to interview women individually during their work hours, and were instrumental in gathering women’s opinions on the importance of land titling and on the obstacles they saw regarding women’s land ownership. In addition, the use of focus groups allowed me to observe the behavior and interactions of women in these types of settings and how they

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⁶ Despatriarcalizacion, which means ‘depatriarchalize’, is a term adopted by the recent Bolivian government that refers to the need to eliminate patriarchy from within government institutions and society.

⁷ See Table of Participants in Appendix.
engaged with the topic. The information gathered at the focus groups in Sorata was supplemented with semi-structured interviews with local indigenous women. These interviews were important as women often felt more comfortable talking one on one and opened up more. Some of the interviews and focus groups were conducted in the Aymara language with the assistance of a representative from CECASEM, who kindly accompanied me to Sorata. I provided her with the questions in Spanish and she asked them to the local women. Once in La Paz I hired a translator to help me with translating the answers from the interviews and focus groups from Aymara to Spanish. Some of the questions asked during the focus groups and interviews were:

- Why is land ownership important for women?
- What land problems do women in this community have?
- Why is it important for women in the communities to attend workshops?
- Who usually controls the land in the community and why?
- What work do women do in the community?
- Is there gender equality in their community?
- What do women know about their land rights?

I also travelled to Viacha and to Coroico, where I interviewed local indigenous, Afro-Bolivian men and women, and local community leaders. Interviews, however, with local indigenous women’s groups were not carried out, due to the lack of local contacts to provide contact information, and the lack of mention of such groups when carrying out interviews with local rural women.

In the city of La Paz, interviews were conducted with members from government ministries and institutes, such as the Vice-Ministerio de Tierras and the Instituto Nacional de Reforma Agraria (INRA), social movements, such as the Movimiento sin Tierra, and with members of non-governmental organizations, such as the Coordinadora de la Mujer, Bartolina Sisa, the Movimiento de Mujeres del Kollasuyo (OMAK), Consejo Nacional de Ayllus y Markas dek Qullasuyu (CONAMAQ), among others. The participants were people who had worked or were currently working on land issues and/or women’s rights. A translator was hired to assist me with the interview with the representatives from CONAMAQ as they spoke in Quechua.
In addition to the interviews and focus groups, I attended a province-wide conference, that included a workshop, on women’s land rights and the land titling process (Encuentro Departamental de Mujeres y Derecho a la Tierra, La Paz), organized by CECASEM, the Centro de Investigacion y Promocion para el Campesinato (CIPCA), Coordinadora de la Mujer and by the Organizacion de Mujeres del Kollasuyo (OMAK). The Bolivian former Minister of Land, Alejandro Almaraz, and a Representative from the INRA, Felicidad Quispe, were the guest-speakers. The conference/workshop was offered to several non-governmental organizations and female representatives from different rural communities of La Paz. During the workshop indigenous women from different rural municipalities and communities of La Paz had the opportunity to share their views on the matter and provide information on the current situation of land titling and women’s land ownership in their regions. I also had the opportunity to interview several of these women on site. A translator assisted me in translating some of the testimonies by some of the conference participants who preferred to express themselves in Aymara.

The methodology of this study was facilitated by my relationship as an intern with CECASEM, and their involvement in the defense and promotion of women’s rights. This provided me with an inside look at the way this NGO in general addresses the topic, as well as access to their reports on women’s land rights’ workshops. These research methods were vital to give me a solid basis from which to ascertain the extent to which the land policies passed by the Bolivian State are actually being implemented and respected in practice in the department of La Paz, and the reasons for why women remain disadvantaged.

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8 See List of Provinces and Communities represented at the Encuentro Departamental de Mujeres y Derecho a la Tierra, La Paz (Departmental Conference of Women and the Right to Land, La Paz)
1.3. Site Description

This research was conducted in the cities of La Paz and El Alto, and in three municipalities and provinces of the department of La Paz: Sorata in Larecaja, Viacha in Ingavi and Coroico in Nor Yungas between May and August 2011. The reasons for selecting these research locations were based primarily on: a) the proximity of the rural communities to the city of La Paz where I was based; b) the easy and safe access to rural communities and participants; and c) the attempt to gather sample information and opinions from different parts of the department.

Sorata is the municipality where CECASEM conducts development work and research and therefore where I had the most access to communities and participants. Sorata is located at 150 km from the city of La Paz in a valley region. It is formed of several indigenous Aymara communities on lands that were former haciendas (estates). Each community has its own organizational structure with a leader (Secretario/a General) who is responsible for representing the community and making decisions based on community consensus, a Secretary (Secretaria/o de Actas), and a Treasurer (Tesorero/a). These positions are on a rotational basis. Agriculture and farming are the main sources of income, with chirimoya (cherimoya fruit) and palla (avocadoes) as their most sought-after produce. Women in Sorata dedicate themselves to agriculture and to farming. It is very common to only see women on the fields and on the road walking and caring for sheep and cattle, including very young or elderly women. Most women speak Spanish, except for most elderly women above the age of 55. Women in Sorata have very busy lives from caring for children and the husband, to managing the household, and tending to the animals and crops. On the weekends, women from the surrounding rural communities descend to the town of Sorata to sell their produce, flowers or bread in the market.

Viacha is a municipality and the capital of the province of Ingavi in the department of La Paz. It is at 22 km from the city of La Paz and is located in the altiplano (highlands). Its rural communities’ economy is based on agriculture, primarily on potatoes, and in the production of cement. Residents are also involved in cattle raising and milk production. The residents of Viacha are indigenous Aymara, and the communities have their own organizational structures led by traditional male and female
indigenous leaders (*autoridades originarias*). Women in Viacha are also highly involved in farming and in agriculture, and similar to Sorata also sell their products in the market on the weekends.

Coroico is a municipality and is the capital of the province of Nor Yungas in the department of La Paz. It is located 100 km from the city of La Paz in the jungle and tropical part of the department. Its residents are mainly Aymara, *Afrobolivianos*, mestizos and expatriates, due to tourism. Coroico has the largest community of *Afrobolivianos* in the country. The Aymara and *Afrobolivianos* of Coroico have similar organizational structures as the communities in Sorata, except that the positions held among Afro-Bolivianos are based on votes and not on a rotational basis. The economic motor of the region is the production of coca, bananas, coffee and oranges. Women here are also highly involved in agricultural activities and in the selling of products.
2. Literature Review

2.1. Why Land Ownership Matters to Rural Women

Why is it important for rural women to own land when they are often faced with a myriad of other serious problems that affect their lives, such as violence, poor education and access to health, and poverty? Can land ownership actually benefit women? According to a wide literature on various aspects of the relationships between women and land (Agarwal 1994 and 2002, Allendorf 2007, Castillo et al. 2008, Deere and Leon 2001, FAO 2002, Goebel 2005, Kelkar 2006, Henriques 2010, ILC 2012, Landesa 2011, Lastarria-Cornhiel 2010, Nzioki 2007, Razavi 2003, and Walter 2005), formal land ownership for rural women can bring an array of benefits that can help solve or alleviate several of the current problems that many rural women face around the world.

For rural populations, especially for poor peasant farmers, land is typically considered an important asset. It is often a symbol of status and power, but most importantly it provides a means to secure rural livelihoods. Formally owning land can provide access to productive resources, such as credit and technology necessary to increase production, and ensures that land will not be easily taken away. Research shows that formal land ownership can ensure tenure security for landholders, increase agricultural production and income for smallholder families (FAO 2011, ILC 2012). Moreover, land can provide income when it is sold or rented out, or be used as collateral to obtain credit for productive or consumption uses.

While the importance of land ownership for rural populations has been widely recognized, so has the importance of land ownership for poor rural women. An extensive international body of literature written on gender and land rights argues that if women become landholders they can enjoy a multiplicity of economic and social benefits (Agarwal 1994 and 2002, Castillo et al. 2008, Deere 2005, Kelkar 2006, Lastarria-
According to the literature, the benefits of owning land are considered vast and extremely important for rural women. As Nzioki (2007) puts it

“land is a key social and economic asset, crucial for cultural identity, political power and participation in decision-making, providing a secure place to live, a site for economic and social activity, and collateral for credit and other resources and services. Women’s rights to land are therefore critical for their social status, economic well-being and empowerment (...). Exclusion of women from owning or controlling land means that they are often barred from effectively engaging in economic activities in their own rights; and having a secure and sustainable livelihood” (Nzioki 2007: 578).

Studies on gender and land rights from around the world have found that land ownership often increases a woman's bargaining power within the household, her status as a citizen in the community, her participation in community decision-making, often giving women access to farmers' unions and to leadership positions (Deere 2005, INRA 2008, Lastarria-Cornhiel 2010, World Bank 2011). According to the literature, if women have control over land, they can have a larger voice concerning agriculture, their household, and the allocation of funds without their husbands’, fathers’ or sons’ permission. This is important, since,

“facilitating women's greater participation in the household may diminish male dominance of community-level decision-making, and build up women's organizational skills, social networks and social capital” (Lastarria-Cornhiel 2010; 206).

According to this author:

“women with property rights are more likely to be active members of their communities, and as result community institutions themselves are more likely to be responsive to the needs of women” (Ibid).

Further research also suggests that land ownership can give women a sense of empowerment, of self-worth, independence, and security (Agarwal 1994, Allendorf 2007, Castillo et al. 2008, Deere 2005). A formal land title can give women added security, for example, in the case of divorce, abandonment by partner or spousal death. Lastarria-Cornhiel, a prolific scholar on the topic of women's land rights, (2010: 195) notes:
“Women who have access rights to their families’ land but do not have title to that land may find themselves at risk of losing the land if their relationship to the title holder (e.g., the husband) is broken.”

Land is considered a critical resource for women in the event that they become actual household heads as a result of male migration, abandonment, divorce, or spousal death (Agarwal 2002, Kelkar 2006, Scalise 2008). Agarwal (2002:5) in her study of women’s land rights in India comments that

“relatives, including sons and brothers, often do not provide the expected economic security to women who are widowed or whose marriages break down [and that] many of them end up living on their own.”

As women age or become widowed, owning land may give women additional benefits such as potential economic autonomy and bargaining power over their children and other family members.

Moreover, in many developing countries men frequently leave the countryside in search of employment in urban centers and abroad, often leaving women alone in their rural communities to care for their households, families, and family land. It is common for men to send financial assistance to their families and most eventually return to their home communities, but many do not. Women are then left alone and responsible for providing for themselves and their children. If they do not formally own their land, they may find themselves in a situation where they might lose their land. In addition, research has found that “women’s land rights within marriage may afford them greater claims on the disposition of assets upon divorce or death of their husband” (Lastarria-Cornhiel 2010: 204).

Some authors also find that female land ownership may have a positive impact on the reduction of domestic violence (Agarwal 2002, Deere 2005, Jacobs 2002, and Kelkar 2006). Kelkar’s study on land ownership and women in India (2006) notes that the improvement in economic status by owning land does not by itself, result in a reduction in violence against women, but that by strengthening women’s economic agency and position, they are able to better resist and, if necessary, may more easily leave abusive relationships, while retaining an increased ability to subsist. This is an important aspect to consider when analyzing women’s land ownership rights, particularly
in countries with high incidence of domestic violence, such as Bolivia (OMJ 2011, CIDA 2011, CIDEM 2012)\(^9\). It is important to observe, however, that land ownership may not always strengthen a woman’s position to resist domestic violence, particularly in cases where women receive no support from the community or from the State\(^10\).

Studies also suggest that women’s land ownership may have a direct effect on child educational attainment and health improvement, on increased food expenditures and, in general, on household resource allocation (Agarwal 2002, Allendorf 2007, Deere, 2005, FAO 1999 and 2002, Giarracca et al. 2008, Jacobs 2002). Evidence from Africa, Asia and Latin America shows that families benefit when women have greater status and power within the household. Studies illustrate that greater female landholdings and increased control over income can give women a stronger bargaining position over economic decisions regarding consumption, investment and production (Deere et al. 2011, Giarracca et al. 2008, World Bank 2011). Based on data analysis from Central America and Africa, Giarracca et al. (2008) further argue that “without women poor households would be even poorer, the sick would be sicker, and production geared toward subsistence would be even smaller in scale” (Giarracca et al. 2008: 7).

In addition, the theoretical literature, as well as case studies of women’s involvement in development projects, shows that formal land ownership also frequently gives women access to credit and productive resources, which may open possibilities for small entrepreneurial activities that may benefit not only the female landowner, but also her extended family and community (Agarwal 2002, FAO 2011, UN WOMEN 2011, and USAID 2011).

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\(^9\) Juridical Office for Women, Bolivia (OMJ); Canadian International Development Agency (CIDA); Center of Information and Women’s Development, Bolivia (CIDEM). According to the OMJ, 70% of Bolivian women are victims of domestic and/or societal violence.

\(^10\) There are many cases around the world where women fear denouncing domestic violence for fear of reprisal and rejection from State authorities. Therefore the relation between land ownership and the reduction of domestic violence, although encouraging, needs to be further researched.
Finally, some research has also found that land titling may have an impact in decreasing fertility rates among poor families in developing countries (Field 2003). A study conducted in Peru, for example, shows that the bargaining power that comes with owning land affects family fertility decisions, since “households in which land titles are distributed to both male and female heads of the household experience nearly twice the reduction in the probability of having a child” (Field 2003: 23). The study notes that joint-land titling translates into parents that are less dependent on having more children for old-age subsistence. These findings suggest that efforts to emphasize gender equality of ownership in the implementation of land titling programs may have an additional and largely unanticipated influence on demographic transition. Although these findings may not necessarily be equally applicable everywhere, they may be especially important to take into account in countries with high rates of rural fertility, such as Bolivia.

The literatures indicating the diverse advantages of formally owning land for poor rural women are paramount, diverse and abundant. It is, however, important to note that although most of the literature contends that land ownership may provide the above mentioned benefits for rural women, other important aspects and conditions need to be taken into consideration. Although formal land ownership has the potential to improve rural women’s lives socially and economically, if the social context in which women are found is not favorable to empowering them socially and economically, the benefits of land ownership may not be realized. That is, even if women are landowners, if society and their communities do not recognize and support women’s potential as, for example, producers and decision-makers, and if productive/economic resources are not available to rural women, the full benefits of owning land may be lost. These conditions may include the social acceptance of women as landowners in rural communities, acceptance of women’s broad gender equality by rural men, and the availability of necessary productive and economic resources.

Finally, for some theorists, particularly those writing within a neoliberal economic paradigm, one of the most important reasons for promoting land ownership rights for women is recognition of these rights as basic human rights (Castillo et al. 2008) and as citizen rights. In the words of Lastarria-Cornhiel (2010: 196),
“the right to landed property is an indication of citizenship or membership status—generally those who are allowed to hold landed property are considered members or citizens with a full and complete set of that society’s rights (e.g., rights to utilize public resources, to vote, to hold office, to receive benefits). Democratic governance is based on social equity and empowerment for all community members—in other words, no secondary citizens.”

Moreover, discriminating and excluding women from land ownership generally denotes and illustrates a broader problem of pervasive gender inequality. In countries where laws have been passed to protect women’s rights and where women’s land rights have been promoted, such as Bolivia, the fact that in practice those rights are often ignored among many rural communities and that many rural women continue to face discrimination regarding land ownership rights in their communities and households, perpetuates a practice that can be argued to treat women as secondary citizens. As Lastarria-Cornhiel (2010:198) notes:

“because land rights are such a basic societal right, their importance for the welfare of persons and groups is far-reaching. Exclusion from property rights is not only an indicator of exclusion from other societal rights and benefits, but contributes, both materially and culturally, to a pattern of exclusion and secondary status.”

2.2. Obstacles Worldwide to Women’s Land Ownership Rights

In many developing countries, women still suffer a number of challenges in asserting and securing their land rights. While in some countries women’s land rights are not recognized under the law, in other countries women’s land rights are recognized in theory, but are not fully respected and implemented in practice. Research shows that this has been the case in several parts of the world, from Guatemala, to Rwanda and Vietnam, and as this thesis will argue in Bolivia as well (Deere 2001, Fenrich 2001, Kalabamu 2004, Landesa 2011, Mutangadura 2004, Nzioki 2007, RWN 2011, and Whitehead 2003).

According to the literature, there are several obstacles that impede women from asserting their land ownership rights. Many of these obstacles relate to socio-cultural
practices that traditionally have favored men in land ownership matters, as well as to women’s lack of information about their land rights, negative attitudes of land administrators, fear of stigma and social repercussion by seeking to assert their rights, and to the lack of assistance to women in claiming and pursuing their land rights (Kalabamu 2004, Mutangadura 2004, RWN 2011, Whitehead 2003).

In Latin America, although few quantitative data are available on the ownership of land between men and women, research has shown that there is a considerable gender gap regarding land ownership in the region (Borquez 2009, Deere et al. 2011, Fuentes and Wiig 2009). In the case of inheritance, for example, findings show that although Latin America has a more favorable legal tradition of recognizing gender equality than in other parts of the world, in practice women inherit less land than men, usually due to traditional norms that favor males (Borquez 2009, Deere et al. 2011, Fuentes and Wiig 2009). In Guatemala, for example, the legal norms recognize women’s rights to inherit and own land, but traditional and customary practices demonstrate gender discrimination in regards to the right to land (Deere et al. 2011). In Nicaragua and in Honduras, agrarian laws do recognize women’s rights to become beneficiaries of agrarian reforms but norms in the civil and family codes condition women’s access to land (Deere et al. 2011). On the other hand, in the Dominican Republic, the country’s agrarian reform law establishes that men normally be the beneficiaries, and the civil code limits women’s capacity by determining that the male is the administrator of the land (FAO 1999). Research in Brazil also found that women’s land rights have been marginalized and that joint adjudication and titling of land to couples has seldom been taken into account in practice (Guivant 2003).

In Africa, research has noted that there is a lack of appropriate implementation for land policies that address gender equality. Nzioki (2007) conveys that there is still a lot of resistance both from government officials, mostly male, as well as within the general male population, to implementing these laws. Research from Rwanda, for example, shows that the struggle for women’s land rights has been helped by a progressive statutory regime that recognizes and protects women’s rights to own and inherit land, but that in practice there is still a need for change (RWN 2011). Findings from this study show a persistence of cultural practices whereby women are not allowed to inherit land, coupled with continuing generalized biases in attitude depicted, for
example, by the unequal allocation of land between their male and female children (RWN 2011).

In South Asia, studies show similar issues regarding women and land rights (Scalise 2008). Research conducted in India, for example, shows how women’s rights to land continue to be hindered by gendered power structures within societies, families and communities, despite legal provisions that recognize women’s rights to land (Arun 2010). In Indonesia too, poor enforcement of laws, and weak land titling systems have hindered women’s land ownership rights granted under the country’s Family Law (Brown 2003).
3. Historical Framework of Women’s Rights in Bolivia’s Land Laws and Land Titling Program

In order to situate and understand the current situation of women’s land ownership rights within the Bolivian legal framework, a brief historical account of Bolivia’s land reform since 1953 will be described below. First, a review of Bolivia’s land laws and policies that have addressed gender equality since the 1953 agrarian reform law; next, changes by the next major law, the 1996 Ley INRA. Finally, I will conclude the chapter with a discussion of the 2006 Ley de Reconduccion Agraria, an explanation of Bolivia’s land title regularization program, with a focus on its impacts on the current land titling situation for women.

Bolivia has had a complex history of land distribution, access and ownership. It extends from colonial times when Spanish landlords took possession of indigenous lands and forced the locals to work in servitude, to the turbulent post-independence years when a complex and corrupt process of land reform was initiated, to the present situation that remains characterized by persistent struggles for land, especially from poor landless indigenous peasants. Land invasions by landless peasants; conflicts over land between indigenous, peasant farmers and large landowners, particularly in Bolivia’s Eastern Lowlands; and women’s struggles for land are still a common occurrence in the country. In the highlands, a situation of continuous division of land has led to the existence of extremely small plots of land, commonly referred to as ‘surcofundio’ (land with less than five hundred square meters), causing a shortage of available and sufficient land, while in other parts of the country, especially in the lowlands, large
estates still predominate. Hence, despite a long history of land reform, Bolivia still has one of the most inequitable distributions of land ownership in Latin America\(^{11}\).

In this convoluted and often violent history of land distribution and ownership, the most disadvantaged have undoubtedly been the indigenous, and women. According to the latest figures, from 1997 to 2010, women held 23\% of the country’s land titles, compared to 40.3 \% held in men’s names and 36.7\% in couples’ names (Deere et al. 2011 with figures from the INRA). As this section will demonstrate, numerous legal steps have been taken to address and amend this situation. In the last two decades, there have been significant legal advancements towards promoting gender equality and women’s right to land, but the struggle is still far from over.

### 3.1. The Agrarian Reform Law of 1953

By 1952 Bolivia had one of the most unjust land distributions in Latin America (which continues to this day) with “the 6 percent of the landowners who owned ten thousand hectares or more land control[ing] fully 92 percent of all cultivated land in the republic. (…) At the opposite extreme were the 60 percent of the landowners who owned five hectares or less, true minifundios, which accounted for just 0.2 percent of all the land” (Keiser 2011: 210).

\(^{11}\) The western valleys of Bolivia are home to 60\% of the country’s landowners, although this area only accounts for 10\% of Bolivia’s agricultural land. In the eastern plains, where 18\% of landowners reside, the area accounts for 75\% of agricultural land. In the east of the country, in places like Santa Cruz, 60-70\% of cultivable land is held by a few thousand large landowners, while only 5-10\% of agricultural land is held by hundreds of thousands of indigenous smallholders. Moreover, of the approximately 110 million hectares of potentially productive land in Bolivia, it is estimated that 70\% of this land belongs to only 400 landowners, while 25\% of the productive land belongs to mid-sized landowners and only 5\% belongs to indigenous rural farmers. The country also has 21.4 million hectares of State land, which is about 20\% of the national territory. The government has made promises to distribute State land to landless farmers. It is estimated that 30\% of the country’s farmers are landless or near landless (AIN 2006, Fundacion Tierra, 2011, USAID 2011).
This concentration of landed property, accompanied by extreme levels of rural poverty and exploitation in the rural sector, led to long and violent peasant movements against the extremely harsh estates working conditions. This resulted into a far-reaching land reform process initiated in the 1950s, and to Bolivia’s National Revolution of 1952.

After the National Revolution began, in 1953 the government established an Agrarian Reform Commission and a major Agrarian Reform decree was enacted in July 1953, the *Decreto Ley de Reforma Agraria*. The premise of the 1953 land reform was that land belonged to those who worked it: “la tierra es de quien la trabaja”. Under this legislation two major programs were carried out: the redistribution of *latifundio* (large estate) land in the eastern highlands and valley regions and the granting of state land in the eastern lowlands to peasant families (Vega 2004). The 1953 decree aimed to restore to indigenous communities the lands that had been usurped from them, confiscate all large and unproductive landholding lands, provide compensation for the landlords, distribute land from these large estates to the indigenous workers through their labor unions and communities, eliminate the persistent feudal system and introduce paid (wage) labor, increase the level of production and agricultural productivity, and promote migration of peasants from the highlands to the fertile and largely empty lowlands of the country (Keiser 2011, Koppen 2008). This agrarian reform legislation also introduced the legal norm of the social function of land\(^\text{12}\), which has been the basis of land policy and programs in Bolivia ever since. It was also during this period that ‘*sindicatos agrarios*’ (agrarian labor unions) were founded (Vega 2004). In addition, this decree law established the six types of agricultural landholdings in Bolivia:

1) The *solar campesino* (residential plot insufficient for a family’s subsistence)

2) *Propiedad pequena* (smallholding sufficient for a family’s subsistence)

\(^{12}\text{The social function of land means that land must be used for the well-being of a family or community. The land cannot be left abandoned.}\)
3) *Propiedad mediana* (medium-sized holding, whose production is destined for small markets)

4) *Propiedad de comunidad indigena* (joint indigenous community property, in which the internal division of land is carried out according to the indigenous group’s traditional customs)

5) *Propiedad agraria cooperativa* (cooperative property)

6) *Empresa Agricola* (characterized by wage labor, the use of modern-technical equipment, and most production serving larger national and international markets)

The 1953 *Decreto Ley de Reforma Agraria* did not solve the problems of unequal distribution, access and ownership of land. There were continuing irregularities in the distribution of land, widespread corruption among the institutions involved in the land reform process, and generally poor enforcement of the legislation (INRA 2010, Koppen 2008, and Urioste 2003). Between 1953 and 1992 the distribution of land happened in an unequal manner with the *latifundios* of the highlands being transformed into small holdings for the former *latifundio* workers creating *minifundios* (small estates), while in the lowlands large areas of land were ceded for political favors by the government to powerful and influential families and corporations. A general lack of sufficient land in the highlands for many smallholders also led to forced migration, often aggravating conflicts between landless peasants and large estate owners (Koppen 2008).

The 1953 *Decreto Ley de Reforma Agraria* marked the first step in recognizing women’s rights to land. Although it did not explicitly mention women’s rights, its articles conveyed gender equality in land access and land grants. According to article 77, all

13 During the dictatorships land was given to agro-business owners as political favors. It was during this time that the *‘latifundio’* continued to grow alongside the *‘minifundio’* (small land properties), a situation that is still reflected in some parts of the country.

14 These institutions were the National Council of the Agrarian Reform (CNRA) and the National Institute of Colonization (INC).
Bolivians regardless of gender who wished to dedicate themselves to agrarian activities would be afforded with land. In addition, article 78 recognized that widows with underaged children were the legal owners of the lands which they worked and possessed:

“Todos los bolivianos, mayores de 18 años, sin distinción de sexos, que se dediquen o quieran dedicarse a las labores agrícolas, serán dotados de tierras donde existan disponibles” (Article 77, Ley de Reforma Agraria 1953:19).

“Los campesinos mayores de 18 años, casados, mayores de 14 años y las viudas con hijos menores son declarados con la promulgación del presente Decreto, propietarios de las actuales parcelas que actualmente poseen y trabajan” Article 78, (Ley de Reforma Agraria 1953:20).

3.2. The 1996 INRA Law

By 1992, the unequal distribution of land in the lowlands and Amazon region, as well as generalized irregularities in the distribution of land, underscored the urgent need to address the situation. This process took four years to complete, culminating in the approval of the Ley No. 1715 del Servicio Nacional de Reforma Agraria (Ley INRA) on October 18, 1996. The Ley INRA was designed to address persistent issues of limitations on access to land and insecurity of land tenure through regularization of land rights and issuance of titles (saneamiento de tierras), resolution of land disputes, and redistribution of land.

Based on this law, a new agrarian reform institution, the Instituto Nacional de Reforma Agraria (INRA) was created. The INRA has been responsible for rural land administration, land reform and land allocation, namely managing, coordinating and carrying out policies and programs regarding distribution and redistribution of land giving priority to indigenous and landless peasant communities, for issuing and distributing titles of State lands, for expropriating and reversing agrarian properties, for promoting the conciliation of conflicts about land ownership rights, and for updating and maintaining a register about distributed land, the beneficiaries and the availability of fiscal lands.
(INRA 2011). Through the saneamiento de tierras, the Bolivian government aimed to identify State lands and redistribute them to indigenous people, landless peasants or peasants without sufficient land for subsistence (Koppen 2008). This law also reemphasized the concept of the social function and the socio-economic function of land, it recognized the right to land access to indigenous groups and established a time-limit of ten years to complete the land regularization process (INRA 2010). The 1996 Ley INRA also made adjustments to the six types of agrarian land holdings previously mentioned.

Based on the 1994 United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), which states that women have the right to receive equal treatment as men in programs of land reform and settlement, and to receive access to credit, the Ley INRA was, however, instrumental in promoting gender equality and in recognizing equal rights to land for men and women. With the 1996 Ley INRA, the National Institute for Agrarian Reform became the state institution responsible for ensuring women’s participation in the land distribution and titling process (saneamiento de tierras). The Ley INRA promised to apply principles of gender equality in the distribution, administration, access and ownership of land, regardless of women’s marital status. Article 3, Paragraph V states that equity criteria would be applied in the distribution, administration, tenure, and use of land in favor of women, independent of their civil status:

As Koppen (2008) notes “the definition is that the residential plot, the smallholding, the communal properties and the TCOs fulfill the social function when they are destined at achieving the wellbeing of the family or the economic development of the owners in accordance with the land’s capacity at best use” (Koppen 2008: 14)

Solar campesino (indivisible and not subject to taxation); Pequena Propiedad (indivisible and not subject to taxation); Mediana Propiedad (owned by a natural or legal person, transferable and subject to land taxation); Empresa agropecuaria (agricultural enterprise owned by natural or legal persons, transferable and subject to taxation); Tierras comunitarias de origen TCO (Indigenous community lands, where indigenous people develop their own forms of economic, social and cultural organization. They cannot be broken up or sold, and they are not subject to taxation); Propiedades comunarias (Communal properties titled collectively to peasant communities and ex-haciendas. They cannot be broken up or sold and are subject to taxation).
“El Servicio Nacional de Reforma Agraria (…) aplicara criterio de equidad en la distribución, administración, tenencia y aprovechamiento de la tierra en favor de la mujer, independientemente de su estado civil” (Article 3 of the Ley INRA).

The fact that land ownership is acceptable and encouraged for women, regardless of women’s marital status, is important especially because it does not require women to be heads of households or married in order to be eligible for land rights. It even notes how unmarried women but living in concubinato (unmarried couples) could also own land. This is quite progressive, as there are many countries around the world, including in Latin America (e.g. Chile, Colombia, and Peru), that do not recognize land ownership rights for unmarried women, especially in the case of joint-titling.

There were, however, several problems with the provisions and implementation of the Ley INRA. Land reversions and expropriations were barely carried out at all, due to political reluctance and lack of state capacity, and enforcement of compliance with the socio-economic function of land was rarely enforced, especially due to corruption between landowners, INRA officials and private companies hired to carry out the saneamiento de tierras (Koppen 2008, Urioste 2003). These problems were compounded by an enormous dependency on funds from international agencies, such as from the World Bank, USAID, the Government of the Netherlands, the Danish International Development Agency, Inter-American Development Bank and the International Fund for Agricultural Development17, to carry out the land titling redistribution and titling program and by the complex processes that the ‘saneamiento de tierras” required (Koppen 2008). Moreover, the INRA was criticized for not being as successful as might be imagined from this progressive legislation in implementing its gender equality policies. According to Lastarria-Cornhiel (2010:224)

17 According to Koppen’s study on Bolivia’s land regularization and titling program (2008), 80% of the INRA’s financial resources come from international cooperation agencies in the form of credit, loans and donation
“In spite of gender-sensitive agreements and recommendations (...) during the first few years of the saneamiento program INRA did not take any measures to ensure (1) that women [were] made aware of their legal rights, (2) that women participate in the saneamiento process, nor (3) that its personnel and the titling brigades receive[d] gender training with regard to women’s land rights.”

Given the INRA’s poor implementation measures, resulting in rising discontent by many women and their supporters, in 2001 the INRA took further steps to include more women in land tiling processes, thereby granting land rights to more women (Lastarria-Cornhiel 2010). This led to the increased granting of joint land titles for couples, a quite remarkable policy, given that many countries have not adopted this policy. This decision is significant in that it recognizes women’s position as a legitimate co-owner of the couple’s land, which means that in case of death or divorce women’s land ownership security is much better guaranteed. This directive also stipulated that when a legal title or a regularization certificate is issued to a couple, regardless of their civil status (married or consensual), both names must be included in the space provided for the titleholder, recording the woman’s name first and then that of the man. Nonetheless, despite these directives, and even though they were adopted in 2001, there are currently many rural men and women who are unaware of these stipulations, as I found through my interviews with local rural men and women in Bolivia.

The INRA also stipulated that women were to be explicitly invited to participate in information campaigns, workshops on the saneamiento process, and that gender aspects of customary and indigenous land tenure practices were to be noted and written up in reports. In addition, in 2001 the INRA, following World Bank directives, hired a gender specialist to organize and implement a gender sensitivity training program for departmental INRA offices and for titling brigades and supervisors, training/education workshops on gender and land rights in the local language for rural women organizations, and mounted informational campaigns throughout Bolivia (INRA 2008). These initiatives have translated into an increased number of land titles for women, although serious challenges remain.

Table 1 illustrates the number of land titles awarded/registered in the name of single women, men and couples between 1997 and 2010. As we can see, there has
been a remarkable increase in the overall number of land titles. The number of titles in women’s names remains however substantially lower than men (35,460 compared to 59,509) and in general there are more land titles in men’s names than joint titles (59,509 compared to 57,661). One can deduce that there might be many single men in Bolivia who hold land titles or that many couples have had their land titles registered only in the man’s name. Given the socio-cultural context that will be described in the next chapter, the latter reason might be more plausible. The only exceptions to this trend were in 2009 and 2010, when 20,044 and 14,437 titles were registered under joint titling compared to 15,824 and 13,814 titles registered in men’s names. The decrease in the number of titles in men’s names and the increase in the number of joint titles in 2009 and 2010 show notable progress in addressing gender equality and women’s land ownership rights by including the woman’s name in the couple’s land title. This improvement, however, is not exempt from challenges and setbacks, which will be addressed further ahead when I discuss the obstacles women face in securing a land title.

Table 1. Land Titling by Gender (1997-2010)

<table>
<thead>
<tr>
<th>Year</th>
<th>Women</th>
<th>Women, Men</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>1997</td>
<td>0</td>
<td>44</td>
<td>5</td>
</tr>
<tr>
<td>1998</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>1999</td>
<td>6</td>
<td>0</td>
<td>44</td>
</tr>
<tr>
<td>2000</td>
<td>111</td>
<td>288</td>
<td>331</td>
</tr>
<tr>
<td>2001</td>
<td>471</td>
<td>288</td>
<td>1,986</td>
</tr>
<tr>
<td>2002</td>
<td>113</td>
<td>115</td>
<td>341</td>
</tr>
<tr>
<td>2003</td>
<td>666</td>
<td>1,178</td>
<td>1,794</td>
</tr>
<tr>
<td>2004</td>
<td>250</td>
<td>593</td>
<td>1,750</td>
</tr>
<tr>
<td>2005</td>
<td>1,783</td>
<td>3,809</td>
<td>3,939</td>
</tr>
<tr>
<td>2006</td>
<td>1,312</td>
<td>3,086</td>
<td>3,056</td>
</tr>
<tr>
<td>2007</td>
<td>2,038</td>
<td>3,696</td>
<td>4,269</td>
</tr>
<tr>
<td>2008</td>
<td>6,948</td>
<td>10,083</td>
<td>12,356</td>
</tr>
<tr>
<td>2009</td>
<td>12,305</td>
<td>20,044</td>
<td>15,824</td>
</tr>
<tr>
<td>2010</td>
<td>9,457</td>
<td>14,437</td>
<td>13,814</td>
</tr>
<tr>
<td>Total</td>
<td>35,460</td>
<td>57,661</td>
<td>59,509</td>
</tr>
</tbody>
</table>

Source: INRA and Coordinadora de la Mujer; Compiled by Author
3.3. The Land Law of 2006 and the 2009 Constitution

Despite the 1953 land reform and the more recent series of associated laws and measures to address land issues, Bolivia’s indigenous peoples continued to be grieved by land problems and to demand more participation in land decision-making processes. On November 28, 2006 President Evo Morales passed the Ley de Reconduccion Comunitaria de la Reforma Agraria, which amended the 1996 Ley INRA, which aimed to simplify and speed up the process of regularization and redistribution of land. The most significant modifications introduced by this law concerned the concept of the socio-economic function of land, the reasons for the expropriation and reversion of land to state ownership\(^\text{18}\), the distribution of expropriated land, and the inclusion of gender equity and the participation of women. It further stipulated the responsibilities of the President and involved institutions and government agencies, increased transparency in the transfer of land and property, the implementation of an integrated inter-institutional cadastre\(^\text{19}\), and the clarification of the INRA’s institutional mandate and responsibilities (Koppen 2008).

This law has not been exempt from criticisms. According to the literature, there has been a lack of opportunities to get State lands, the existence of collective properties does not meet the needs of some people who may want an individual title or individual production opportunities; the proliferation of collective titles may decrease productivity by reducing incentives to improve soil and invest in yield-increasing technologies; and there is widespread fear that people who have joint property may lose their land (Koppen

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\(^\text{18}\) Land is to be expropriated if it is not complying with the socio-economic function of land. Expropriated properties are to be given to indigenous and campesino communities (Koppen 2008).

\(^\text{19}\) Before the 2006 law, the transfer of land was not registered or controlled. This law established that any transfer of land must be registered in the INRA in order to be valid and registered in the Registro de Derechos Reales (Property Law Register) (Koppen 2008).
In addition, and especially important for this thesis, is the criticism that collective properties commonly may infringe on women’s rights to land ownership, although more studies are needed (Borquez et al. 2009, Carpio 2010, Delgadillo 2009, and Garcia 2010). According to the Bolivian Constitution, the *Territorios Comunitarios de Origen* (TCOs) and titled communal properties have the power to organize, direct and guarantee the process of distribution and redistribution of land for the individual and family use within their jurisdiction and according to their own norms (Delgadillo 2009). Based on this legal framework, land collectively belongs to the families, men, women, and children that live in an indigenous territory. Land does not belong to individuals. It belongs to the community, and the community distributes the land plots to each family. Since the constitution grants autonomous indigenous communities the right to exercise jurisdiction over their territories, administering justice and conflict resolution according to their own rules and procedures, women’s issues and demands are dealt with within the community. Since research for this study was not conducted on TCOs, and women from TCOs were not interviewed, a deeper analysis of this issue is beyond the scope of this paper.

The 2006 *Ley de Reconduccion Comunitaria* also added to the enhancement of women’s legal land rights in Bolivia and further reemphasized gender equality in land matters. Article 8 in particular was instrumental in further legally guaranteeing women’s right to land. It guaranteed and prioritized the participation of women in the land titling and distribution process, and stipulated that the woman’s name should come before the man’s name on the land title.

“Se garantiza y prioriza la participación de la mujer en los proceso de saneamiento y distribución de tierras. En caso de matrimonios y uniones conyugales libres o de hecho, los títulos ejecutoriales serán emitidos a favor de ambos cónyuges o convivientes que se encuentren trabajando la tierra, consignando el nombre de la mujer en primer lugar. Igual tratamiento se otorgara en los demás casos de copropietarios mujeres y hombres que se encuentren trabajando la tierra, independientemente de su estado civil” (Final Regulation 8, Ley de Reconducción Comunitaria 2006: 12).

In 2007, further amendments to this law were made that advanced women’s land rights. The government added the Decreto 29215 which has 27 articles that make
specific reference to women’s land rights and gender equity. These articles note the necessity to promote initiatives that guarantee the equal access of women and men to land processes. More importantly, they also recognize the need to implement programs of education and awareness at the institutional and social level to create mechanisms that promote women’s participation:

“Se deberá garantizar la aplicación de metodologías adecuadas para efectivizar el derecho de las mujeres a la tierra y su participación en los procedimientos agrarios” (Article 8, Decreto Supremo 29215, 2007:4).

“Propiciar acciones que garanticen la participación equitativa de mujeres y hombres en los procedimientos agrarios y el ejercicio de sus derechos agrarios”, “implementar programas de capacitación y sensibilización a nivel institucional y a las organizaciones sociales y sectoriales para la aplicación de mecanismos que impulsen la participación de hombres y mujeres en los distintos procedimientos agrarios” (Article 46 Decreto Supremo 29215, 2007:13).

Also in 2006, the 1996 Ley INRA introduced the Plan Nacional de Saneamiento y Titulacion (National Strategic Plan for Land Regularization and Titling 2006-2013) which focuses on the technical-juridical procedure of regularizing and elaborating the ownership rights of agrarian properties (Koppen 2008). The main goal of the land title regularization process was to formally title and register land parcels that were distributed through the 1953 agrarian reform law, and to update the registration of already titled land. This is very important as many rural families who received land through the land re-distribution program in the highlands and valleys (1953-1982) and through the re-settlement program in the lowlands (1950s to 1970s) have been living and working on plots of land that have not been legally titled. Moreover, many smallholders have not completed the legal transfer of land rights nor registered their transactions in the land registry (Lastarria-Cornhiel 2010). Currently the majority of people participating in the saneamiento de tierras are people who:

- received land from the 1953 agrarian reform law
- received land from the re-settlement program
- purchased land but have not legalized the transfer
- live in indigenous communities whose lands are not legally recognized
- are occupying land that was never legally titled
Some of the aims of the *saneamiento de tierras* are: ensure that titling land complies with the social or socio-economic function as defined by law, measure the properties and verify the legal documents concerning ownership, create a legal cadastre, conciliate conflicts related to agrarian properties and ownership, and reverse land that does not comply with the socio-economic function.

The *saneamiento de tierras*, nonetheless, is a long and cumbersome process that involves several phases and steps. USAID (2010:7) notes:

“[The] process requires seven procedures, takes 92 days, and costs nearly 5% of the property’s value. Registration procedures require review and clarification of the land ownership and physical properties of the land and issuance of resolutions to confirm, authenticate, amend or annul existing property titles.”

It is a process that can be highly complex, especially in the face of conflicts within communal properties, such as TCOs. The *saneamiento de tierras* is done through a decentralized approach, with each province having its own regional INRA office. Nevertheless, after the INRA makes the final resolution on a title, the President of Bolivia must sign every single title certificate.

Although land titling and registration has been the key feature of Bolivia’s land reform agenda since 1997, and the pace and number of titles granted have increased with the Morales government, land rights are still not widely registered in Bolivia. Registries are poorly maintained, and INRA offices are often chaotic and disorganized, leading to frequent setbacks and delays in titling processes, especially in rural areas.

Finally, in 2009, Bolivia’s new Constitution was passed, which contains several articles concerning land, namely the recognition of land ownership as a right for men and women, the acknowledgement of indigenous peasant jurisdiction on land matters, and the promotion of women’s land rights. Chapter 90, specifically, deals with Land and Territory. The new Constitution is significant for the advancement of women’s land rights, as it states that there should be no discrimination of women’s access and titling of land based on marital status, and that the State has the obligation to promote policies that eliminate all forms of discrimination against women in matters of land access, ownership and inheritance:
“La dotación de tierras se realizará de acuerdo con las políticas de desarrollo rural sustentable y la titularidad de las mujeres al acceso, distribución y redistribución sin discriminación por el estado civil o conyugal” (Article 395, Nueva Constitución Política del Estado Plurinacional de Bolivia, 2009:88).

“El Estado tiene la obligación de promover políticas dirigidas a eliminar todas las formas de discriminación contra las mujeres en el acceso, tenencia y herencia de la tierra” (Article 402, Nueva Constitución Política del Estado Plurinacional de Bolivia, 2009:89).

The 2009 Constitution also recognizes communal property for peasant indigenous groups, the Territorio Indígena Originario Campesino (TIOC), and the collective and customary rights of the country’s indigenous communities. This means that indigenous groups have not only the right to communally manage their territories, but to also use and control the natural resources within its territory, and operate according to their own norms and customs, social structures and governance systems. In general this is a significant accomplishment for indigenous people, although some analysts have argued that the existence of collective indigenous territories may infringe on or ignore women’s land rights, and women’s rights in general (Carpio 2010, Deere et al. 2011, Delgadillo 2009). According to Delgadillo, “it is possible to affirm that the collective access to land of the indigenous peoples does not necessarily guarantee the complete validity of women’s individual rights” (Delgadillo 2009: 4). Delgadillo notes that, since the norms and practices inside a TIOC, are not uniform and do not follow a specific normative system, women’s land rights are not effectively guaranteed. In a study on the situation of women’s rights in Latin America, Deere et al. write that “collective property presents special problems, because in its titling process, women and their rights to land can be easily made invisible” (Deere et al. 2011:60). Studies conducted on the situation of women's rights inside TIOCs have, however, been very few, and further detailed research is required.
3.3.1. **Progress and Current Situation of Land Titling for Women**

The number of land titles to single male and female peasant farmers as well as to peasant couples has generally been increasing since 1997 and particularly between 2008 and 2010\(^{20}\). This is largely explained by the above mentioned numerous legal steps the government has taken to regularize and register land titles and to address women’s land ownership rights. The pattern of land titles disaggregated by gender and location remains however unequal. The tables and figures below show the increase in the overall number of land titles registered, the disparities in land ownership between departments of the country, and the gap in the number of titles between men and women, and between joint titles and titles awarded to men.\(^{21}\)

**Figure 1. Land Titles by Gender (2006-2010)**

![Land Titles by Gender](chart)

Source: INRA (2011); compiled by Author.

\(^{20}\) For figures refer to table 1 on pg. 28.

\(^{21}\) Figures for previous years were difficult to find. This may be because the INRA did not disaggregate land ownership data based on gender.
Figure 1 displays the overall increase in the number of land titles in women’s and in men’s names between 2006 and 2010. As discussed previously, although there has been a significant rise in the overall number of titles, women continue to lag behind in land title ownership compared to men.

Table 2 illustrates the number of titles awarded to women by department between 2007 and 2010. As the tables show, the number of titles given to women across the departments of Bolivia has not been uniform. Cochabamba is by far the one with the highest number of land titles for women with 47,854 titles, followed by Tarija (16,005 titles) and Santa Cruz (15,166 titles). This divergence may be explained by a variety of reasons that might include geographical variations, the active participation of community leaders and local organizations to promote women’s land rights, the lack of land conflicts, the cooperation of non-governmental organizations and government in the dissemination of information about land women’s land rights, among others. As I argue ahead, promoting and investing in these types of initiatives is especially vital for translating legal norms and formal regulations into actual practices that significantly increase benefits for women. Other departments of Bolivia (i.e. Oruro, Pando and Potosí) show significantly lower number of titles in women’s names, but the increased presence of TIOCs (Territorios Indígena Originario Campesino, entailing collective land ownership) might explain this relatively small number of women’s titles. According to the latest figures from the Instituto Nacional de Reforma Agraria, the department of La Paz has granted only 4,491 titles to women in the department, a relatively small number especially in comparison to the neighboring department of Cochabamba.
### Table 2. Titles Awarded to Women by Department (2007-2010)

<table>
<thead>
<tr>
<th>Departments</th>
<th>Total</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beni</td>
<td>1,957</td>
<td>373</td>
</tr>
<tr>
<td>Chuquisaca</td>
<td>14,933</td>
<td>2,292</td>
</tr>
<tr>
<td>Cochabamba</td>
<td>47,854</td>
<td>13,209</td>
</tr>
<tr>
<td>La Paz</td>
<td>4,941</td>
<td>1,039</td>
</tr>
<tr>
<td>Oruro</td>
<td>143</td>
<td>13</td>
</tr>
<tr>
<td>Pando</td>
<td>577</td>
<td>67</td>
</tr>
<tr>
<td>Potosi</td>
<td>169</td>
<td>15</td>
</tr>
<tr>
<td>Santa Cruz</td>
<td>15,166</td>
<td>2,932</td>
</tr>
<tr>
<td>Tarijía</td>
<td>16,005</td>
<td>4,047</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>101,745</td>
<td>23,987</td>
</tr>
</tbody>
</table>

Source: INRA (2011)

### Figure 2. Land Titles in Women’s Names by Department in Bolivia

![Bar Chart: Titles in Women's Names by Department](chart.png)

Source: INRA (2011); compiled by Author.
Figure 3 shows the hectares of land owned by single men and women between 2007 and 2008. As we can see, men own by far more hectares of land than women. As I will discuss in the next chapter, in rural communities of Bolivia traditionally men have been the ones to control, own, inherit and to own more land than women.

**Figure 3. Hectares of Land owned by Single Men and Women**

In conclusion, although there has been a clear and noteworthy increase in the overall number of land titles in the last few years, which is reflected in all the categories of ownership (women, men and couples), there are important disparities to consider. First, there are considerable disparities between the number of land titles in women’s names between departments; second, there has been a trend to award/register more titles in men’s names than in couple’s names; and finally a gap continues to persist in the number of titles and hectares of land awarded to men and women. As this study will show, many serious obstacles persist that in practice make the process of securing a land title difficult for women. Although the constitutional initiatives and legal measures promulgated by the Bolivian government in recent years to address gender equity in land
matters should be regarded as important and progressive, as we will see, the need to address the pervasive practical, everyday obstacles that currently adversely affect women’s assertion of their rights at the local/community level is equality important.
4. Research Findings

Why is it important for women in Bolivia to own land? Do they have the same needs, wishes, and perceptions as women elsewhere? These were questions I tried to find out while in the country. Most of the answers were similar, and many resembled the arguments found across the global literature concerning issues of gender and land. Based on my research, I noted that while most participants from non-governmental organizations indicated that women’s right to land ownership brings rural women various social and economic benefits, most rural women and men saw it as a right, along the lines of “if men have it, why can’t we?” and “we work more than men, we deserve it”. They did not seem aware of, or at least did not emphasize, many of the socio-economic benefits that have been used to promote gender equality in land ownership and titling in the country and worldwide. This underscores the point that more information needs to be made available to rural women on their rights and on the importance of asserting their land rights. Moreover, most rural women interviewed also regarded land ownership as an important vehicle for survival and security for themselves and their children, especially in the case of spousal death, abandonment, divorce or migration.

All the rural men22 who I interviewed also agreed that women have the right to own land, although none of their wives had land titles23. Although the men all agreed that women have the right to land, they were a bit ambiguous in their answers as to the reasons why women should own land, and one male participant in particular was very

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22 I interviewed men in Sorata, Viacha and Coroico, but mostly in Sorata.
23 The titles the men possessed were in the men’s name, since these men had not registered their title with the INRA. Most of the lands in the rural communities of Sorata have not been saneadas. That is, these lands have not been formally measured and registered with the INRA system of land title registration. Many people in Sorata are waiting for the INRA to visit their communities, when in fact, the formal titling process requires people to visit the INRA to register and update their titles.
surprised when I told him that, according to the law, for joint land titling the woman’s name must appear before the husband’s name on the land title. It would be interesting to revisit these communities after these men have actually registered their titles through the *saneamiento de tierras* to determine if this had changed attitudes and perceptions.

I also found that none of the participants, male or female, argued that land ownership would have an impact on the decrease of physical and psychological violence that many male partners inflict on women in Bolivia. Bolivia has one of the highest levels of domestic violence in Latin America, particularly among indigenous families (CDIMA 2011, CECASEM 2011, UNICEF 2011). Furthermore, few rural participants, male and female, argued that land ownership leads to a real increase in women’s decision making power within the household. This may be explained by the persistence of strong patriarchal structures in rural communities where the man is the main decision-maker.

Overall, my findings on the local perceptions of the importance of land ownership for rural Bolivian women illustrate the meaning and importance that land ownership has for them. They see it as a means of survival for themselves and for their children, as a means of security, and ultimately as their right. Although many of the potential socio-economic benefits discussed in the literature review may not have all surfaced during my interviews, the rural women I interviewed in Bolivia did show some understanding of these benefits. More information on the benefits of formal land ownership is thus important to share with women, and even more important is a social environment amenable to the realization of these benefits, i.e. acceptance and full implementation of women’s rights in practice at all institutional levels from the government to the family.
4.1. Rural Bolivian Women’s Perception on Land Ownership

“Women are the ones who work the land the most”

Although there are no official and reliable disaggregated data on who works the land the most in the country, it is widely recognized that rural indigenous women in Bolivia are highly involved in agricultural and farming activities—from helping with the crops and animals to selling their food products in local markets. From my observations in the field, it was very common to see women, accompanied by their husbands and children, just their children, or by themselves, leading their sheep or cattle in the fields or on the roads. It was common also to see elderly women with their animals or carrying wood. According to an indigenous female teacher from Chilcani, “men only take the sheep to graze; women do everything!” (“los hombres solo llevan las ovejas a pastear, las mujeres hacen todo!”)

Based on conversations with local women, they told me that rural women have very hard lives and long days. They usually wake up at 5 am, feed the husband and children, and leave their house to take care of their animals (e.g. pigs, cows, sheep, chickens), to take their cows and sheep to graze in the fields and to tend to their crops. If their husbands do not take lunch with them, the women must find the husband during the day and give him his lunch. Women usually start returning home from their busy day around 5 or 6 pm. After this, women are in charge of cooking for their family, followed by household chores and caring for the children. The husband, most women noted, rarely helps with household tasks. Most of my participants reported that their husbands are usually very tired; they just sit after they get home. All the rural indigenous women I talked to noted that men see household chores as women’s work. Women usually go to bed around 11 pm, and then start the process again at 5am. They all felt that they worked harder and had longer hours than men, but that they were not sufficiently ‘valoradas’ (valued) by their husbands. Hence, since women worked at least as hard as men and usually longer hours than men, these women felt that it was their right to also own their land. As one of my participants noted:
it is important to have land because as women we work more, and women are the ones who are always worried about food. If we don’t have land we can’t have anything to eat” (58 year old indigenous woman from Sorata).24

Although there is no empirical evidence or studies that demonstrate that Bolivian women do work more on the land than men do, it is recognized that most do work as hard as men and that they have, what is termed a ‘double burden’, since they must work outside the household to help their husbands and families, but they must also take charge of all the household and family duties. For these reasons, the women interviewed felt that owning land was also their right as hard working women and multifaceted contributors to the family.

Resource Allocation

Most of my participants, including NGO workers and rural indigenous women, noted that women have a vested interest in owning land to better provide for themselves and for their children. Most rural women interviewed argued that they tend to allocate relatively more resources than the men to feed and provide better opportunities for their children. Moreover, most women felt that, if circumstances changed so that they were alone and still owned land, they could continue to provide for their children. They could sell what they produced to feed their children, buy them clothes and give them a better life. Moreover, as one NGO participant pointed out:

“land ownership provides the possibility to change women’s condition of poverty, because being able to make use of the land allows women to have resources and also to be able to subsist through this land (...) It gives women more participation in an active economic life within her

24 Interview with local 58 year old indigenous woman from Sorata: “Es importante tener tierra como mujeres porque las mujeres trabajamos mas y la mujer es quien se preocupa de la alimentación. Y ahora si no fuera tierra no puede haber ni algo de comer y por ello es importante la tierra.”
household, and socially it gives her more respect in her community” (Former Researcher with Fundacion Tierra25).

It is important, however, to note that further studies among different communities and ethnicities would need to be conducted to determine the extent to which these statements might be applied in different contexts, because as I have mentioned previously, some of the benefits that proponents of land ownership for women have noted may not be applicable everywhere.

A Dignified and Respectful Life

Land ownership was also argued to promote the idea of ‘vivir bien’ (good living). That is, the notion that land ownership provides poor rural women with a better life and with the resources to improve their life and that of those around them. As a participant noted,

“land ownership serves to create a well-being, to eat in a healthy way, and to have access to all types of necessities. If you can eat well and have products to sell, you can guarantee your children’s education and help your family. So the topic of land is related to creating a well-being for yourself” (UN WOMEN Informant)26.

I should note, though, that many of these opinions relate mostly to women who are alone, either due to divorce, spousal death or abandonment. According to my participants (stakeholders and NGO/government participants), a land title gives women

25 Interview with former researcher with Fundacion Tierra on women’s land issues, on June 25, 2011: “cambiar sus condiciones de pobreza en las que vive, porque al final el tener el uso a esa tierra a la mujer le permite tener recursos y también poder subsistir a través de este uso de la tierra ella y su familia.(…) Le da mayor participación en una vida económica activa desde el núcleo familiar [y] socialmente significa el respeto dentro de la comunidad”

26 Interview with representative from the local office of United Nations Women (United Nations Agency for Gender Equality and the Empowerment of Women) on July 19, 2011. This informant has worked for UN WOMEN on women’s land issues in the Andean Region: “sirve para crear un bien estar, para comer, para alimentar de una forma sana y para tener acceso a todos los otros tipos de necesidades. Pudiendo comer bien y tener productos para vender puedes garantizar la educación a tus hijos y ayudar a tu familia. Entonces el tema de la tierra está vinculado a crear un bien estar para ti mismo”
secure access to land from which she can produce to feed herself and her family, as well as obtain financial resources from the sale of those products. One may argue that land ownership is not necessarily the only vehicle to meet these ends and, for example, that simply land access can provide women with resources to feed their families and generate income. Nonetheless, it is important here that we recognize that the benefits of land ownership usually go well beyond simple access—as it provides not only secure access, but also the ability to use the land as pleased and the security that the land cannot easily be taken from the women or expropriated (e.g. in the case of divorce, abandonment or a husband’s death). Moreover, especially for a rural woman who is in the position of household-head,

“land is a means for her, it is where she is going to live, where she will be with her children (...) it is so important, it is part of her existence, if she doesn’t have land she will starve, she doesn’t have anything” (Member of Bartolina Sisa)\(^{27}\).

Therefore, land ownership “leads to women’s happiness, to the possibility that she may live a dignified and respectful life” (President of OMAK)\(^{28}\).

Along the same lines, the opportunity for poor rural women to own land means that they may be seen as equal citizens to men. They have the same rights as other citizens of a country, and are not treated as second class citizens. One of my participants noted that land ownership

“is important to value oneself as a person (...) as a citizen—a citizen who has rights and obligations. The fact that a woman is not taken into consideration in the land title is like sending her to anonymity. It is like

27 Interview with representative from Bartolina Sisa on June 22, 2011: “La tierra es un medio para ella, es donde va a vivir, donde va estar con sus hijos (...) es tan importante, es parte de su vida de su existencia, si no tuviera tierra se muere de hambre, no tiene nada”

28 Interview with president of the Organizacion de Mujeres del Kollasuyo, on June 14, 2011. “conlleva a su felicidad, a la posibilidad de vivir una vida digna y respetuosa.”
turning her invisible. It is like her identity. If one does not have an identification card one does not exist” (President of FEJUVE).29

Thus neglecting to include the woman’s name in the land title, or failing to recognize and accept this, often places women in an inferior and vulnerable position. The opportunity to become a landowner is then not only a matter of rights and benefits, but also an important component of many rural women’s personal well-being, satisfaction and dignity.

Security

In Bolivia, it is very common for rural women and men to migrate to urban centers in search of a better life. Often they move as a couple, but sometimes women and men migrate alone. It is often the case that rural indigenous women who migrate to the cities are poor and uneducated. They are frequently faced with violence inflicted by a male partner, as well as discrimination and exploitation by their employers. Rural indigenous men also leave their communities in search of employment in urban areas or other parts of the country, such as in mining sites, or in neighboring countries, such as Argentina or Brazil. Their wives or partners are left in the communities with their children and, although men usually send money home, many do not. Moreover, while men usually return to their communities and to their land, some do not. According to one of my participants:

“men move to the cities or migrate to other countries. So by moving to the city or migrating to other countries, they find another partner and do not return to the community. They don’t even give money to the children. Knowing very well that their son is with another woman they [husband’s parents] expel the woman from the community. And the woman? Where is she supposed to go? She returns to her parents’ community. And in her parents’ community what do they say? They say: she does not have

29 Interview with President of the Federacion de Juntas Vecinales de El Alto on July 20, 2011. “Es importante para revalorizarse como persona (…) como ciudadano. Un ciudadano que tiene derechos y obligaciones. El hecho de que la mujer no esté tomada en cuenta en el documento de derecho propietario es como mandarla al anonimato. Es como volverla invisible. Es como la identidad. Si uno no tiene carnet de identidad no existe”
the surname of the community; her dad should go reclaim her land. So what can you do if you are expelled from your husband’s land and from your parents’ community? You grab your children and you move to the cities to feed your children. (...) If they [women] had a title no one would take it [the land] away from them (...) She would be owner, lady of her land” (Head of the Gender Unit of the Vice-Ministry of Land).30

As illustrated by this testimony, women then may be faced with two scenarios: a) a woman may stay in the community if the community leader and her husbands’ family allows her or; b) she may be sent back to her family, which may a) accept her if they have the conditions to accommodate her and her children or b) refuse to accept her, and the woman and her children are forced to move.

Hence, and especially in the case of widows, divorced women, or women who have been abandoned by their husbands, owning a plot of land is of crucial importance. It means women can live on that land knowing they will not be forced out, and knowing that even if their plot of land is small, they can still work on it to support the family’s subsistence needs. As one of my participants pointed out,

“if the land title is in the man’s name, his wife is there, but unluckily something bad may happen, and there comes separation. So the woman gets separated and she leaves. Sometimes if the woman stays, the man is the owner. The woman is not the owner because her name doesn’t appear on the papers. Because sometimes women may lose their husband if he is with another dear, with another woman. Sometimes he sells the land; the woman stays but she has to leave. Women always think about their children (...) we never want to abandon our children.

30 Interview with the Responsible for the Unidad de Genero of the Vice-Ministerio de Tierras on July 4, 2011: “Los hombres se van a las ciudades o migran a otros países. Entonces yendo a la ciudad, o migrando a otros países, ya buscan otra pareja e ya no retornan a la comunidad. Ni siquiera les dan plata a los chicos. Sabiendo muy bien la familia que el hijo está con otra mujer la botan de la comunidad a la mujer y la mujer adonde regresa? Regresa a la comunidad de sus papas. Y en la comunidad de sus papas que dicen? Dicen: no lleva el apellido de la comunidad, su padre que vaya a reclamar su tierra. Entonces que puedes decir si te botan de la comunidad de tu marido? Te botan de la comunidad tus papas? Que haces con tus hijos? Agarras tus hijos y vienes a las ciudades en busca de dar pan a tus hijos. (...) Si tienen un título nadie les quitaría. (...) Ella es dueña, señora de su tierra”
That’s why if the woman’s name is on the land title it is beneficial for women” (Member of Bartolina Sisa).31

Another participant noted how,

“before, when a woman became a widow, or she got separated or divorced, the community would expel us from the place. Now men cannot expel us, because before everything was theirs, now it is in our name. As women we should have rights, including after our marriage. They cannot expel us from our houses. For example, before when our husbands died, our in-laws would expel us from our houses; now it is not like that” (Female Member of CONAMAQ)32.

The following situations shared by my research participants are examples of how women felt threatened by the prospect of losing their land, or were in a difficult situation of trying to recover or retain their land. If these women had formal land titles, the following situations may have been avoided.

The first example is from Viacha. I met the first pair of women outside a meeting of community leaders in the town of Viacha, while waiting for the meeting to be finished to talk to some of the leaders about the land titling process in their communities. While waiting outside, I met two indigenous Aymara women who asked why I was there and who I was. I explained that I was doing research on women’s land rights in Bolivia, and

31 Interview with representative of the women’s organization Bartolina Sisa on June 22, 2011. “Si un título sale en el nombre del hombre, su esposa ahí está, a veces de mala suerte ocurre algo, llega la separación. Entonces la mujer se separa y se va. A veces si la mujer se queda ahí, el hombre se parece dueño. La mujer no es dueña porque no hay en sus papeles su nombre. Porque la mujer a veces se puede quedar sin su marido por estar con otra querida, con otra amante, a veces vende ese lote, la mujer se queda, pero tiene que desocupar. Las mujeres siempre piensan en las wawas (...) siempre nos da pena abandonar a nuestros hijos, por eso si está el nombre de la mujer en los títulos eso favorece a las mujeres”.

32 Interview with a representative from the Consejo Nacional de Ayllus y Markas del Quillasuyu (CONAMAQ) on August 3, 2011. “Antes cuando la mujer se convertía en viuda, o se separaba o divorciaba, la comunidad nos botaba del lugar. Ahora los hombres ya no pueden botarnos, porque todo era de ellos, ahora ya está a nuestro nombre. Como mujeres debemos tener derechos, incluso después de nuestro matrimonio ya no nos van a poder botar de nuestras casas. Por ejemplo cuando moría nuestro esposo, nuestros suegros nos botaban de la casa, ahora ya no es así”.
immediately they were very interested in talking to me. I learned that both of these women, aged 54 and 75, were waiting to talk to the main ‘mallku’ (leader) regarding their land. The first woman used to have a land title that she inherited from her parents, but when her sister’s house burned down, her land title was also destroyed (which had not been registered with the INRA). She said she had been away from her land due to health problems that prevented her from working the land. She was now ready to return, but was facing difficulties asserting that it was her land, as she had no proof of this. The elderly woman was faced with a similar situation. This woman had a land title, but she told me that the mallkus of her community told her that she was too old to be working her land. She claimed the mallkus did not respect her and did not want to listen to her requests. As one of my participants confirmed,

“inside the aylus and markas, there are some cases in which we find the violation of women’s rights to land, due to her gender, marital status, family conflicts, or due to her lack of knowledge about her rights” (Former Researcher with Fundacion Tierra)\(^{33}\).

The woman showed me a document that she planned to take to the INRA office in La Paz, but she said she didn’t know where the office was located. She seemed very worried about her situation. She said she had been forced to rent a small room in the town of Viacha. Both women expressed how disgruntled they were with the male leaders of their communities. As one woman at the Conference for Women’s Rights commented:

“there are many women, single mothers or divorced, that do not have land. We don’t know how to ask the government for individual lands,

\(^{33}\) Interview with a former researcher with Fundacion Tierra. “\textit{A interior de los aylus o markas y comunidades, se identifican en algunos casos, la violación contra las mujeres de sus derechos a la tenencia de la tierra, sea por sexo, estado civil, conflictos familiares, o por la falta de instrucción recibida sobre el conocimiento de sus derechos}”.
because we are not taken into account by our indigenous authorities” (rural indigenous woman) 34.

The third example is from Sorata, and it further illustrates the importance of a formal land title. During my internship at CECASEM, the staff working on the topic of indigenous women’s access to justice told me about a situation they filmed at a community meeting in Sorata, where I conducted part of my research. I was shown a video of the meeting in which the community leaders, other members of the community, and the woman in question discuss the issue of whether she should be allowed to retain her land. It was the woman’s turn to fulfill her communal duty 35 but she had refused to do so. As one of my participants commented, having a communal role

“is a duty for land. It does not matter the size of the plot of land that we have. So it is an obligation to fulfill this duty. (...) If there are people who do not want to fulfill their duty, such as men and women, and they [the leaders] insist several times that they should fulfill their duty, but if they don’t, they always threaten to remove their land from them, saying they will give it to someone else who will comply with his/her duties” (44 year old indigenous woman from Pocabaya) 36.

34 “Hay muchas mujeres, mamás solteras o divorciadas no tenemos tierra, no sabemos como pedir al Estado tierras individuales porque no estamos tomadas en cuenta por nuestras autoridades indígenas” (Rural indigenous woman from Jesus de Machaca)

35 According to Aymara traditional norms and practices all members of a community must fulfill “cargos comunales” (community duties and roles). These are established in a rotational basis. Usually men are the ones who fulfill these roles, but if a husband is absent and the family has no older children, the woman must then represent the family and take up her community role. Usually men are the ones who participate in communal meetings while women sit and listen passively. My informants also explained to me that in order to be able to continue to use one’s land within a community one must mandatorily comply with the norms of the community, such as fulfilling communal roles. Those who refuse may suffer harsh consequences, such as losing their land.

36 “Es un cargo por tierra. No importa el tamaño de la superficie de la tierra que tenemos entonces es una obligación de ejercer el cargo. (...) Si hay así personas que no quieren ejercer cargo. Como hombres y como mujeres, y son insistidos varias veces que haga su cargo pero si no hace cargo siempre le amenazan de quitar su propiedad. Diciéndoles que le van a ceder a otra persona que le van a asumir los cargos que le corresponde”
However, in this case, the woman felt that she was not competent enough and did not feel comfortable doing it. The community leaders (all male) argued that it was her duty. In the words of a male participant,

“women do not give any importance to norms and practices. They don’t go to meetings, in this case they object [women refuse to attend meetings]. Women should comply with everything and attend everything. If they comply with everything, they have rights. It is difficult when they don’t. Maria does not attend, she doesn’t have anything, and so it is easy to let her go. Now this woman attends all the meetings, she goes to workshops and so she has rights. If you follow all the activities, why wouldn’t you have rights? (Male participant from Jumuco).37

In this case, the woman’s husband had left her and her brother was present to help her. From the video you could see how uncomfortable the woman was in this situation; she wasn’t sitting down like all the other people in the meeting, she was standing by the door, almost as if she did not want to be present in the meeting, and she hardly talked. Most of the women in the meeting were quiet; some were knitting or taking care of their children. Only the men talked. At the end of the meeting, the community leaders agreed that the woman’s brother would take the position, and she would be able to keep the land. But what would have happened if this woman did not have a brother in the community? And what happens to elderly women whose sons live far away and who are too old to take on a role? As the President of the Peasant Union of Sorata noted:

“There is always discrimination against women. Why? Because they are single, windows, and they can no longer work the same as men. That is why they do not value her; they don’t even want to value her. Even in my community there is this. You are just a woman. However, it shouldn’t be like this. According to our law, men and women have the right to have half, but there is always discrimination in the communities, but we don’t want that discrimination. When they are alone, when they are widows, they [the leaders] already want to take their lands, because you don’t

37 “las mujeres no dan importancia a usos y costumbres. No asisten a reuniones, no van a todas las reuniones, en este caso objetan. Las mujeres deben cumplir todo y asistir a todo. Si cumplen todo tienen derecho. Difícil es cuando no asiste. Maria no asiste no tiene nada y así fácil le pueden hacer volar. Ahora esta mujer asiste a toditas reuniones, va a cursos a todo y ya tiene derecho. Si cumple todas las actividades porque no vas a tener derecho?”
come to meetings, you don't help in the community; you don't fulfill a role, that is why they want to take it [the land]. But it shouldn't be like this” (Key Informant). 38

These three examples clearly illustrate the importance of formal land titling for the security of women and their children.

Final Remarks

In general, the opinions and arguments that I heard in Bolivia regarding the importance of land ownership and titling for women were similar to the ones conveyed in the literature on women’s land rights. The most significant reasons that I gathered in Bolivia were: the notion that rural women work as hard or even more than men (as rural women are typically involved in agricultural and household activities), and therefore deserve to own land; the important and varied social and economic benefits that derive from owning land; the increased opportunities for a dignified and respectful life; and the fact that, especially in poor rural societies with few other options to support oneself, land represents a guarantee of security, especially for single women of various types.

I would argue that in the Bolivian case, perhaps the most important reason to advocate women’s land ownership and titling rights is the added security that a formal land title may give to a woman and her children. Although this would need to be further researched in the country to make generalizations in other areas, the relationship between a formal land title and the provision of security for women, especially in the case of abandonment, separation or divorce, is pivotal. A secure land title might prevent many women from migrating to urban centers and from facing often times even more

38 Interview with the President of the Federacion Sindical de Campesinos de Sorata on June 2, 2011: “siempre hay discriminación a las mujeres. Porque? Porque ya son solas, son viudas, y ya no pueden pues trabajar igual que el hombre. Por eso ya no valoran, no quieren ni valorar, Hasta mismo en mi comunidad existe eso. Eres mujer no más. Sin embargo, no es eso. Nuestra ley, la mujer o hombre ya tiene que tener la mitad la mitad, pero siempre hay discriminación en las comunidades, pero nosotros no queremos que haya esa discriminación. Cuando ya son solas como son viudas ya quieren quitar tierras, porque usted ya no viene a las reuniones, ya no ayuda a las comunidades, ya no cumple, pero eso se le quiere quitar. Pero no es eso, no se debe.”
difficult lives than in the countryside. It is important to stress that I am not arguing here that land ownership and a formal land title is the solution to all of the problems rural indigenous women face. I am, however, defending the notion that it does give women a much greater sense of security in case of unfortunate personal circumstances, thereby significantly empowering them in a variety of important ways. These women would know they have a land title recognized under the law, that it cannot simply be taken away, and that it holds the key to their security. Having said this, however, it is important to note that women, to take advantage of their formal rights, also need to be fully aware of these rights as landowners and as citizens. Land ownership, then, has much potential to empower poor rural Bolivian women, by giving them a means of much greater security, as well as a solid basis upon which they can be recognized as full citizens with equal rights.

4.2. Socio-Cultural Factors

In this thesis, I argue that socio-cultural factors have hampered many rural women in Bolivia from securing their land ownership and titling rights. Based on my fieldwork research in the department of La Paz and on several interviews with rural women (mostly indigenous women), NGO workers and government officials (some indigenous), I contend that these socio-cultural factors, namely long-standing traditional practices common within many rural communities, are patriarchal and gender discriminatory. These socio-cultural traditions influence the extent to which land laws are applied in practice and can prevent women from owning land. A need to understand the multiple ramifications of discriminatory patriarchal norms and practices that impede women’s assertion of their land rights is crucial, namely its influence on women’s education and awareness about women’s land rights, access to information, traditional distribution and control of land, and women’s level of participation.

I contend that an examination of the socio-cultural framework is extremely important for discussions of land titling programs and women’s land rights, for it illustrates that passing laws is simply not enough. The whole socio-cultural context of a society, and of its various members and stakeholders, must be analyzed to facilitate the proper implementation of a land titling program. Even if governments emphasize the
inclusion of gender equity in their land initiatives, they need to ensure that this will not be rejected or ignored in practice. If governments pass laws that protect women’s rights but, if in practice women are not able to secure those rights due to socio-cultural obstacles, then more strategic effort needs to take place to address these issues.

In this section, I explain how traditional socio-cultural norms and practices of some rural communities of the department La Paz still pose a barrier to women’s land ownership rights. This section is mainly based on conversations with local participants and stakeholders (rural indigenous women) on the topic of gender discrimination and women’s land rights. I end the section with a brief discussion of ‘de-patriarchalization’, women and culture.

4.2.1. **Mujer No Mas eres!: Usos y Costumbres and Patriarchy**

“Mujer no más eres!” (you are just a woman) was a sentence I often heard my rural female participants mention when talking about men’s attitudes and thoughts about women. The sentence “mujer no mas eres” has been commonly used and misused by many men to control, subordinate and devalue women. This way of thinking is typical of ‘patriarchy’.

While the global pattern of patriarchy varies widely between societies, patriarchy has been commonly defined as a “system of social structures, and practices in which men dominate, oppress and exploit women” (Walby 1989: 214), or as the “manifestation and institutionalization of male dominance over women and children in the family and the extension of male dominance over women in society in general” (Lerner 1986 in Connelly 2011, 2). According to Walby (1989), patriarchy is composed of six structures (the patriarchal mode of production, patriarchal relations in paid work, patriarchal relations in the state, male violence, patriarchal relations in sexuality, and patriarchal relations in cultural institutions), and can be private and public. Walby argues that,

“Private patriarchy is based upon the relative exclusion of women from arenas of social life apart from the household, with a patriarch appropriating women’s services individually and directly in the apparently private sphere of the home. Public patriarchy does not exclude women from certain sites, but rather subordinates women in all of them. In this form the appropriation takes place more collectively than individually” (Walby 1989: 228).
In the case of rural Bolivia, based on my research, it seems that patriarchy is both private and public, in that many rural women are often excluded from decision-making within and outside the household, and public, since many women are excluded from securing and asserting their rights and are discriminated against.

Bolivia is a country very much marked by a patriarchal culture (Guzman 2011, Ortiz 2011, Paz 2011) characterized by “a system of domination that expands from the family to the socio-cultural and political system” (Head of the Bolivian Unit of Despatriarcalización)\(^{39}\). Walby notes that a ‘patriarchal culture’ is a “structure composed of a relatively diverse set of patriarchal practices” which is “best analysed as a set of discourses which are institutionally-rooted, rather than as ideology” (Walby 1989: 216). In the case of rural Bolivia, these discourses can be said to be rooted in institutions, such as the family household, rural organizational structures, and even the government institutions, for example. Although one may not easily find patriarchal beliefs and attitudes by examining Bolivia’s current laws, one may readily find it in daily public life and in many aspects of behavior between men and women, including physical and verbal abuse by men towards women, high rates of feminicide (murder of women for the fact of being female)\(^{40}\), and patterns of gender-based exploitation and discrimination. As one of my participants commented, “we walk according to our husband’s orders, (…) we always lower our heads to our husband.”\(^{41}\)

Some analysts, and certainly most indigenous peoples, trace most of the roots of patriarchy in Bolivia to colonial times (Burman 2011, Cusicanqui 2010, Kellogg 2005), as a system brought and imposed by the Spanish. Other analysts argue that patriarchy was also strong in the civilizations of the Inca and other pre-Conquest peoples (Choque 1999 and 2007, Ortiz 2011, Pape 2008). Regardless of whether patriarchy originated with the

\(^{39}\) Interview with the Responsible for the Department of Depatriarchalization “Es un sistema de dominación que se expande de la familia a todo el sistema político económico, social y cultural.”

\(^{40}\) In Bolivia a woman is murdered every three days (Diario Los Tiempos, Bolivia).

\(^{41}\) Rural indigenous woman from Sica Sica. “Al mandato de nuestro marido caminamos.” (…) Siempre bajamos la cabeza para nuestro marido.”
Spanish or in pre-Conquest times, patriarchy today remains pervasive in Bolivia, especially in rural areas. Perhaps the reasons that explain the stronger persistence of a patriarchal culture in rural areas might relate to the remoteness of some rural communities and their lack of access to information on gender equality, lack of educational opportunities or lower levels of education, resistance to change, existence of indigenous customary systems, or deeply-rooted traditional norms and practices.

One of the aspects that I found patriarchy to have a strong influence on was on the assertion and acceptance of women’s rights, in this case of women’s land rights. As the Head of the Unit of Depatriarchalization contended:

“it has been more than 519 years that we have been living this tragedy that women are still not recognized; we are made invisible. In the family, the one who orders is the father. To many this seems normal. Many think the husband should have the rights to titling and not women. (...) We are still in a colonial-patriarchal state from within the structures” (Head of the Unit of De-patriarchalization)\(^{42}\),

This relation between patriarchy and land rights is not new. In fact, much of the literature on women’s land rights in developing countries in general discusses patriarchy as a major obstacle to women’s land ownership rights (e.g. Deere 2001, Fenrich 2003, Kalabamu 2004, and Whitehead 2003). What is significant, and different in comparison to many countries, is the Bolivian government’s explicit recognition of women’s land rights under the law, and the accompanying state initiatives to address patriarchal issues and problems by a process termed “depatriarchalization” (in Spanish from the verb “de patriarcar”) and the creation of a government department to deal with matters of patriarchy. This process is especially relevant to the study, promotion and assertion of women’s land rights in Bolivia, as I will discuss further ahead.

\(^{42}\) Interview with the Responsible for the Department of Depatriarchalization: “Son más de 519 años que hemos vivido esta tragedia que todavía a la mujer no nos ven, nos invisibilizan. En la familia el que manda es el papa. A muchos esto les parece normal, muchos creen que el marido tiene que tener los derechos a la titularidad y no las mujeres. (...) Todavía estamos en un estado colonial patriarcal desde las estructuras.”
To understand the socio-cultural factors that challenge rural women’s ability to secure their land rights in the department of La Paz, we must look at the cultural-traditional practices and norms (usos y costumbres)\textsuperscript{43} practiced in most rural areas of the department. When analyzing gendered relations and practices in Andean rural communities, one concept is important to mention, the Andean concept of ‘chacha-warmi’. *Chacha-warmi* is a concept that “conveys the prevalent Andean notion of gender complementarity: of the married, heterosexual couple as the fundamental social subject in society, and of female and male forces as the opposing but complementary constituents of the cosmos (Burman 2011: 66). Based on this belief, men and women are assigned productive and reproductive roles in the family and in the community, and they have rights and obligations as a couple. Individuals do not become full members of the community until they are married, and a gendered division of labor and spaces is reflected in men and women’s tasks in subsistence agriculture, in the household, and in communal affairs (Kellogg, 2005). Many analysts have argued, however, and my research corroborates, that this ‘Andean complementarity’ conceals and disguises ‘Andean patriarchy’ (Borquez et al. 2009, Hvalkof 2008, Jacobs 2002, Pape 2008). It is argued that, because the concept of ‘chacha-warmi’ denotes ‘complementarity’, it does not really mean equity. Complementarity may not always translate into equality. Men and women have different roles and duties, but do they have equal rights?

Under the law, all Bolivian men and women have the same rights, however, in many rural communities across Bolivia, women’s legal rights are not very well upheld, and women are frequently regarded as unequal to men, according to my research. This situation is reflected, for example, in the way many rural communities, in this case Aymara indigenous communities, have dealt with women’s rights to land ownership. In these communities, the ‘usos y costumbres’ (customary norms and practices) dictate the way things should be done within a community. These customary practices dictate how the community is organized, how land is distributed, what the obligations and rights of

\textsuperscript{43} The *usos y costumbres* discussed in this thesis pertain to the Aymara culture, as most indigenous groups in the department of La Paz, where I conducted my field research, are Aymara.
each community members are, and the norms for dealing with different disputes and conflicts. According to my research, in general men seem to have traditionally been favored in land matters.

Moreover it is important to note that, in Bolivia, the indigenous customary norms and practices are recognized under the current Bolivian Constitution, which means that there are two legal systems functioning simultaneously: the statutory and the customary. This may be quite problematic for women because, if the statutory system denounces gender inequality and discrimination, but at the same time accepts a customary system that often condones gender discrimination and inequality, the women may be placed in a very precarious position. While a complete examination of the nuances of this issue is beyond the scope of this study, it nevertheless has an important effect on rural indigenous women’s rights in contemporary Bolivia. As one of my participants commented:

“It is not the same that just because there is a law that says that men and women are equal, [and] that there is a law that says that when they receive lands the woman’s name must come before, that doesn’t mean that in the community that is recognized. In reality, we find that although there are laws, inside the communities the norms and practices are carried out. Many times they do not follow the laws in practice, but the ones they have been using for many years (UN WOMEN Researcher).”

4.2.2. Land and Traditional Norms and Practices

Historically and culturally, the usos y costumbres of rural communities in Bolivia have favored male land ownership (Borquez et al. 2009, Carpio 2010, Deere and Leon 2001, Delgadillo 2009, Huatarancho 2009). Land ownership is regarded as a symbol of status and power in a community, and men have traditionally been the ones to own land

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Interview with researcher from UN Women: “No es lo mismo que porque haya una ley que dice que hombres y mujeres tienen que decidir por igual, que hay una ley que dice que cuando reciben tierras varias personas tiene que ir el nombre de la mujer adelante, eso no significa que en la comunidad eso se reconozca. En realidad, se nota que aunque haya leyes, dentro de las comunidades se practican los usos y costumbres que muchas veces no siguen las leyes en la práctica, pero si lo que se viene haciendo desde muchos anos.”
and control it. One of my participants commented when telling me about her experiences traveling throughout the country conducting workshops on women’s land rights:

“I was shocked. Just shocked. Women [in this community] have no right to land. Men have the right from the age of 15, from the age of 10! He can get land (...) but women cannot. And if a woman gets married with a man from another community she also has no land (Head of Gender Unit of Vice-Ministry of Lands)45.

My findings reveal that according to ‘usos y costumbres’, land ownership usually rests solely with the man, and he keeps the land on dissolution of the marriage. In the case of the Aymara, for example, marriages are virilocal (the wife settles in the husband’s village.) Virilocal marriages, then, imply that more women than men experience land tenure insecurity due to marriage norms and practices. Upon divorce or death of the husband, the woman often loses rights to cultivate her fields and has to return to her own community. If the woman is young and her husband dies, the mother-in-law usually sends her away, unless she has sons, in which case she is allowed to stay. If the children are all daughters, the woman is also sent back to her family’s community. The woman’s problems are further often compounded when she returns to her original community and no land is available for her, either because the land of her parents is too small or, as commonly happens, her brothers or other family members have taken over the land. As one woman noted during the Conference on Women’s Land rights:

“Women still suffer a lot. I am a single woman with my children. My parents worked for the patrones [landowners] so that we could have land,

45 Interview with Head of the Gender Unit of the Vice-Ministry of Land: “me he quedado asombrada. Así asombrada. La mujer no tiene derecho a la tierra. El varón tiene derecho desde sus quince, desde sus diez anos! Puede adquirir la tierra, puede dar tierra al varoncito, pero a la mujer no. Y si una mujer se casa por decir con un hombre de otra comunidad tampoco tiene tierra”.
but my uncles took it away from me, and they do not take us into account because I am a woman” (Indigenous Aymara Woman).  

Other rural women present at the conference noted that:

“Women work the double but we are not acknowledged by the husbands or children (...) Women’s work starts at 5 in the morning until 9 or 10 at night. I am 60 years old, and I have thirteen children. (...) We [women] do not have titles in my community. I don’t have land, only my brother does. (60 year-old indigenous woman).

In the meetings, men don’t let us talk; we have many things to say but our rights are cut. The titles are not under women’s names only under men’s names. (...) According to usos y costumbres it has to be in the man’s name (...) Since the time of our grandparents there is always respect for the men from our mothers” (Rural indigenous woman).

Another participant told me that:

“Women still suffer from discrimination. In the rural areas, for example, supposedly nowadays women’s names should be included in the documents. Before it was only the male; the document was only in the man’s name. There are still those cases. Women’s names are still not included” (President of FEJUVE).

46 “La mujer todavía sufre mucho. Yo soy una mujer sola con mis hijos, mi mamá ha trabajado para los patrones para tener tierra pero nos han quitado mis tíos y no nos toman en cuenta porque yo soy mujer”.

47 “La mujer trabajamos doble pero no estamos reconocidas ni por esposo ni los hijos. (...) El trabajo de la mujer es desde la madrugada 5 de la mañana hasta 9 a 10 de la noche. Tengo 60 años, y tengo 13 hijos. (...) No tenemos título en mi Comunidad, no tengo la tierra solo mi hermano tiene. En las reuniones no nos dejan hablar los hombres, tenemos muchas cosas que decir pero nuestros derechos están cortados. Los títulos no están a nombre de las mujeres sino es a nombre del hombre. (...) De a acuerdo a usos y costumbres tiene que ser a nombre del hombre (...) desde nuestros abuelos siempre hay respeto al hombre desde nuestras mamás”.

48 Interview with the President of FEJUVE: “las mujeres seguimos sufriendo la discriminación todavía. En el área rural por ejemplo se supone que hoy por hoy debería estar incluido el nombre de las mujeres en las escrituras de documentos. Antes eso se mantenía solamente varón, a nombre del varón nada más estaba el documento, el testimonio, Todavía hay estos casos. Todavía no están incluidos los nombres de las esposas.”
These are only a sample of the opinions voiced by rural women about women's land rights in their communities. The conference/workshop on Women's Land Rights and the Titling Program was particularly important for my research, as it brought together several rural women from different parts of the department of La Paz who shared their stories. During the conference, rural indigenous men and women worked in groups to discuss what obstacles women had to land ownership and the current land titling situation in their communities. Again, in addition to the many obstacles presented by the institutional factors discussed below, the usos y costumbres of their communities, patriarchy, and discrimination were frequently cited as impediments to women’s land ownership rights.

‘Usos y costumbres’ also influences how land should be inherited. My findings show that traditionally only men inherit land, and if women do inherit it, they receive smaller plots than men. Some women also told me that often their brothers take their land from them, especially if a woman moves to another community with her husband. During the Conference on Women’s Land Rights women commented that:

“In Viacha the 9 subsections [of the community] are in the process of land titling and registration of our lands, but in men’s names. Women do not have individual lands. Moreover, we are on the men’s land. As female daughters we don’t get land, the inheritance is for the males” (Aymara woman from Viacha). 49

In addition, “In Jesus de Machaca, the land titling is in process. In Jesus de Machaca, women do not have individual lands. Our mothers and fathers give the inheritance to the sons” (Aymara woman from Jesus de Machaca). 50 Similarly,

49 “En Viacha los 9 subcentrales están en proceso de saneamiento de nuestras tierras pero a nombres de los hombres como la Comunidad Mulliqawa esta saneada a nombre de los hombres. No tenemos individuales las mujeres. Además estamos en su terreno del hombre, como hijas mujeres no nos toca la tierra, es para los hijos varones en la herencia”.

50 “En Jesús de Machaca, el saneamiento de tierras está en proceso de trámite. No tenemos tierra las mujeres individual en Jesús de Machaca, nuestras mamás y papás dan a los hijos la herencia”.
“In Guaqui, we are in the process of registering our lands. There is a committee of lands in which only men participate. In Guaqui, concerning inheritance only men have the right to land. Women don’t have the right, [although] in some communities they give her a small plot, but the men two plots” (Aymara woman from Guaqui).51

These are a few examples of common women’s problems that occur in many rural communities of Bolivia. Since there is no statutory law that stipulates how families divide their land among their children, traditionally and customarily more land is allocated to men. Moreover, oftentimes women do not receive land at all because it is expected that a woman will marry a man who has some land and she will not need to inherit land, as she will have access to her husband’s. We should note, however, that such access does not confer the rights of actual ownership. Many rural women are neither formal owners of inherited land nor of land through marriage. They therefore face land tenure insecurity largely due to patriarchal practices.

4.2.3. Education and Participation: “No sabemos, no conocemos”52

Many problems that poor rural indigenous women have, that are rooted in ‘usos y costumbres’, are further compounded by their lack of education, which has a direct impact on the extent to which these women are aware of their land rights and various means to claim them. Many of my female participants told me that traditionally in rural communities in Bolivia, males are given preference for schooling. Although many also recognized that in recent years this has been changing, they still believed that men are

51 “En Guaqui estamos en proceso de saneamiento de nuestras tierras hay un comité de tierras que participan solo los hombres. En Guaqui sobre la herencia solo los hombres tienen derecho a la tierra las hijas mujeres no tenemos el derecho, pero en algunas Comunidades les dan una parcela solamente y a los varones dos parcelas”.

52 “We [women] are not aware, we don’t know”.

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still more educated and aware of their rights than women. Choque notes that traditionally in the Andean culture

“women have as [their] destiny, subsistence and the daily reproduction of the domestic unit. [Women’s] primordial place is the family, and their most important roles that give them status and social prestige are those of mother and wife.” (Choque 1999: 4)

This opinion was shared by many of my participants, particularly elderly women. Some had very poor knowledge of Spanish, were illiterate and had never attended school. They told me that, when they were young, their parents felt that they did not need to attend school because girls were meant to do house chores. Two of my participants in Sorata said:

“I didn’t go to school because my mom and dad did not give me this opportunity to learn. That’s why I didn’t go. And more, it was said that women are only [suited] for taking care of the animals, and the male children have to educate themselves (58 year old woman from Sorata).

Schooling and literacy rates have indeed increased in Bolivia. In 2007, the enrollment rates in primary education for boys and girls were 94% and 95%, respectively, and in 2008 the enrollment rate in secondary education was 69% for both (UN Statistic Division). Moreover, while in 2001 men had 8.24 years of school, women only had 6.65 years of school; in 1992 in La Paz 146,792.00 women did not know how to read or write compared to 47,176.00 men (National institute of Statistics, Bolivia). However, although literacy and education levels have increased in general, like many developing countries around the world, there is a considerable divide between education levels in rural and urban areas, with rural boys and girls leaving school at younger ages, in particular girls (UNESCO). Available disaggregated data however is difficult to find.

“No he entrado a la escuela porque mi papa y mi mama no me han dado esa oportunidad de aprender. Y por eso que no he ido. Y mas estaba dicho que las mujeres son para cuidar de animales y los hijos varones si se tienen que capacitarse.”
“I didn’t go to school because my mom and dad didn’t send me. I was just raised as a child and as a child I was to be, and so I never went one year to the school” (60 year old woman from Sorata).

The fact that many rural indigenous women in Bolivia are illiterate or speak poor Spanish has important implications for securing their land rights. First, if women are illiterate, they cannot read the informational pamphlets from the INRA and other governmental agencies on women’s land rights (that is, even if they have access to them). Second, if women have poor knowledge of Spanish, it is difficult for them to talk to government officials about any land issues, especially if these officials do not speak the women’s native indigenous language (which is frequently the case).

In addition, according to some of my participants (e.g. from the INRA and the Vice-Ministry of Lands, as well as many of my indigenous female participants), many rural women are prevented from attending workshops on women’s land rights, due to limited access if the workshops are not held near their communities or due to lack of permission from their partners to attend the workshops. Moreover, even when women do attend the workshops, many of them still fear talking about what they learned because of fear of reprisals from their male partners. One of my participants noted:

“women do not know the laws of their communities well (...). They don’t even know the laws that are in favor of them (...). Women, first they don’t know their rights, second they don’t know the laws. So on what can women base themselves? So they say: the man has the right to have land. Men are the ones who are in charge of the land (Head of Gender Unit of Vice-Ministry of Lands).”

55 “No, no he ido a la escuela porque mis papitos y mis mamitas no me han mandado. Solo soy creada como una wawa y así wawa me han dicho y así no más no he ido ningún ano a la escuela.”

56 Head of the Gender Unit of the Vice-Ministry of Land: “[las mujeres] no conocen bien las leyes en las comunidades. (...) No saben qué ley ampara a favor a ellas. (...) “La mujer, uno no conoce sus derechos, dos no conoce las leyes. Entonces de cómo se van a conformar las mujeres? Entonces ellas dicen: derecho es el hombre quien tiene la tierra. El hombre es quien maneja la tierra”.
Some of the INRA/NGO representatives who had been involved in delivering workshops on women’s land rights in a rural community commented that:

“In the meetings, workshops that we conduct, the largest participation is from men. In the ayllu and marka communities, we found little participation from women (… and) a lack of participation from women in decision-making” (Head of Gender Unit of Vice-Ministry of Land).^58^ 

“Women don’t go to the meetings, and if they do, they stay outside of where the meeting is being held, and then after, they hear about it from their husbands” (INRA Representative)^59^ 

According to a representative from the INRA, not only are the women in rural communities discriminated against and excluded from participating in the meetings, but professional women from government institutions face the same type of attitude from local males. The INRA male representative who I spoke to, told that in a meeting in one rural community,

“the leaders got upset because a woman [representative from the INRA] was giving the talk about the land titling process and they said: “how is it that a woman is coming here to tell us about land titling? She wants to come and tell us what we men are going to do!” (…) When we told them that their wives would also be part of the land titling process, they kicked us out of the room, and the next day they told us that they would let us know if their wives would be part of the saneamiento or not” (INRA Representative).^60^ 

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57 Traditional indigenous communities.
58 Interview with the Gender Unit of the Vice-Ministry of Land, “En las reuniones, talleres, que se realizaron, es la mayor participación de los hombres. En las comunidades ayllus, markas, se identificó una escasa participación de las mujeres, refiriéndonos específicamente al poco involucramiento de las mujeres, en toma de decisiones”
59 Interview with representative from the INRA.
60 Interview with representative from the INRA: “a las reuniones no van las mujeres y si van se quedan afuera del salón donde se hacen las reuniones y las mujeres se enteran después por sus esposos. Los dirigentes se molestaron de que esta doctora estaba dando la charla de saneamiento y decían: cómo es que una mujer nos va a venir a hablar de saneamiento? Ella quiere venir a decimos que cosas vamos a hacer nosotros los hombres! Cuando se anuncio que sus esposas deben entrar al saneamiento nos botaron del salón y al día siguiente nos pidieron que nos iban a dar la respuesta si las mujeres iban o no a entrar al saneamiento.”
Some rural indigenous women also said that it was difficult for them to participate, even if they attended the workshops, because men are frequently present and want to know what their women are learning. Many women felt uncomfortable participating if there were men around. Some noted:

“Men say that the workshops are a waste of time, because women must be in the home” (Indigenous woman from Sica Sica)\(^1\)

“Men always tell women to be quiet” (Indigenous female teacher from Chilcani)

“It is difficult to raise your hand and ask to speak. We lack training. (Indigenous woman)\(^2\)

“Women, for the fact of being women, already have a problem. If you have opinions, you are already discriminated against. It is not easy for a man to accept that women can have an opinion”\(^3\)

Some of my participants also noted that there are many women who are afraid to share what they have learned in workshops with their husbands, and that these women may learn about their rights but do nothing about them. This conveys the importance of finding strategic ways to include men in shared and productive discussions on women’s rights, as well as finding strategic ways to work with these men openly and cooperatively to change gender discriminatory attitudes. As a participant noted:

“There are still inconsistencies. It is good that some of them know women’s rights. Regarding land property, they are already conscious that their [woman’s] name must appear; because you are a wife, the law says so. They have conscience of it, but they still have fear. They still have fear

\(^1\) "Los varones dicen que los talleres son una perdida de tiempo, porque las mujeres tiene que estar en la casa, pues."

\(^2\) “Es difícil alzar la mano y pedir la palabra, nos falta mucha capacitación.”

\(^3\) Former researcher with Fundacion Tierra: “las mujeres por el hecho de ser mujer ya es un problema. Si tienes aportes, ideas ya es discriminada. No es fácil para un hombre aceptar que las mujeres pueden opinar.”
of telling their husbands that I also want my name on it [land title]. They are still afraid” (President of FEJUVE).64

This is important to take into account, because progressive change for rural indigenous women is not simply a matter of learning about one’s rights; it is also a matter of being able to stand up for these rights and have them recognized and accepted within their communities. Is it enough if women know about their rights, but these are not accepted by the community at large? Similarly, what change can occur if women simply gain knowledge of their rights, but the authorities of their communities deny them these rights and women have no recourse? Therefore, I argue that it is important that women not only know about their land rights, and civil rights in general, but that proper conditions, i.e. a social environment that truly respects women’s rights, also need to be established that protect women and allow them to have voice and influence in decision making. It is often the case in rural Bolivia that women’s rights are violated, but the women have no access to justice to rectify the situation, and those who are supposed to help them (e.g. government staff and police) turn a blind eye to them.65

Patriarchal attitudes affecting women’s attendance and participation in workshops have a direct impact on the ways rural women are able to acquire and use information about their land rights. As I conducted focus groups and interviews in rural communities, I had the chance to observe how suspicious men become when I interviewed women about their rights and situation. Men were usually around, and always wanted to know what we were talking about. One of my informants told me that one of the reasons why men fear women learning about their rights is because they fear

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64 President of FEJUVE: “Todavía no hay consistencia. Es bueno que algunas sepan los derechos de las mujeres. En la propiedad de tierra ya están conscientes que su nombre tiene que estar ahí, porque eres esposa, porque la ley lo dice. Tiene consciencia pero todavía tienen miedo. Todavía tiene miedo de decirle a su esposo yo también quiero que mi nombre este. Todavía tienen miedo.

65 Based on conversations with researchers from CECASEM and on the review of publications from CDIMA on the access of indigenous women to justice.
that if women become empowered, they will leave them. It is a question of maintaining male authority and control. She notes:

“There are groups that promote women’s rights. There are men who don’t want [women] to go and learn about their rights; they don’t let them, because they say: “Oh, they are going to tell you about your rights. What for? So that you become more rebellious? Oh, surely [then] you [will] want to separate from me. Oh, is it because you have another man and you want to leave me.” What does this say? That there is still machismo. That there is still imposition [of men’s will]. There is still domination over women” (President of FEJUVE).

Further Considerations: Patriarchy and De-Patriarchalization

To conclude this section, it is important, though perhaps contentious, to reflect on the agents of patriarchal perpetuation, and that perhaps men might not be the only ones responsible for this persistence of patriarchal values and attitudes in rural areas. I question whether women’s attitudes and beliefs might also have an influence in the perpetuation of patriarchy. Mutangadura (2004: 8) notes that: “women are the custodians of the very cultural values that lead to their oppression.” Typically women, especially in rural areas, are the ones who traditionally spend the most time with their children. Hence, the socio-cultural values that women pass on to their children play a central role in the perpetuation (or not) of patriarchy, which is constructed through a socialization process that has its origins in the family.

One of my participants from Bartolina Sisa, an indigenous woman, noted:

“Sometimes it is women themselves who continue this machismo. I say many times that women, that mothers from the beginning, always value

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66 President of FEJUVE El Alto.

67 Interview with the President of FEJUVE: “Hay grupos que promueven los derechos de las mujeres. Hay varones que no quieren que vayan a ir a aprender sobre sus derechos, no las dejan, porque dicen: “ah te van a hablar de tus derechos, para qué? Para que te vuelvas más rebelde? Ah seguramente te quieres separar demi. Ah es que tienes otro hombre por eso me quieres dejar a mí. Estas yendo a saber esas cosas”. Eso que dice? Que todavía hay machismo. Que todavía hay imposición. Todavía hay dominación sobre las mujeres.”
more the little boys. We always leave the little girls to the side. Sometimes we don’t value the little women. So the child grows. Sometimes the boy says to his sister: “you don’t have to say anything to me! I am a man! I have to go play ball. Mother told me to do it. But you are a woman, you have to wash the clothes, you have to cook.” (…) I say many times that we mothers make mistakes. [With] this kind of thinking, the children also grab it. Sometimes in the countryside, mothers always say to the young man, you have to decide everything. The woman has to accept what the man decides” (Member of Bartolina Sisa).  

Many women tend to assign the same respective roles to their daughters and sons that their mothers assigned to them. For example, mothers teach the ‘varoncitos’ (little males) that they are ‘machitos’ (young strong males), while the daughters should mainly be obedient and ‘calladitas’ (quiet). Without realizing it, women might be perpetuating inter-generational cycles of patriarchy. As Kambarani notes (2006), “the family, as a social institution, is a brewery for patriarchal practices by socializing the young to accept sexually differentiated roles (Kambarani 2006: 3).

Moreover, “the socialization process in the family instills patriarchal practices into the young that does not end within the family but infiltrates into the social institutions like marriage, religion, education, politics and the economy” (Kambarami 2006:4). In the case of this study, patriarchy infiltrates into the norms and practices of rural communities, which affects the extent to which rural indigenous women are able to assert and secure their land ownership rights. Hence, the importance of working with women at the grassroots level, within families and communities, to educate them on the multiple dynamics of gender discrimination and patriarchal behaviors. The role that

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68 Interview with a member of Bartolina Sisa: “a veces muchas veces son las propias mujeres que siguen con este machismo. Yo digo muchas veces que las mujeres, que las mamas desde antes valoran más al hombrecito. La mujercita siempre ponemos a un ladito. A veces poco valoramos a la mujercita. Entonces la wawa crece. A veces hasta a su hermana le dice, vos no tienes que decirme nada a mi! Yo soy hombrecito! Yo tengo que ir a jugar con pelota. Que la mama me ha dicho que voy a ir. Pero vos es mujer, tienes que lavar la ropa, tienes que cocinar. Yo digo que muchas veces nosotras las mamas nos equivocamos. Ese pensamiento las wawas también agarran. A veces en el campo siempre decían, las mamas a veces siempre decían el hombre siempre tiene que decidir todo. La mujer tiene que asumir lo que el hombre decide”.
women play within the family may have a substantial impact on the perpetuation of patriarchy. Moreover, “the family is a major social institution and if this re-socialization [of norms and values] starts with the family it will permeate into the other social institutions” (Kambarami 2006: 9). Women then, especially mothers, can have a pivotal role in changing patriarchal beliefs and attitudes.

The issue of patriarchy is so relevant in Bolivia that the current government created the Unidad de Despatriarcalizacion (Unit of Depatriarchalization), a department of the Vice-Ministerio de Descolonizacion (Vice-Ministry of Decolonization). The Unidad de Despatriarcalizacion was created in 2010 to address patriarchy and gender discrimination within state structures and within Bolivian society in general. As the Director of the Department told me:

“Depatriarchalization is women’s struggle against the mentality of men (…). What we want is to depatriarchalize, and that is not against the husband. What we want is to keep working, not like the feminists say. One of our goals is to build a just society. We are not looking for simply gender equity between men and women, we go beyond that. More than anything, as the State we need to design public policies against patriarchy as it is established by the Political Constitution of the State. (…) So the mission, mandate and challenge of the Unit of Depatriarchalization are to depatriarchalize the State, families, society and religion. We are the fundamental pillar for the establishment of public policies by the State to live well.” (Director of Department)

69 The Vice-Ministry of Decolonization was created to address persistent colonial behaviors and attitudes within the government and society in general.

70 Interview with the Head of the Unidad de Despatriarcalizacion: “La Despatriarcalizacion es la lucha de la mujer en razón del hombre. (…) Lo que se busca es despatriarcar y eso no es en contra del marido. Lo que se busca es seguir trabajando, no como dicen las feministas. Uno de los fines es constituir una sociedad justa. Nosotros no buscamos equidad de género no solo de la igualdad entre el varón y la mujer, nosotros vamos mas allá, más que todo como Estado nosotros tenemos que elaborar políticas públicas contra el patriarcado tal como lo establece nuestra Constitución Política del Estado. (…) “Entonces la misión, compromiso y desafío de la Unidad de Despatriarcalizacion (…) es despatriarcalizar el Estado, las familias, la sociedad y la religión. Somos el pilar fundamental en la construcción de políticas públicas del Estado para vivir bien”
Although this government department does not work directly on issues of women’s land ownership, its policies may have the potential to affect change in patriarchal behaviors in society, thereby making a positive impact on women’s rights, including women’s land ownership rights in practice. The creation of this department is an important initiative, whose policies and programs may have the potential to translate into an actual modification of behaviors, especially among male government officials, who many continue to adhere to patriarchal behaviours and beliefs, as I witnessed in Bolivia.

While the Director of the Unidad recognized that to ‘despatriarcar’ remains an enormous challenge, her department is committed to its mission. As she noted: “we know it is a challenge, but the intention to work on it is great despite the limitations” (Key Informant). Regarding the topic of land titling and ownership for women, the Unidad de Despatriarcalizacion could find ways to work cooperatively with the INRA and the Vice-Ministerio de Tierras on matters pertaining to gender discrimination over land rights.

4.3. Institutional Factors

In Bolivia, I found that not only do socio-cultural factors influence the extent to which rural women can know, claim and secure their land rights, but so do institutional factors, such as bureaucratic inefficiencies, an overarching lack of institutional commitment for the downward diffusion of women’s rights into rural areas, and a series of logistical issues within the INRA.

4.3.1. Bureaucracy

Many of my participants indicated that it was a long process to get a title registered with the INRA. As I described in the beginning of this study, there are numerous steps to registering a land title. If registering a land title is in general overly
bureaucratic, complicated and time-consuming, the process is even worse for rural women. This is because, for example, many rural women do not have identification cards, and you cannot register a land title without an identification card. So women must first arrange to obtain an ID card. Moreover, many rural women simply do not have the time and/or the financial means to travel to a neighboring urban area to request that the INRA start their land titling process. Many of my participants had travelled, for example, to La Paz and spent the entire day lined up in front of the INRA building only to be unable to see an INRA official. This appears to be a daily occurrence in the INRA office in La Paz--I had a chance to observe and be a part of it too, since I had to visit their office several times before actually being able to have a meeting they had previously agreed to do. The process can be so convoluted and frustrating that many women simply choose to ignore it. As one of my key participants noted:

“It is one thing that we have a normative framework that protects us and a constitution that protects us, but it is a slow implementation. The bureaucracy, the procedures are very long and it is difficult for women to have the possibility to guarantee the conclusion of these procedures. For example, with an inheritance document, when the husband passes away, for the wife it is very bureaucratic to do it, and many times, due to tiredness and because of financial resources, she leaves [does not obtain] that inheritance document, [even though] that is what allows her to own land” (NGO Worker).72

4.3.2. Diffusion of laws and policies

According to some of my participants, there has also been poor downward diffusion of women’s land rights. Although the government has passed several laws regarding women’s land ownership rights, there are still many rural women who do not know their land rights, indicating that the government has not been successful in

72 Interview with a representative from the Coordinadora de la Mujer: “Una cosa es que tengamos un marco normativo que nos protege y una constitución que nos protege pero es una lenta implementación. La burocracia, los trámites son muy largos y difícilmente las mujeres tenemos posibilidades de garantizar la conclusión de estos trámites. A veces una declaratoria de herederos, cuando muere el esposo para la mujeres es muy burocrático hacerlo y muchas veces por el cansancio y por temas de recursos económicos también deja esa declaratoria de herederos y que es lo que le permite digamos acceder a la tierra.”
ensuring that its laws and policies are actually known and followed in all parts of Bolivia, particularly in rural and remote areas. The INRA has done workshops around the country, but its geographical coverage has been very sporadic, missing, for example, the areas in which I conducted interviews. Moreover, in some areas these workshops have encountered much male resistance, greatly diminishing their prospects of policy diffusion, as my participants from the INRA and from the Vice-Ministry of Land recalled.

Moreover, based on my field research I found that many rural women remain unaware of their rights. As mentioned previously, for some, this is because they have not been allowed to attend workshops and, for others, it is because no informational sessions have been held in their communities so that they might learn about their rights. In some communities, especially in other departments of Bolivia (e.g. Cochabamba), the INRA has been more active in conducting workshops, but in most communities of rural La Paz, it has been relatively inactive. According to my participants, the INRA’s problems of diffusion in rural La Paz have also been compounded by socio-cultural factors and/or resistance from many indigenous rural communities.

4.3.3. Discontinuity of Informed Staff

Another issue with the INRA is that there is little continuity of staff that is knowledgeable about gender sensitive policies. Some longstanding INRA officials may have learned about gender discrimination in land matters and how to address these issues, but since there is a constant change of personnel, many new employees may not have the same knowledge and experiences. According to one of my participants:

“There is a constant change of personnel in, for example, the INRA officials. So they spend time training, they are sensitized, and then there’s change. There is too much personnel mobility” (NGO Representative).73

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73 Interview with NGO worker from the Coordinadora de la Mujer: “existe un cambio constante de personal en los funcionarios de, por ejemplo, del INRA. Entonces se pasan planificando, ya están sensibilizados y hay cambio. Hay demasiada movilidad funcionaria”
In addition, as mentioned previously, the INRA no longer has a *Unidad de Genero* (Gender Unit), which used to be responsible for addressing gender. Many INRA staff members are males and, when they visit rural communities, they tend to only work with other males. According to one of my participants:

“The majority of the technicians that are responsible have not ensured the compliance with the law for women’s land titling, and there is a complicity between men who ignore the participation of women” (Head of Gender Unit of Vice-Ministry of Lands)

This complicity seems to be between the male INRA officials and local indigenous leaders who, as I related previously, give preference to male land ownership. Again, this is one of the reasons why it may be helpful to expand the activities of the *Unidad de Despatriarcalización* in order to deal with matters of patriarchy within government institutions. It is ironic that, while the government is officially promoting gender equity, there are still many men within the government who seem to resist it, or who publicly accept it but who in reality still follow patriarchal beliefs, as I had a chance to observe in the Town Council of Sorata when I interviewed the *Consejal* (Councilman). This view was shared and discussed by my female informants that worked for the government, and it was one of the main topics discussed during the conference I attended on *Despatriarcalización*.

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74 Head of the Gender Unit of the Vice Ministry of Land: “*la mayoría de los técnicos que están responsables no han protegido el cumplimiento de la ley de la titulación de la tierra para las mujeres, y hay una complicidad entre varones que ignoran la participación de la mujer*”
5. Conclusion

As this study demonstrates, land is one of the most important resources for poor rural women, especially in a country like Bolivia where these women have few other alternatives to gain a livelihood. Land ownership for poor rural women can be a source of economic and social empowerment, and is a key element in the struggle for gender equality and equitable civil rights. Similar to other developing countries, in Bolivia land ownership may provide poor rural women with a sense of social and economic security in case of spousal death, abandonment or divorce, and can give them the opportunity to lead a more dignified life. In addition to the socio-economic benefits that a land title may bring, this study also contended that land ownership is a basic right for women as humans and as citizens. Nonetheless, despite the recognized importance of land ownership for rural women, their land rights are still frequently violated or disregarded.

This study contended that although the Bolivian government has taken important official steps in advancing women’s land ownership rights, e.g. with the inclusion, addition and reemphasis of women’s land rights in the country’s land laws and policies since 1953, the actual knowledge, practice and recognition of equitable land ownership matters in many rural communities remains largely absent. Moreover, although there has indeed been a general increase in the number of titles for individual women, as well as joint titles for couples, an overall gap between titles in men’s and women’s names, and titles between individual men and joint-titles remains.

This study collected information on women’s land rights in Bolivia by conducting field research in the department of La Paz. Although the findings of this fieldwork are not necessarily entirely applicable to all other parts of Bolivia, this study illustrates the myriad of obstacles that many rural indigenous women still face in securing their land rights, despite the government’s inclusion of women’s land rights in the country’s laws, constitution, and ministerial priorities. The most significant factors hindering rural
women’s ability to assert and protect their land ownership rights seem to be largely rooted in socio-cultural and institutional factors.

The findings of this study illustrate the persistence of patriarchal norms and practices among rural communities that continue to discriminate against women’s land rights. In these communities, males still have a predominant role in the inheritance, distribution, ownership and control of land. It is generally the male members of families that own land and exert control over decision-making. Due to traditional “customary norms and practices”, many rural women still face considerable land insecurity, compounded by the prospect of being expelled from their partner’s or family’s land if their male partner dies or leaves. Threats and actual dispossession from their land are still common occurrences for women among some rural communities. This study also established that, due to patriarchy and institutional factors many rural indigenous women are not aware of their land rights, since many are not allowed to attend workshops, and even if they are, they have difficulty applying and asserting what they learned, due to an environment that does not easily accept women’s equal status as men. Moreover, debilities within government institutions (i.e. lack of enforcement of campaigns on women’s rights among men and women in some parts of the country) have obstructed women’s awareness and knowledge about their rights. Thus women frequently do not know about their rights, and have no easy access to information about them. Even if women try to learn about their rights by, for example, attending workshops set up by NGOs or government agencies, many are often faced with meaningful, direct opposition from their husbands or male partners, who believe that knowledgeable women become too empowered and independent, and therefore threaten men’s authority. Although awareness about one’s rights does not automatically translate into actually securing those rights, it is nevertheless an important first step in the struggle for women’s land rights.

The findings of this study also reveal that institutional factors play an important role in hindering women’s ability to secure their land rights. Bureaucratic inefficiencies, coupled with a long and complex land titling process, prevent many women from initiating and continuing with registration processes for their land, especially for individual titles sought by single women after their partners’ death. Moreover, the INRA, the institution in charge of the land titling and registration program, has had numerous
organizational difficulties promoting women’s land rights in some rural communities, has not had enough staff knowledgeable on women’s land rights, and has often exhibited many instances of patriarchal behaviour in the day-to-day activities of its personnel. In the end, the government, and its various state agencies and institutions, has not entirely and successfully met its commitments to ensuring that women’s land rights are in reality upheld in all parts of the country. It has not taken sufficient steps to ensure that all its citizens, especially rural women, know about their land rights, how to claim and guarantee those rights, and actually carry them out in their daily activities.

Based on the findings of this study, I conclude that a) in Bolivia, despite the obvious increase in the number of land titles in women’s names, there is still a persistent gap between gender mainstreaming in theory and the application of gender equality criteria in practice among some rural communities, b) when developing and implementing land titling programs that address gender equality and women’s rights, it is of utmost importance to take into consideration the particular contexts and socio-cultural experiences of the women that these programs are designed to benefit. As I emphasized previously, it is not enough to simply design a land titling program and address gender equality in the country’s land laws without taking into consideration the many ways that women may be prevented from actually receiving its benefits. In order for any program to be successful in addressing gender equality, the socio-cultural context must be thoroughly analyzed, something that I believe was often missing in the process.

Cases of discrimination against women’s land ownership, inheritance and allocation need to be taken into account and acted upon by local authorities and women’s organizations. While the purpose of this study is not to paint a picture of complete gender inequality in every corner of Bolivia regarding land ownership, I nevertheless emphasize that gender discrimination is still an everyday occurrence in many rural communities. The path to securing a land title for many rural indigenous women remains long and challenging and a yawning gap exists between legal formulations and actual practices concerning land rights and titling.
5.1. Recommendations

Based on the analysis of the opinions gathered by my primary research, the following recommendations are feasible and could bring positive outcomes for many rural women in Bolivia. These include:

- Government engagement
- Inclusive workshops
- Follow-up, monitoring and evaluation of workshops
- Increase capacity-building to local indigenous women
- Identification and strengthening of local male and female role-models
- Sharing of women’s success stories and experiences
- Women’s Centres

5.1.1. Government Engagement

The government of Bolivia has shown interest and commitment to promoting women’s rights. This commitment needs, however, to be reinforced. The government could play a larger role in ensuring the implementation of the laws that protect women’s land rights. As I have previously highlighted, it is not sufficient to pass laws; the government could ensure that in practice these laws and rights are being upheld. To accomplish this, the government could:

- create more educational campaigns that raise awareness of women’s land rights in rural areas, especially those more remote. These campaigns could include publicity in the form of posters, but since a large proportion of rural women do not speak and cannot read well in Spanish, these campaigns should also be transmitted on the radio in indigenous languages.
- conduct more workshops and informational sessions on women’s land rights and on the process of land titling. This should be done everywhere, not just in a few areas, as is the pattern now.

Many rural women with whom I talked had never been to a workshop on women’s land rights, and all said they would do whatever possible to attend one. They all demonstrated a keen interest in learning about their rights. The Unidad de
Despatriarcalizacion working in conjunction with the INRA, could organize these workshops, with the local communities, on the topic of ‘despatriarcar’.

- NGOs and state agencies could also work more cooperatively in the design and implementation of these workshops.

It should not be entirely the responsibility of non-governmental organizations to carry out these sorts of initiatives, as sometimes NGOs are constrained by financial limitations, as well as opposition to their activities from male community leaders. Since you first need permission by the Alcalde (mayor) or local community leaders to conduct a workshop in a community or town, NGOs sometimes have their hands tied, as they lack the local permission needed to carry out a workshop. However, I believe that, if these workshops were carried out by the government, opposition from local leaders would lessen.

Since land issues remain a considerable problem in the country, it is vital that the institution responsible for titling land, the INRA, be strengthened in terms of both its financial wherewithal and its personnel.

- The INRA could have its representatives visit communities regularly to discuss land issues, instead of having poor people to travel to the city.
- Its personnel should also be specifically trained to address land conflicts pertaining to gender.

5.1.2. Inclusiveness and Continuity

As I mentioned above, there is the need for the expansion of education workshops on women’s land rights in all rural areas of the country. Increasing the number and coverage of educational workshops around rural Bolivia to increase women’s knowledge of their rights is, however, not enough.

- These educational workshops (talleres de capacitación) should be inclusive (attended by local men and women), and
- accompanied by a continuous follow-up and monitoring of the changes or lack thereof in rural communities where the workshops took place.

I find it imperative that workshops be inclusive, and not directed only to women. That is, in order for both parties to be well informed about women’s rights and for
behaviours and beliefs to begin to change, men and women should both attend these workshops. As my findings showed, there are many cases in which men oppose women from attending these workshops and learning about their rights. There are men who are very suspicious about these types of workshops, and prefer that their women be kept in the dark. As I previously illustrated, some men fear that if women know about their rights, these women will rebel and leave them. Hence, many men are hesitant about letting their female partners participate. Of course, this is not the case for all men. In fact, one of the women I interviewed said that her husband pushes her to attend these sorts of events, and often goes with her. Holding more inclusive workshops would help to resolve this issue of suspicion by creating a better environment of transparency in which both men and women would know about the discussions. Currently most workshops on women’s land rights are ostensibly directed only at women. Organizations tend to organize these workshops only for women, but men often either accompany the women or attend instead of them. I propose a strategy that might better benefit both men and women.

- When designing and implementing workshops, I would invite both men and women to first attend a session held simultaneously.
- These workshops would be held in two different rooms, one for women and one for men. In each room there would be a presentation on women’s land rights, followed by a discussion in which men and women could voice their opinions and feelings on the matter. Since this initial workshop would be held separately, women, in particular, could feel more comfortable participating and expressing any opinions or concerns they may have, since no men would be present in the room to constrain these women’s participation.
- Once the two separate workshops are concluded the two groups of men and women would be invited to a joint discussion and reflection on the discussions in the separate workshops. This would be a time for the men and women to learn the concerns and opinions of each other, and to hopefully find some ground to come together.

This will frequently not be an easy or smooth process, but, in my opinion, it is especially important for both men and women to learn each other’s points of view, and work together toward a mutual understanding.

Moreover, monitoring and evaluation of workshops and activities regarding women’s land rights in rural areas is key.
• It is important to conduct follow-up activities after these workshops to assess whether the objectives of the workshops have been met satisfactorily.

It is not enough, as has often been the case, to conduct one workshop in a community, and then expect that mentalities and behaviors will somehow change overnight. It is important to revisit communities to ensure that changes are indeed happening, and that people are behaving in accordance with discussions and agreements arrived at during the workshops. In this way, those participating in the workshops, including state agencies, NGOs, and community members themselves, might better understand how to cooperatively work toward solutions designed to address common shortcomings and problems. My experience with some participants demonstrated that many people attending workshops forget or ignore most, if not all, they learned over time. It is important to keep reminding them, to keep these thoughts and possible courses of action currently, so that subsequent changes can actually take effect.

5.1.3. **Capacity-Building and Role-Model Leadership**

A further area that needs attention is capacity building and strengthening leadership skills among local rural women and leaders of indigenous women's groups, as well as the men involved in the processes.

• Leaders of women’s indigenous groups should strengthen their activities with local women in general, and more particularly by providing additional educational sessions on women’s rights.

• Role-models also need to be encouraged in the communities, not only among strong women organizers, but also among men who are willing to take a stand to promote gender equality.

• NGOs, state agencies, community organizations, and others need to work on identifying and encouraging the cooperation of these men, as they can often be quite important to changing patriarchal mentalities and behaviors in a community in strategic ways that may produce concrete results positive to women’s rights.

In addition, it is important that women know about the experiences of other women, especially those that generated beneficial change. By knowing about other women’s success stories with land titling, and associated changes in their lives and those of their communities, women may feel more invigorated, confident and motivated
to take action. Moreover, women’s land rights, to be effective in bringing about broader benefits, need to be accompanied by concomitant changes in a number of related areas, such as education, capacity building and access to productive resources for women.

5.1.4. Local Women’s Centre

To further the recognition and protection of women’s rights, and to publicize and organize against violations of those rights, it is also important that

- communities have women’s centres, where women may discuss their ideas and concerns, inquire about their rights, and organize specific actions in their interests.
- These centers would be preferably staffed only by women. They could focus on women’s issues in areas, for example, pertaining to land, violence, and access to justice.
- The centers might be financially supported by the government and/or a non-governmental organization.

These recommendations aim not only to create greater awareness and knowledge about women’s land rights among rural men and women, but also in general to encourage social conditions, especially at the local/community level, more favorable to the values of gender equality officially expressed by Bolivia’s land titling program, thus closing the present gap between theory and practice. I believe the wheels of change for rural women in Bolivia have indeed been set in motion, especially via recent government initiatives. The creation and strengthening of organizations and institutions furthering women’s rights, participation in public life, and overall empowerment is a crucial part of ongoing efforts to significantly reduce gender inequality in land matters.
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Appendices
Appendix 1.

Map of Bolivia
Appendix 2.

Map of Research Locations:
La Paz, El Alto, Sorata, Coroico and Viacha

Note. Research locations marked with star.
### Appendix 3.

**List of Government and NGO Participants**

<table>
<thead>
<tr>
<th>Name of Key Informant</th>
<th>Organization</th>
<th>Description of Organization</th>
<th>Date of Interview</th>
</tr>
</thead>
</table>
| Patricia Costas  
(Researcher)  | Fundacion Tierra  | Research organization that works on ideas and policy-proposals for alternative rural development from an indigenous perspective. They write extensively on land matters in Bolivia.  | June 25, 2011 |
| Gaia Palaecchi  
(Program Consultant)  | UN WOMEN  | United Nations Entity for Gender Equality and the Empowerment of Women  | July 19, 2011 |
| Rina Zeballos  
(Head of the Unit and President of the Movimiento de Mujeres Originarias)  | Gender Unit of the Vice-Ministry of Land and President of the Movement of Native Women  | The Vice-Ministry of Land is part of the Ministry of Rural Development and Land. The Movement of Native Women is a local non-governmental organization led by indigenous women.  | July 4, 2011 |
| Judith Tito  | Coordinadora de la Mujer (Coordinator of Women)  | National network of private not-for-profit organizations that work on promoting public mobilization regarding the exercise of women's rights.  | May 24, 2011 |
| Andrea Flores  
(President)  | Organización de Mujeres Aymaras del Kollasuyo (OMAK)  | The Aymara Women’s Organization of Kollasuyo is a national indigenous organization that works on women’s empowerment and participation.  | June 14, 2011 |
| Gregoria Reyna  
(Secretary of Relations) and Lorenza Quispe  
(Secretary of Organization)  | Bartolina Sisa National Confederation of Campesino, Indigenous, and Native Women of Bolivia (CNMCIOB-BS)  | Union organization of peasant women and the largest women’s organization in Bolivia.  | June 22, 2011 |
<table>
<thead>
<tr>
<th>Name of Key Informant</th>
<th>Organization</th>
<th>Description of Organization</th>
<th>Date of Interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>Esperanza Huanca</td>
<td>Unidad de Despatriarcalizacion del Vice-Ministerio de Descolonizacion</td>
<td>The Depatriarchalization Unit of the Vice-Ministry of Decolonization</td>
<td>July 7, 2011</td>
</tr>
<tr>
<td>Severino Colque</td>
<td>Movimiento Sin Tierra (Landless Movement)</td>
<td>Bolivian movement that supports landless peasants in their struggle for land.</td>
<td>July 23, 2011</td>
</tr>
<tr>
<td>Fany Nina (President)</td>
<td>FEJUVE (Federacion de Juntas Vecindales de la Ciudad de El Alto)</td>
<td>Federation of Neighborhood Organizations of the city of El Alto is a participatory civic organization made up of neighborhood councils.</td>
<td>July 20, 2011</td>
</tr>
<tr>
<td>Leonardo Quispe (President)</td>
<td>Federacion Sindical de Campesinos de Sorata</td>
<td>Union Federation of Peasants of Sorata</td>
<td>June 2, 2011</td>
</tr>
<tr>
<td>Luis Mamani (Concejcal de la Alcaldía-Town Official)</td>
<td>Alcaldía de Sorata</td>
<td>Sorata Town Council</td>
<td>June 2, 2011</td>
</tr>
<tr>
<td>Deciderio Vásquez (President)</td>
<td>Asociación de Afrobolivianos</td>
<td>Afro-Bolivian Association</td>
<td>July 15, 2011</td>
</tr>
</tbody>
</table>
Appendix 4.

Number of Indigenous Participants (Male/Female)

Interviews in Sorata
- Focus Groups: 4
- Interviews with Women: 22
- Interviews with Men: 7

Interviews in Coroico
- Focus Groups: 0
- Interviews with Women: 4
- Interviews with Men: 3

Interviews in Viacha
- Focus Groups: 0
- Interviews with Women: 5
- Interviews with Men: 6

Interviews at Conference on Women’s Rights
- Interviews with Women: 5
- Interviews with Men: 0
Appendix 5.

List of Provinces and Communities Represented at the Encuentro Departamental de Mujeres y Derecho a la Tierra, La Paz

<table>
<thead>
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<th>Maca</th>
<th>Umala</th>
<th>Sorata</th>
<th>Atahualpani</th>
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<tr>
<td>Teopante</td>
<td>Jesus de Machaca</td>
<td>Desaguadero</td>
<td>Guanay</td>
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<td>Sica Sica</td>
<td>Tacobamba</td>
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<td>Sud Yungas</td>
<td>Taraco</td>
<td>Loayoha</td>
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<td>Larecaja</td>
<td>La Paz</td>
<td>Tiwanaku</td>
<td></td>
</tr>
<tr>
<td>Viacha</td>
<td>Tipuani</td>
<td>El Alto</td>
<td></td>
</tr>
<tr>
<td>Zimamucu</td>
<td>Guaqui</td>
<td>Caranavi</td>
<td></td>
</tr>
</tbody>
</table>

*Note.* Retrieved from list of Participants at the Conference.