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**Improving Access to Urban Land and Property Entitlements for
Women and Excluded Families in Cochabamba, Bolivia**

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ABSTRACT

With the 2009 Constitution (CPEB), Bolivia has recently adopted a new regulatory framework that recognizes individual and collective property entitlements, secures land access for women, promotes citizen voice in public policy, and encourages accessible mechanisms for land use, planning, and registry. However, within this promising scenario, female residents in District 9 of Cochabamba City do not feel empowered to act on the new Constitution's promises of enfranchisement, and see authorities' apathy as an obstacle to accessing urban land and property entitlements. "Improving Access to Urban Land and Property Entitlements for Women and Excluded Families in Bolivia" is a project that presents an approach to improving this situation by engaging communities, and particularly women head of households, to use their voice through a women's platform to influence policy on secure tenure.

It also encourages coalition-building between NGOs, women, and experts to audit policy change and fosters gender sensitive collaboration to guarantee integrated urban policies on land planning, secure tenure, and adequate housing. More gender-sensitive, transparent and accountable land governance is expected to liberate women of the burdens and threats of power imbalances, and to contribute to equitable growth and poverty reduction, as well as to implementation of the Constitution. On 2010 a Women's Network on Secure Land Tenure (WNSLT) was established; on March 29, 2012 the WNSLT presented a Gender Sensitive Proposal on Land and Property Rights in the Plurinational Assembly and the Vice-Ministry of Housing; recently an agreement has been signed between a CSO and the local government to gather evidences to inform land policy, and to strengthen local authorities' capacities on planning, mainstreaming gender.

KEYWORDS

urban, land tenure, property rights, women, Cochabamaba, Bolivia, participatory, community

Improving Access to Urban Land and Property Entitlements for Women and Excluded Families in Cochabamba, Bolivia (DRAFT)

BACKGROUND

National

Bolivia has recently adopted a new regulatory framework as part of the 2009 Constitution. The 2009 Constitution (CPEB) recognizes individual and collective property entitlements, the social function of land, and land expropriations for social interest causes (Art. 56 and 57); secures land access for women (Art. 401); promotes citizen voice in public policy (Arts. 241 and 242), and accessible mechanisms for land use, planning, and registry (Arts. 299, 303).

However, within this promising scenario, it is apparent from baseline studies that female residents in District 9 of Cochabamba city do not feel empowered to act on the new Constitution's promises of enfranchisement and cite authorities' apathy and lack of responsiveness as obstacles to access urban land and property entitlements (UL&PE) (focus group conducted in April 2009 by HFH). According to the 2001 census approximately 31% of households in Bolivia are woman-headed. Of the 61% of households located in urban areas, 33% of these are woman-headed. And in rural areas, approximately 28% of households are woman-headed (INE Census 2001). Given these statistics, and the increasing informal urbanization occurring around Bolivia's cities, attention to the rights of women in the process of land-tenure regularization is critical to ensuring sustainable and prosperous growth in the future.

Cochabamba: District 9

District 9, is a peri-urban settlement to the west of Cochabamba which is experiencing rapid urban growth and land settlement. The district contains a heterogeneous ethnic population from urban and rural areas of the country whose native language is mainly Quechua, and Aymara though most speak Spanish. The living conditions within District 9 are challenging, and land-use is largely unregulated. There are severely limited public spaces, and those that do exist are generally used for garbage disposal. Access to municipal services is limited, water is mostly purchased from water trucks, though some community water systems have been approved by the municipal water authority, and there are very limited public health facilities in the area. Housing construction has been mostly completed informally by owners with little or no technical assistance. Political and social violence is also latent in the zone, in part due to widespread insecurity of income and land tenure.

Though District 9 is formally designated as rural, agricultural grazing land, it is becoming fully urbanized through an irregular, and extralegal process. Formally, the land is owned by rural syndicates and individual rural land-holders. According to the regulation of the National Institute of Urban Reform (INRA) which governs this land, the rural land-holders are not allowed to subdivide and sell the land beneath a minimum rurally-zoned lot size. However the land has, and continues to be subdivided into plots, typically of about 200 square meters, and sold through the following extra-legal means:

- a. Original rural syndicate owners subdivide and sell the land directly to families, resulting in an extra-legal land-transfer and make it impossible to register the purchase documents in the Office of Property Rights.
- b. Original rural syndicate and private owners sell their land to *loteadores*, individuals who then extra-legally subdivide and sell land to families, making the final transactions to families un-registerable. In this case the initial transaction may be legal, and registerable, however the land is still restricted zoned for rural use and cannot be subdivided.
- c. *Loteadores* sometimes sell portions of land to third parties, who will also subdivide and sell, thus initiating a chain of informal and/or extra-legal transactions. This chain can also be furthered through the informal transfer of land among family members.

This informal and unregisterable transfer of land title leads to insecurity in several ways. First there is no enforced regulation against the sale of a single piece of land to several individuals or families. Secondly *loteadores* will often threaten to evict residents or continue to demand payment for the land beyond the originally agreed upon terms. Women-headed households are most at risk for these challenges, and because the original transactions cannot be registered with the state, there is little to no recourse for residents who find themselves faced with these challenges. Furthermore the subdivision of land occurs without formal surveying or attention to environmentally risk and hazard prone areas, leaving some families with properties that are at risk for natural disasters.

Adding to the complexity of land issues in the district, no public authority will claim jurisdiction in resolving conflicts. INRA says that they cannot intervene to regularize property rights in this area because, although it is zoned rural, it now falls under the category of “urban use” which is not in their jurisdiction¹. Similarly, the municipality of Cochabamba says that they cannot intervene to regularize the urban plan and/or invest in settlement improvement because the land is classified for “rural use”. The inaction of municipal authorities has made it easier for informal developers to sell land with the promise of future legalization for their transactions. While roughly 6 out of 10 households in District 9 reach a monthly family income of US \$140, and much lower in female headed households, the costs to access formalized land tenure are very high. In addition to the initial

¹ Even though it may be registered as a collective property

purchase transaction, the investment on land survey and neighborhood fees² is about 300% of the land price (US \$3,000 the lowest price), and the municipal and registry fees when purchasing a 300 sq.m. of land is around US\$500. There has also been a dramatic increase in land and housing values due to speculation.

The municipality also fears that the regularization of land tenure in District 9 will threaten the municipal economy. Though regularization would require the municipality to provide a certain level of services, they currently have limited capacity to collect and manage the revenue that could be generated from property taxes in District 9. Some tools that could be used to support the Municipality include, Guided Land Development; Neighborhood Sustainable Design, land pooling/ readjustment, Natural Hazard Zoning, adequate Land Subdivision Standards, and Land Based Financing, though all of these will require education and training for them to be implemented successfully.

However, the picture is not all bleak, and some steps have been taken to regularize property rights. In 2002, the Urban Property Rights Regularization Law was applied to some parts of District 9 through a pilot project called Agreements of Shared Responsibilities ARCO. While some other advocacy efforts that were developed to encourage the adoption of laws that would change the land-use categorization for the entire district have not been successful. In 2012 the Municipal Plan for Land Use (PMOT), and the Draft of Urban Property Rights Regularization Law promoted by the Executive both represent an opportunities to move forward on the land regularization process.

Women and civil society engagement in governance

The Habitat for Humanity Project, “Improving Access to Urban Land and Property Entitlements for Women and Excluded Families in Cochabamba city” was created in order to support capacity building and citizen engagement in processes of land-tenure regularization. This project presents an approach that is based on three core ideas:

- a. Engaging communities and particularly women head of households and excluded families to use their voice through a women's platform to influence policy on secure tenure, and urban land governance;
- b. Coalition-building between NGOs, academics, women, and experts to audit policy change;
- c. Fostering gender sensitive multi-stakeholder collaboration, dialogue and consensus to guarantee integrated urban policies on land planning, secure land tenure, and social housing.

² Contribution on cash or working-hours on land improvements (roads, common areas), funding leaders' expenses on land related inquiries on public administration offices

A more gender sensitive, transparent and accountable national and municipal land governance is expected to liberate women of the burdens and threats of power imbalances, and to contribute to equitable growth and poverty reduction as well as to implementation of the CPEB and the National Development Plan's strategies "*Life Plan*" and "*Productive Bolivia*". The project strives for inclusive regulatory and governance reforms to ensure women's Urban Land and Property Entitlements (UL&PE) are respected in Bolivia. It also contributes to Millennium Development Goal 7 MDG7 by promoting access to UL&PE for women and excluded families in the poorest areas of Bolivia's cities; starting in Cochabamba District 9 and scaling up in the municipalities of Sacaba and Quillacollo.

Through this approach the five-year project intends to generate four primary outcomes:

- a. Increase the number of gender-responsive laws, policies and regulations at national and municipal levels so that there is more transparent and improved governance of urban land which will benefit at least 300,000 female-headed and excluded families nationwide.
- b. An organized citizenship and civil society (with women as protagonists) advocating, and participating in institutional and non-institutional dialogue with national entities and municipal authorities, and holding them accountable regarding land-tenure concerns.
- c. The UL&PE barriers faced by women will be addressed through tools that support gender-responsive urban planning and affordable regularization systems, which will help 3,000 low-income women and excluded families who are currently living in urban slums of District 9 gain secure tenure (individual & collective); access to micro-loans for tenure regularization, home improvement, and access to water and sanitation
- d. Increase awareness and support of gender equality in UL&PE rights in Bolivia, and at an international level.

The targets and structure of this approach were developed following a baseline community survey conducted in November 2010 by Habitat for Humanity, Ciudadania, Grupo Nacional de Trabajo por la Participación, and Gregoria Apaza. There are Eight categories of analysis that orient the systematic monitoring of project activities are: i) regulatory and institutional frameworks, ii) attitudes towards UL&PE, UL&PE iii) advocacy, iv) multi stakeholder collaboration, v) land rights and gender, vi) public participation, vii) transparency and accountability, and viii) access to UL&PE. The impact (effect of the project on people's lives) is measured by evaluations that include: protection from eviction, increased access to services, and housing, credit with land/property as collateral, land market opportunities for the poor, mechanisms for women and CSO's collective action, and participatory mechanisms for decision making.

Capacity building and knowledge production and transfer are addressed through 3 key strategies: (1) Participatory monitoring and evaluation involving beneficiaries and other stakeholders is employed to verify the performance of the project approach and to draw lessons, and new knowledge; (2) Self-evaluations through “diaries of progress” are completed by women to monitor their leadership and advocacy skills progress; and (3) Additionally mechanisms such as an itinerant school on UL&PE, communities of practice, and national and the international workshops are systematically implemented, and GIZ’s ³participative action-research methodology is used to emphasize best practices for validating intervention strategies, dissemination; and to promote replication in other municipalities.

Work to Date

Two years into the project significantly more information has been collected on the specific context and challenges for women to access legal tenure, and a number of promising improvements have occurred in relation to citizen’s empowerment, advocacy, and regulatory frameworks. In the first year the project established the School of Women Leaders on Secure Tenure (SWLST). This center has now become a hub within District 9 for knowledge on rights, responsibilities and barriers to accessing secure tenure. Over the past two years women who are participating in the SWLST have identified the institutional and legal gaps and barriers for tackling UL&PE processes and confirmed the invisibility of women in the existing regulatory framework to access and control land, have recognized that secure tenure is a power related issue (political, economic), and culturally influenced; wherein women are underrepresented and marginalized, have shared their concerns on UL&PE with their neighborhood leaders committees and have led awareness-raising activities on UL&PE in their own communities and others in District 9.

The development of women’s skills in low-cost technical solutions for land survey, such as the delineation of plot boundaries through the use of GPS by locally trained women, is combined with participatory mechanisms for resolving conflicts, and improved standards for land use.

Additionally, it has become very clear that women want to play a more active role in change in the community, and in the local economy, in addition to the different roles they play at home. 50% of interviewed women in D-9 have identified the need to be educated about their rights and to receive technical and legal advice on land policies, regulations; and land issues. 55% of women believe that accessing security of tenure will improve their family living conditions. For 22% of women, land provides the household with a wider perception of security, and for 18%, land represents an economic asset. Their main concern is that use, control, and decision power over this

³ Deutsche Gesellschaft für Internationale Zusammenarbeit

asset, if not clearly defined, is often a source of conflict between women and their partner, risking children's rights to inherit it.

Empowerment

The baseline study conducted by HFH in November 2010 stated that “The presence of women in general is mostly identified as accompanying instrument in times of mobilization and demands and not as active at the level of decision making.” Through the SWLST significant efforts have been made to change this status-quo and more consistently bring women to the table in decision-making dialogues with municipal and national authorities. This has been done through education on rights, regulations, and practices, including the sharing of key information on legal and technical aspects of land tenure. Additionally a series of meetings has been organized over the past year to explain, discuss, and propose potential gender-based changes to regulations, based on their own experiences.

To date approximately 130 women, and 25 men have completed the programs at the SWLST. Women participating in the SWLST have increased their technical-legal knowledge, allowing them to identify their problems and potential solutions. Of particular note is that women from the SWLST now have the capacity to identify the legal significance of the different property documents required to access to UL&PE.

Empowerment has led to the creation of a women-led Women's Network to further amplify the impact and results of this project through social and political arenas, which was initially created as the Women's Platform for Action on Land Tenure (TWPALT). Women from the platform are maintaining a dialogue with the authorities (the Pluri-National Legislative Assembly, and Vice-Minister of Housing) and in their communities, using baseline data from initial studies and participatory mapping. Since June 2011 the membership of the Women's Network has increased from 5 to 30 members. Five associations (27 community based organizations (CBOs) and grassroots territorial organizations (OTBs)) have organized themselves to collect plot plans, land-tenure documentation, lists of neighbors, and photographs of the area. These communities have also geo-referenced their boundaries, and are envisioning changes in regulatory and institutional frameworks. From this work two regulation proposals have been formulated and justified by presenting the opportunities and the impact these regulations would have on excluded women and families. Six OTBs & CBOs of the Pucara association are involved in the mapping of land tenure, infrastructure and services.

There has also been a notable change in how women approach the authorities. As one woman from the Women's Network remarked during a participatory evaluation, the approach to authorities has shifted “from begging to demanding”. Women are now more familiar with their rights and are demanding them in their committees and before their OTBs and authorities. One woman remarked, “now we can talk in our communities and with

authorities because we use what we learned in the school.” Through the programs women are losing their shyness and fear of speaking out, and are gaining more self-confidence to counteract gender-based violence. Women have also indicated a desire to continue, and expand, their training. One woman suggested that, “we want to learn more about secure land tenure and property rights, and to have computer skills to communicate with other leaders”.

Throughout the implementation of the project, the SWLST and the awareness campaigns have changed the views of the population through active participation. Currently they recognize their rights as human beings, they know about local and national regulations, are in dialogue with authorities to demand their rights, and are actively participating in the production of a new regulatory framework. The SWLST has increased the interest and participation not only of women but also of their families, and youth, men, and seniors are involved in the education and advocacy work.

The problems of secure land tenure must continue to be tackled by resident women and men, along with the authorities. The women of the school, upon being trained, are becoming leaders in political action. Likewise, they are replicating the awareness-raising campaigns and facilitating the development of capacities within their communities.

Advocacy

The problems associated with UL&PE have been made visible to the authorities by means of a forum, informative publications, lobbying, dialogues, and collaborative work of the Women’s Network. Present issues have also been made increasingly apparent to the local and national authorities by women who are using the knowledge acquired in the SWLST. This has resulted in the first signed agreement with public authorities responsible for UL&PE to exercise social control for transparency and accountability.

There is now an organized citizenship within District 9 who are active in land and property reform, with women as the protagonists. An increasing number of women now know their rights, and have the knowledge and skills to organize and participate in collective advocacy action for UL&PE. This has included the development of a multi-year women’s advocacy platform that has a formulated advocacy plan and annual budget for implementation.

The Women’s Network is actively participating in local dialogues within their community, as well as in national dialogues with the Executive and Legislative authorities. They have hosted events to raise awareness of UL&PE issues within District 9, run exchange activities with other women’s groups to share experiences and are replicating the training beyond the walls of the SWLST. Trainings have been extended to more than 40 people outside of the SWLST, and 87 information points have been established in individual’s homes, in order to provide easier access to information by the community.

Regulatory Reforms

Regulatory reforms have begun to be accomplished at both the municipal and national levels, helping to remove barriers to UL&PE faced by women and excluded families nationwide. To date there are a number of proposals to modify existing land tenure regularization laws that have been agreed upon by CBOs, national and municipal authorities. These have been presented to the Pluri-national Legislative Assembly, and some have been brought into law.

At the moment, the draft Law for the Regularization of Urban Property Rights is being considered by the national Executive legislative body, and as currently written includes no mention or provisions for a gender-focused approach. After a process of study, debate and consultation among women in the network, legal specialists have developed a complementary proposal with a gender focus. On March 29, 2012, the Women's Network will be in the Plurinational Assembly and the Vice-Ministry of Housing presenting the Supplementary Proposal with a Gender Focus. This proposal has been informed by the data identified in the baseline of the project and other experiences in the field. For example, Bolivian property documents typically list the man's name as the main beneficiary, with only an indicative term for the woman (e.g. "Mr. xxxxxx and wife "or" Mr. xxxxxx and other "). Because a majority of women do not have identity documents, the women are then not considered when they produce the documents of ownership, or for the registration of the property, and the property can be easily sold or transferred by the spouse without the knowledge or acceptance of women. One proposed modification to the bill guarantees and prioritizes the participation of women in the process of regularization of ownership of urban real estate. In the case of marriage and conjugal unions, the titles will be issued in favor of both spouses or partners, stating the name of the woman first. The same treatment is proposed to be given in other cases of women and men co-owners, regardless of their marital status.

Other regulatory and institutional reforms to remove barriers to UL&PE have occurred at a municipal level in the Cercado Municipality of Cochabamba. A municipal ordinance on UL&PE was approved by the Cercado Municipality of Cochabamba which included the creation of a Municipal Land Bank, and on March 14th 2012, an agreement with the Planning Director of the Municipal Government of the City of Cochabamba, was signed to facilitate procedures to ensure the access to land tenure for 3000 female heads of households and vulnerable groups in the District 9 of Cochabamba city. Specific actions to be taken as part of this agreement include: the formulation of proposals for urban schemes (micro-plans) with appropriate standards and methodologies, based on participatory mapping, the production of information on barriers to access to land, to formulate municipal policies, strengthening leadership capacities of women and grassroots groups for their active participation in advocacy and policy proposals, implementation of courses for municipal officials and authorities on issues as land

tenure, gender equity to strengthen municipal management, and mainstreaming of a gender approach in the Municipal Land Use Plan, so that the Plan meets specific needs of women and vulnerable groups. Additionally the Cochabamba urban land management and planning tools (mapping/ definition of the urban radius and the land use plan) are increasingly being implemented and integrated with participatory/ consultative gender sensitive mechanisms. To date more than 20 communities have a micro-urban plan based on participatory mapping.

In conclusion, the project the inclusion of women and other disenfranchised groups in planning and governance have shown progress in it's first two years, as women are becoming empowered to expose their problems, and are increasingly overcoming the legal and cultural barriers that they face in their communities, and among other leaders and authorities, in order to be included as legal owners of their property and to achieve secure tenure. Women are accessing opportunities to strengthen their legal and technical capacity and to maintain a dialogue with the authorities, which is allowing them to widen their possibilities and vision with regards to overcoming poverty. Women are recognizing their rights and demanding them, articulating their views, advancing in the building of social and political capital in their leadership role, and raising awareness of violence towards women. The women of the Women's Network have been communicating with the authorities in order to make their problems visible to them, not just concerning land tenure, but also their basic needs (water, basic services, infrastructure, etc), and their exclusion from the distribution of municipal resources which is affecting them as women.

POLICY IMPLICATIONS

Two years into the approach project there remains an *analytical challenge* to characterize the complex and dynamic realities of access to land and secure tenure, and to build up the appropriate evidences that inform and contribute to gender-sensitive land management and governance. Despite some improvements, most families still feel a level of neglect and abandonment by the relevant authorities to solve the problems of land tenure. Additionally there is a widespread perception of discrimination and ill-treatment by public authorities, mainly related to the poverty, lack of knowledge and mastery of the language (Spanish), and the excessive technical language of municipal functionaries and authorities, lawyers used is not understood by most of the residents. Further education campaigns are necessary for residents on the legal processes, and municipal authorities should work to make information more accessible as well. Despite the many responsibilities with their families, jobs and communities; women have taken onto additional responsibilities to participate in trainings and in public life. However, women often attend training with their children, and thus adequate care support and budget for these services should be addressed in coming years. Women's networks are becoming well established within District 9, however they require strengthening of their skills on collective action, negotiations among them, and a leadership practice based on integration, complementarity, and solidarity principles.

The Bolivian experience to date has strengthened the project premise that stand-alone land regularization programs do not prevent the expansion of the city in a highly costly informal manner, indicating that land-regularization programs need to be part of a wider urban and land use planning strategy. Capacity building for national and municipal authorities on gender mainstreaming in urban planning and UL&PE tools is required. Although local governments in Bolivia have greater autonomy in planning, and instruments as the Territorial Municipal Plan (PMOT) exist, the 2006 PMOT do not include a gender dimension, and has not been updated since its initial acceptance. Almost 70% of men and women interviewed in District 9 consider that local government is not responsive to the local demands. The initiation of the PMOT by the Cochabamba Municipality, has caused land prices to rise rapidly due to speculation, subsequently increasing the cases of women head of household and their children that are threatened of eviction; in 44% of the cases women were targeted by the “land owners” and illegal land sub-dividers; 20% by other members of the family; and 13% by community leaders. Unfortunately the increase of land value is captured only by the private illegal or informal sellers, and the economic, social and environmental costs this part of the city are socially shared by the State and the poor. Based on these findings, it is clear that women suffer disproportionately from tenure insecurity in urban areas and there is an implication that policy and planning decisions may cause perverse effect on women. Monitoring of policy impacts based on gender sensitive data is needed in policy making and implementation as well as increased public awareness of women’s rights, and technical and legal advice services. Also, public authorities require funding mechanisms to increase outreach to women and the un-represented.

An effective administration of property taxes and betterment fees are needed to generate resources for a sustainable urban growth. Based on "Local-Local Dialogues" implemented among communities, women, national, and local authorities, and interviews to municipal functionaries, it is apparent that municipal authorities feel “trapped” by the informal land market dynamics in District 9. Planners feel that the municipal financial capacity to invest is so weak, that intervention in District 9 will jeopardize municipal capacity and deepen issues in the area. Furthermore the complex and informal land market dynamic in District 9 is seen as a potential source of problems, with a lack of vision and instruments to ensure financing investments and provision of social needs. The existing Municipal Plans in Detail can be enhanced through innovative instruments such as as Guided Land Development; land pooling and land readjustment, Neighborhood Sustainable Design, Natural Hazard Zoning, adequate Land Subdivision Standards, and Land Based Financing.

Continued effort is necessary to change the attitudes of men and women towards their own roles, the responsibility of the public sector in the territory, and the economic, social and environmental implications of accessing land through informal mechanisms. All of this can be achieved through capacity building strategies at

the neighborhood and municipal levels. Further training in topics such as democracy and citizenship, community planning, policy instruments, advocacy, and awareness-raising can help to encourage lasting change.

Following better definition of land boundaries, participatory processes can be utilized for the development of progressive policy proposals, and determination of needed legal advice.

RESOURCES

Careaga, Mariela Loayza. (November 2010). Resultados del Levantamiento de la Linea Base: Proyecto Mejorando el acceso a la tierra urbana y los derechos a la propiedad de mujeres y familias excluidas en Bolivia.

Instituto Nacional de Estadística. (2001). Censo de Poblacion y Vivienda.