

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

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Background

National

The Bolivian Constitution contains several key features which are designed to promote fairness and equality.

Among these are

- Recognition of the rights of individuals and collectives to own property (i.e. Land)
- The principle of the 'social function' of land - This relates to the need to share the benefits of land with neighbouring communities, and to use the land sustainably in order to ensure the development of productive activities for the benefit of society, the collective interest and the owner
- Process for the re-distribution of land ownership for social interest causes
- Land access for women
- Promotion of the citizen's voice in public policy
- Accessible mechanisms for land use, planning, and registration

These principles should, in theory, produce a land governance system which is fair, equitable and takes account of the various problems faced by people living without secure land tenure. However, 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 they see the authorities' indifference and lack of responsiveness as obstacles to their accessing urban land and property entitlements (UL&PE).

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. Given these statistics, and the increasing frequency of 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 informal settlement to the west of Cochabamba which is experiencing rapid urban growth and land settlement. The district contains a mixed 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. 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 extra-legal process. Formally, the land is owned by rural syndicates and individual rural land-holders. Under Bolivian law, these rural land-holders may only sell the land as a rural sized lot and not divide the land into lots more appropriately sized for residential purposes. However the land has, and continues to be subdivided in this way, typically into plots of about 200 square meters, and sold through the following extra-legal means:

- I. 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.
- II. Original rural syndicate and private owners sell their land to *loteadores* (land estate traders), 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 for rural use and cannot be subdivided.
- III. *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.

These informal and unregisterable transfers of land cause several problems. First there is no legal way of preventing the original owners from selling the same piece of land to several different individuals or families. Secondly, because there is no legally enforceable contract between the seller and buyer, the *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 of demands for additional payment or threats of violence., and because the original transactions cannot be registered with the state, there is little to no remedy for residents who find themselves faced with these challenges.

To compound these problems, no public authority will claim responsibility for resolving conflicts. INRA (the government agency which is meant to deal with rural land) 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 jurisdiction. 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 municipality is also reluctant to regularise land tenure in District 9 because if they do so, it will be required to provide essential utility services to the area. This would cost the municipality significant amounts of money and even though they would then be able to collect taxes from the residents, it would still not be enough to cover the cost and would threaten the municipal economy. This government indecision makes it easy for informal developers to sell land with the promise of future legalization for their transactions.

The cost of purchasing land and going through the necessary formalities is also prohibitively high. In addition to the initial purchase cost, buyers also have to pay for a land survey and neighbourhood fees which amount to roughly 300% of the purchase price (US \$3000 is the lowest). There are also fees to the local authority for registration etc. which are usually around US \$500. All these costs hit the poorest families hardest. Roughly 60% of households in District 9 reach a monthly family income of US \$140. For female headed households this is much lower. These families would have to save roughly 2.5 years earnings in order to pay these costs, not taking into account other essential living expenses.

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). Also, in 2012 the ‘Municipal Plan for Land Use’ (PMOT), and the ‘Draft of Urban Property Rights Regularization Law’ were launched and both represent an opportunity to advance the issue of land regularization.

Project Focus: Empowering women to have their voices heard

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.

A more gender sensitive, transparent and accountable national and municipal land governance is expected to liberate women from the burdens and threats of power imbalance, and to contribute to equitable growth and poverty reduction as well as to implementation of the inclusive principles set out in the Constitution. 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

(environmental sustainability) 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.

Project Outcomes:

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.

Activities

In its first year the project established the School of Women Leaders on Secure Tenure (SWLST). This centre 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 barriers for tackling UL&PE processes and confirmed the invisibility of women in the existing regulatory framework to access and control land. They have recognized the political and economic significance of secure land tenure and have recognised that it is a power related issue with a strong cultural influence; wherein women are underrepresented and marginalized. Participants have led awareness-raising activities on UL&PE in their own communities and others in District 9.

The SWLST has also helped participants by developing their skills in low-cost technical solutions for land survey, such as GPS, and this is combined with participatory mechanisms for resolving conflicts, and improved standards for land use.

It is clear that women want to play a more active role in change in the community and in the local economy. 50% of interviewed women in District 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. These women now recognize that accessing secure tenure will not only provide secure shelter, but will also improve living conditions, offer them a greater sense of security and, perhaps most significantly, provide them with an economic asset.

Empowerment

Through the SWLST, significant efforts have been made to reduce the marginalization of women 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 and the law and the sharing of key information on legal and technical aspects of land tenure.

To date approximately 140 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. For example, women from the SWLST now appreciate the legal significance of having ownership documents for their homes.

These processes have led to the creation of the 'Women's Network' which is designed to further amplify the impact and results of this project through social and political arenas. Since June 2011 the membership of the Women's Network has increased from 5 to 30 members. Through the Network, five associations, consisting of 27 community based organizations (CBOs) and grassroots territorial organizations (OTBs), have organized themselves to collect plot plans, land-tenure documentation, lists of neighbours, and photographs of the area. These communities have also geo-referenced their boundaries, and are envisioning changes in regulatory and institutional frameworks.

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, their approach to authorities has shifted "from begging to demanding". Another woman remarked, "Now we can talk in our communities and with authorities because we use what we learned in the school." Through these programmes, women are losing their shyness and fear of speaking out, and are gaining more self-confidence to counteract gender-based violence.

Throughout the implementation of the project, the SWLST and the awareness campaigns have changed the views of the population by engaging them in active participation. Beneficiaries are now able to recognize their inherent rights as human beings, and have the ability to demand these rights from authorities. People can understand local and national regulations 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, young people, men, and seniors who are involved in the education and advocacy work.

Advocacy

These issues have been made increasingly apparent to 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. The Women's Network is actively participating in dialogues within their community, as well as the national government. The Network has hosted events to raise awareness of UL&PE issues within District 9, run exchange activities with other women's groups to share experiences and is 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 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.

One such proposal actually led to the amending of existing national land registration law to include express reference to women's rights. The law originally only required property documents to contain the male owner's name and only vaguely referred to the female owner. For example a title deed would be in the name of Mr XXXXX and wife. This meant that women who did not have identity documents were unable to prove that they owned their home, especially if their husband would not vouch for them.

As a result of a presentation from the Women's Network, the law was changed so that property documents are now required to contain the full names of both male and female owners.

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 regulation on UL&PE was approved by the Cercado Municipality of Cochabamba which included the creation of a Municipal Land Bank. Additionally, 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 which utilize appropriate and inclusive standards and methodologies;
- the production of information on barriers to access to land;
- to formulate municipal policies which strengthen 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,
- mainstreaming of a gender approach in the 'Municipal Land Use Plan' so that the Plan meets specific needs of women and vulnerable groups.

Conclusions

. Women are becoming empowered to expose their problems, and are increasingly overcoming legal and cultural barriers in order to claim their land rights. Women are strengthening their legal and technical capacity and are maintaining dialogue with the authorities. This in turn is allowing them to widen their possibilities and vision with regards to overcoming poverty. Women are recognizing and demanding their rights, 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's Network has 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.

Despite some improvements, most families still feel a level of neglect and abandonment by the authorities and there is a widespread perception of discrimination and ill-treatment. This is mainly related to poverty, lack of knowledge and mastery of the Spanish language. This problem is compounded by the complex technical language used by government officials and lawyers which is not understood by most of the residents. Further

community education campaigns on legal processes are necessary, and municipal authorities need to work towards making information more accessible.

Even with their commitments to their families, jobs and communities; women have assumed additional responsibilities by participating in training and in civic life. Women often bring their children to training with them, and so adequate support and budgeting for childcare 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, negotiation between networks, and a leadership practice based on the principles of integration, cooperation and solidarity.

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 and informal manner. To tackle the underlying factors which lead to the development of informal settlements, land-regularization programs need to be part of a wider urban and land use planning strategy. Building the capacity of national and municipal authorities to mainstream gender issues in urban planning and UL&PE tools is an essential requirement. Almost 70% of people interviewed in District 9 consider that local government is not responsive to the local demands.

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. An observatory of government policies and positions has been set up as part of the project. Four women's audit reports have been created and disseminated on; the lack of infrastructure in the communities, lack of rights for parents to dialogue with school authorities, Land Tenure Regularisation subsidy and the invasion of illegal sub-dividers and the right to the city.

The women have been surprised to learn that other communities and women share the same challenges as them such as an inability to be part of the leadership in the community

Continued effort is necessary to change the attitudes of men and women towards their own roles and the responsibilities of the Government. There needs to be education on the negative consequences of acquiring land through informal mechanisms. All of this can be achieved through capacity building strategies at the neighbourhood 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.