Gendered Outcomes of Property Formalization in Bolivia and Laos

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Abstract

Advocates of extending legal land rights to women have repeatedly pointed out the failure of titling programs to include women and ensure their rights are protected. Thus, recent titling programs have attempted to address gender equity concerns and have adopted mechanisms such as the option of joint titles. This paper examines two cases, Bolivia and Laos, to determine how women have fared in “gender-friendly” titling programs. In both countries legislation explicitly recognizes women’s rights to land and the land titling program include joint titling and other gender-sensitive mechanisms. One conclusion of this examination is that cultural norms and practices work against extending legal land rights to women.

Keywords: land tenure, land titling, gender, Bolivia, Laos.
LAND RIGHTS AND GENDER EQUITY

As part of the effort to modernize customary societies and, it is hoped, stimulate market economy activities, many countries have established programs to formalize private property. Since the early 1980s, there has been a wave of titling and property registration programs as governments and international donor agencies promote the privatization of public and customary land and the formalization of land rights.

Two different sets of critiques have emerged from this unprecedented effort to draw up a legal document and a map for every parcel of land. One set questions the fundamental need and effectiveness of titling—the contention is that in many areas, there is no need for formalization of rights, and that national governments are not capable of providing the infrastructure to enforce these legal property rights anyway. The other set of critiques is related more directly to who benefits from formalization programs. It is this issue that I will address in this paper.

Titling programs are generally absorbed with issues of efficiency and technology. Cultural norms and practices around land rights, being inherently complex, are often ignored, resulting in several unforeseen situations. One of these is that certain groups (such as women and ethnic minorities) are disenfranchised of the secondary or indirect access rights to land they hold.

Gender and land rights as social constructs are very much intertwined. Gender identification and discrimination and land tenure systems are based on social relations reconstructed through cultural norms and practices. In most customary land tenure systems, these cultural norms and practices have a strong gender dimension. Patrilineal kinship, patrilocal marriage and residency patterns, and inheritance practices ensure that men maintain control over land and its resources and women are excluded, be they daughters, wives, or sisters. These norms and practices not only help define the land tenure system (how land rights are allocated and passed on), but also contribute to gender identification—part of male identity is control over land, part of female identity is exclusion from control over land and resources. When individual women attempt to claim their land rights or groups of women struggle for recognition of women’s rights to land, they are also confronting gendered structures and ideology, in this way threatening male identity and power.1

As customary societies transition into market-economy based societies and take on some of the practices and norms of market economies, they also begin to set aside some of the “safety net” features of their customary structure that provide for and protect groups such as women and minors who are not considered full members. Platteau (2002) observes this tendency in a number of African countries, affecting not only women but also elderly parents. Another example of this breakdown is the “land snatches” from widows and orphans by male relatives of men who die from HIV-AIDS (Cross 2002).

1 Goebel (2005) describes how this dynamic has played out in Zimbabwe since the 1990s.

Colloque international “Les frontières de la question foncière – At the frontier of land issues”, Montpellier, 2006
The cultural norm that women do not directly control land is a difficult one to set aside, for both men and women. Examples in Latin America can be found in Deere and Leon (2001) who study the impact of land programs (land legislation, land reform, and land titling) on women’s land rights and have found that in spite of gender-neutral laws, the number of women obtaining rights to land are much lower than expected.

As a result of the disregard for cultural norms and the focus on efficiency, titling officials put only one name on the title document for land that belongs to a household. And because of patriarchal norms, in the overwhelming majority of cases, that person is the male head of household. In this way, women have lost access or use rights to land as their fathers, brothers, and husbands are given individual private property rights to the land women cultivate and depend on.

The recent and rising concern for gender equity among donor institutions promoting and funding titling and registration programs reveals their recognition of the importance and significance of land rights beyond economic efficiency. Equitable access to land means that society’s members have equal opportunity to access land (be it as private property ownership, communal access, or corporate membership), that gender, ethnicity, status or any other ascribed attribute is not used to deny a person or group their land rights. 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.

Advocates of extending legal land rights to women have repeatedly pointed out the failure of titling programs to include women and ensure their rights are protected. Thus, recent titling programs have attempted to address gender equity concerns and have adopted mechanisms such as the option of joint titles. In fact, in some programs, joint title is legally mandated, particularly if the land being titled has been allocated by the state or if it was acquired by a couple during marriage. What I would like to explore in this paper is how women have fared in such programs? Have women been included in these titling programs in the sense that they have the equal right and opportunity to have land rights legalized in their name as men? And if not, why not? Two case studies, Bolivia and Laos, where legislation explicitly recognizes women’s rights to land and where the titling program included gender-sensitive language were selected.

LAND-TITLING PROGRAMS IN BOLIVIA AND LAOS

There are many similarities and differences between Bolivia and Laos. Both countries are multi-ethnic, including European descendent (a legacy of colonization) and indigenous ethnic populations. Bolivia gained independence in the early 19th century, while Laos only became independent in the late 20th century. Both are rural societies since a great proportion of households are dependent on access to cropland and pastures for their livelihood. Recent labor force figures show that 77% of Laos’ labor
force and 37% of Bolivia’s is in the agricultural sector. Both Bolivia and Laos are considered among the poorest countries in their region: 63% of Bolivia’s population and 39% of Laos’ population are below the national poverty line. A review of other indicators shows high illiteracy rates, high fertility rates, and high maternal mortality ratios for both countries.

Legislation in both countries (such as Constitutions, agrarian reform laws, land titling laws, property laws, family codes) recognize and reaffirm women’s equal rights. One significant legal difference with regard to land rights and property is that Bolivia recognizes private property and communal property (as well as public property), while Laos maintains that all land is state property and its citizens have permanent or temporary (short-term and long-term) use rights to land.

Both Bolivia and Laos have undergone land programs that involved the redistribution of land and the relocation of rural families. The result in both countries has been that much land has never been legally titled or, where titles do exist, they are outdated and do not reflect the current situation on the ground. This situation is seen as a constraint on economic development and market transactions. As a result, land-titling programs have been initiated in each country to regularize land records and provide secure title to landholders.

**Bolivia Titling Program**

In the 1950s and 1960s, Bolivia implemented two very different but related land distribution programs: redistributive land reform in the highlands and resettlement in the lowlands. A relatively small proportion of all this land, however, was titled to the new owners. In 1997, Bolivia began a national program (*saneamiento*) to formally title and register land parcels that were distributed through the 1950s agrarian reform and 1960s resettlement programs and to update the registration of already titled land.

**Legal Framework**

Bolivia’s formal legal system, including the 1979 Family Code, the 1975 Civil Code, 1994 Constitution, and agrarian reform laws, recognizes equal rights for both women and men, including the right to own and inherit property, and to marital property (community property). Customary norms and practices, however, show a strong bias against women owning land. Formally titled land is generally only in the husband’s name and at the time of inheritance, the land usually passes from father to sons, although widows are permitted to remain on the property. Daughters occasionally inherit a small share of the land (Salazar 2004).

While the 1953 agrarian reform law stated that all Bolivian farmers 18 years and older, without distinction of sex, were entitled to benefit from agrarian reform and land settlement programs, in practice the only women who received land were female heads of household such as widows with small children. The 1996 legislation that made the massive land titling effort possible (Law 1715, Servicio Nacional de Reforma Agraria) has explicit language that recognizes equal rights to land by...
women and men. Article 3, Paragraph V, states that equity criteria will be applied in the distribution, administration, tenure, and use of land in favor of women, independent of their civil status.

In May 2000, the definitive regulations for the Ley INRA were approved and these included several articles and clauses related to gender considerations. There were, however, no explicit gender procedural or monitoring guidelines. Article 146 mentioned that both men and women were guaranteed equal participation in the saneamiento process, and Article 231 (c) specifies that titles be to be issued without regard to gender. The most useful provision to date, however, appears to be Article 28 (g), which gives the INRA Director (and provincial INRA directors) the responsibility (atribución común) to ensure that legal gender rights are observed in the implementation of the INRA Law.

**Measures Taken to Increase Women’s Participation**

In spite of gender-sensitive legislation and language in the titling program design documentation, during the first few years of the saneamiento program INRA did not take any measures to ensure (1) that women are aware of their legal rights, (2) that women participate in the saneamiento process, nor (3) that its personnel and the titling brigades receive training with regard to women’s land rights. As saneamiento advanced, it was evident that very few women were being titled, either as individuals or as co-owners.

INRA realized that the 2000 regulations of the law did not include sufficient procedural guidelines to assure gender equity in the saneamiento process, and took advantage of Article 28 (g) of the regulations that gave the director of INRA the authority to make administrative changes in implementing saneamiento, in order to modify its activities and procedures with the objective of including more women in the process and to grant land rights to more women.

A number of internal memorandums (Comunicación Interna) and administrative resolutions (Resolución Administrativa) were issued between 2000 and 2004. A review of these memorandums and directives reveals the need to be explicit and specific when attempting to extend gender equity in land rights. These administrative directives included:

- 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.
- the field appraisals by titling brigades must verify effective possession regardless of civil status (married, divorced, separated, single, widowed) or gender.
- women were to be explicitly invited to participate in the information campaigns, workshops, and exhibition events of the saneamiento process
- during fieldwork, the name of the spouse (legal or consensual) of the landholder should be included in the cadastral form (ficha catastral)
• land parcels that are to be titled for the first time, whether smallholder parcels or medium properties, are to be titled to the couple, not only to the head of household.  

These repeated instructions by the head INRA office over a five-year period to its departmental and field offices reveal the difficulties originating from both government agencies and community members that the titling brigades experienced in carrying out the instructions. The Land Registry, for example, refused to register co-ownership titles (as community property) to consensual couples, insisting that only legally married couple were recognized as legitimate spouses. As a result, titles to couples without an accompanying marriage certificate were being rejected by the Land Registry and titling brigades were therefore reluctant to issue such titles.  

Titling brigades were also experiencing resistance from male household heads and from community authorities to include women in the saneamiento process and on the land titles.

In 2003, a modest gender training program effort was initiated (with Swiss COSUDE funding) for both titling program personnel and for community members in some of the titling areas. This training program appears to have improved compliance with the above directives in those areas (Camacho Laguna 2003).

Graph 1 shows the number of titles issues to individual men and women, as well as to couples and legally registered commercial farms between 1999 and 2004. The data clearly show that over the life of the program, the number of titles to individual women has increased, peaking in 2002 at 20% of the titles issued that year. Just as importantly, the number of joint titles has increased even more, going from nearly 0% in 1999 to 27-30% in the last few years. Nevertheless, individual men continue to receive the majority of the land titles.

If we examine the amount of land titled (Graph 2), the disparity is even greater. Disaggregating the information by type of farm, it appears that women are more likely to obtain title to smaller parcels of land. For example, 23% of small homestead parcels (solar) were titled to women and 47% were jointly titled. In other categories, individual men obtain the great majority of land titles, while women obtain a small percentage (between 10% and 18%) of titles for agricultural (small & medium) parcels and corporate farms. Joint titles for agricultural (small & medium) parcels also decrease greatly. We can conclude that a great number of the individual and joint titles being issued to women are for homestead parcels, not for agricultural parcels.

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2 The Family Code specifies that property acquired through grant or adjudication from the state forms part of the community property of the conjugal couple (Article 111). This stipulation has been interpreted by INRA to include land distributed through the agrarian reform and re-settlement programs and being titled for the first time.

3 Based on key informant interview with INRA staff and titling brigade teams.

4 The relatively high percentage of homestead parcels being titled to women may be the result of INRA regulations that adopted a safeguard for families that protects, at a minimum, women's access rights to family property. Based on the Civil Code, the rural family homestead is considered family patrimony and may not be sold, mortgaged, or subject to foreclosure while there is a minor child residing in the home (Article 1237).
Laos Titling Program

After Laos gained independence in 1975, an experiment in agricultural production cooperatives was attempted. This was eventually abandoned in the mid 1980s, when state policy shifted towards individual production and individual land control. Since the mid-1980s when the New Economic Mechanism was introduced, the Lao government has been converting its centrally planned economy into a free-market economy by encouraging market-based enterprises. As part of this transition into a market economy, the Lao government has been adjudicating land rights to private parties and organizations, including communal groups, since the early 1990s.

In the rural areas, traditional land tenure systems have been based on use rights to land and customary inheritance practices and vary according to ethnic group. Generally, however, village heads and administrative committees are responsible for land use and forest management and for mediating land disputes (Ireson-Doolittle 1999). Most rural land, therefore, was controlled by community authorities and families. Families control their house plot where they reside and cultivate a house garden. They also have control of any paddy land they may have developed or acquired. Communities have controlled common property such as forests and pasture lands and allocate land for swidden agriculture. In urban areas, individual land rights are common and private property is the norm.

By law, all land is vested in the State, however, legal and secure land rights to private parties occupying land are recognized. Laos’ land policy has followed two different paths for rural and urban land. In the rural areas, the Ministry of Agriculture and Forestry has been implementing a program allocating state land to community organizations and individual users. This program involves the delineation of community boundaries and the classification of community lands. The Ministry issues land use certificates to community members for agricultural and forest land, accompanied by rough survey plans. In urban and peri-urban areas, a land-titling program was begun in 1995 to issue land titles to what is considered urban land—non-agricultural and non-forest land that has construction on it. Government intends to eventually include most agricultural land in the titling program.

Legal Framework

In Laos, even though the State is the ultimate owner of all categories of land, individuals and groups have use rights to land. The 1991 Constitution affirms the rights of private parties to use land, and the Fifth Party Congress (1991) called for the need to accelerate land registration and the issuance of land titles in order to clearly define land use rights.

The 1997 Law on Land re-affirms the State’s responsibilities and the rights of private parties to protection, use, usufruct, transfer and inheritance of land (Arts. 53-58). These permanent use rights approximate private property in the sense that holders of these rights control their land, are able to buy and sell use rights, mortgage them and otherwise use them as collateral, and may pass these rights to their heirs. A Land Certificate provides provisional or temporary legal use right for agricultural or
forestedland. Land Certificates are inheritable, however, they cannot be sold or used as collateral. Permanent land use rights are assigned and recorded with a Land Title (Art. 49) and include the right to pass on their use rights to heirs, the right to sell their use rights, and the right to use them as collateral for credit. Land Certificates can be converted to Land Titles after 10 years through an application for land title process (Art. 36).

Lao legislation, including the 1991 Constitution, acknowledges gender equity with regard to family, inheritance, and property laws. Daughters and sons are to inherit equally. Land acquired by a couple is supposed to be issued a joint land use certificate or title (Law on Land, Family Law, and Property Law).

Customary norms with regard to land rights and gender are applied principally through inheritance practices. Laos is a multi-ethnic country with mainly patrilineal traditions, and some small pockets of matrilineal groups. With the exception of some strongly patriarchal minority groups, both daughters and sons can inherit land and there are no cultural restrictions on women owning land. Inheritance practices are not rigid and parents usually decide which children will inherit what family property. Often this is done on the basis of need and the relationship between parent and child. The traditional practice is for the youngest daughter to remain in her parents’ home after marriage to take care of them in their old age; she therefore inherits the family homestead.

In the strongly patriarchal ethnic groups, such as the Khumu and the Hmong found mostly in the midland and upland areas, men are the owners and administrators of land and land is transferred from one generation to another through sons when they marry and leave the house or when the parents become too old to work the land (MAF 2002). Marriage practices are patrilocal, so women move to the husband’s house and receive gifts of money or animals from their birth family. Women do not generally inherit land from their parents.

**Initial Titling Results**

The Land Titling Program, begun as a small urban pilot project in 1994-95 with support from the World Bank, issues permanent land use titles to land and was extended to include peri-urban areas during phase one (1997-2004). It is projected to include irrigated (lowland) paddy land in phase two beginning in 2005.

In spite of positive legal, political, and cultural conditions for recognition of women’s rights in Laos, there have been problems in issuing land documents (Land Certificates and Land Titles) to women, as evidenced by a study undertaken in 1998 by the research arm of the Lao Women’s Union, the Gender Resource Information & Development Center (GRID).

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5 The three major ethnic categories are all Lao: Lao Loum, Lao Theung, and Lao Suung. There are also Vietnamese and Chinese minority populations. The strongly patriarchal ethnic groups are the Khmu (Lao Theung category) and the Hmong (Lao Suung category).
The GRID study was undertaken in four locations (Vientiane Municipality, Savannakhet, Sayaboury, and Xieng Khouang) and interviewed 2,400 families with over 4,250 land parcels. Comparing information on who acquired each parcel and whose name was on the land document, the results showed that the names on land documents did not always reflect the actual landholder (GRID 2000). While more women inherited land than men, many more land use certificates and titles were issued only in the husbands’ names (Table 1). In addition, couples (husband and wife) had acquired over half of the land parcels, yet only a small percentage of these received joint certificates and titles.

Various reasons have been offered for the discrepancy between landholder(s) and the name placed on land documents. Some reasons relate to the certification or titling process itself. In most households, for example, only the men participated in the information meetings and other certificate or titling activities and women were not present when decisions were made as to whose name would appear on the certificate or title (GRID 2000). Another problem was the type of form used to collect landholder information and how that form was filled out. The land allocation teams and the land adjudication forms asked for the name of the household head, who traditionally is the oldest male in the family and no provision was made on these forms for joint ownership (Ministry of Finance 2002). There is also evidence that cultural norms have influenced whose name is placed on land documents. Men are the traditional head of the family and wives defer to husbands, particularly in public situations. Women may have felt that the husband’s name, as head of the family, should be on land use certificates (GRID 2000).

The GRID study was done in the early stages of the land-titling program and the study authors report that a small proportion of the land documents were urban land titles (other documents were rural agricultural certificates). The results of this study, however, heightened awareness on the part of the different actors in the urban land-titling program, such as government agency officials, NGOs, and donor agencies, that women’s rights to land were not being protected in the process of legally assigning property rights to land.

Based on the findings of the GRID study and an earlier study (Schenk-Sandbergen and Rodenburg 1997) with concrete recommendations for the titling process, the Lao Women’s Union was asked to play a greater part in communicating to landholders the benefits of title, and the rights that would ensue, to men and women. The procedures developed included:

• training of local field staff (this was facilitated in later years by the inclusion of more women at the district level by Department of Land)
• meetings to which both men and women were invited
• separate meetings for women
• development of a training and education program that included women participants.
Role of Lao Women’s Union

The Lao Women’s Union (LWU), the official state organization that advocates for gender equity, has been very active and effective in working with legislators and state programs to extend legal rights to women. The LWU has also been a very active and integrated member of the systematic adjudication teams since 1998 when it was perceived that women were being excluded from land programs. Gender is integrated into the education, training and information dissemination activities at the village level by the LWU.

One of their major roles in the land titling process was that of information dissemination, particularly to women, regarding the process itself. LWU produces and distributes information, education, and communication materials such as calendars, posters, TV and radio spots, and distributes song tapes in villages. LWU is also involved in the education of titling beneficiaries with regard to the risks and benefits of land titles.

At the first village meeting with the systematic adjudication team, mostly village men are present. Several days or a week later, LWU organizes a meeting with the village women. The gender issue is treated in depth at this meeting, particularly women’s property rights. LWU staff interviewed feel that it is for this reason that the number of titles issued to women, either as individuals or as joint title, has increased.

The titling program has mainly relied on the Lao Women's Union for assumption of the responsibility of protecting women’s rights. In a sense, the gender issues has been marginalized and not internalized by the program directors. In part, this is probably due to a lack of understanding of the social aspects of titling on the part of highly technical staff.

Women’s Participation in Urban Land Titling

The land-titling program was not able to provide gender-disaggregated information on land titling beneficiaries. Neither was it possible to obtain information on the number of individual and joint land titles, in spite of a 1996 provision to monitor gender statistics within land registration (World Bank 1996: 36). Therefore, we have attempted to put together the gender-disaggregated data available from two recent studies in order to have an approximation of how women have fared in the land-titling program (see Table 2). These studies show a much higher level of titled women (either as individuals or as joint owners) than the 1998 GRID study. They also indicate that compared to rural land certification programs, the urban titling program is titling more women and issuing more joint titles.

A random household survey was undertaken in 2002 in six provinces where the land-titling program had been implemented and in two provinces where no land titling had taken place. Since the land-titling program has focused on urban and peri-urban land, the households in the titled provinces are mostly urban. The two un-titled provinces appear to have mostly rural households since 47% give farming as their occupation.
The 2003 Socio-Economic Baseline study also indicates that the land titling process has been more successful in providing women with legal documentation to land rights than other land programs. A comparison of households that received title and those that received another type of official document such as land certificates reveals that a higher percentage of women received titles to land, either as individuals or jointly with their spouse (see Table 2). Since the land-titling program has until recently focused on urban land and other official land documents are more likely to be for rural and agricultural land, some of the explanation for this gender disparity may be due to urban/rural and ethnic differences.

Urban and peri-urban areas generally have more dynamic land markets. These areas also generally represent people who may be less tied to tradition, customary law, or ethnic variations. Since the titling program has not dealt with rural areas where gender issues may be more complex and sensitive, it may have to re-think titling procedures and forms for other areas of the country. Research needs to be conducted even in early stages of land entitlement programs on the potential impacts and issues related to gender nation-wide. The various studies conducted during the early years of the land-titling program have pointed out not only the need to address gender in titling, but the complexity of issues still to be faced in Lao, particularly in some rural areas.

CONCLUSIONS

Contemporary history is witnessing the transition of customary communities, such as those in Bolivia and Laos, into market-based societies in most regions. The process is uneven and while changes in the economic domain are not always rapid or positive, customary societies are adopting market-based norms and practices. Rights to land are slowly but inexorably linked to market forces. The wealth and power associated with land rights are accruing to those persons who are able to play the market game. During this transition, it appears that social equity and democratic governance do not develop at the same rate as market relations. The challenge with regard to gender equity is how to ensure that women have the same opportunity as men to acquire and protect land rights during this transition period. In this conclusion section, I would like to briefly address (1) the debates over gender equity in land rights and over the societal benefits of customary systems, and (2) the measures needed in property formalization programs to improve gender equity.

Gender Equity and Customary Norms

This paper has explored gendered outcomes of land formalization programs in the transition from customary tenure to individualized private property. The concept of gender equity is rather recent with the development of social equity and democratic governance as societal goals. Many, if not most, customary societies in the recent past are based on patriliny and patriarchal norms. We have
seen two different patrilineal systems—one in which patriarchal values tend to deny women their legal rights to land and another where customary practices are not biased against women but where state land programs have tended to ignore women’s legal and customary rights. While a market-based society based on the ideology of equal rights should eventually eliminate gender bias, during the transition from customary to market economy, women and men often do not have equal land rights nor the opportunity to acquire land rights. This paper has explored some of the reasons for this discrepancy between the discourse and practice of equal rights within formalization programs. The debate around gendered land rights in both customary and individual private property systems, however, is also often entwined in the debate over the advantages of customary tenure systems.

Some scholars and development professionals, as well as residents of customary societies, find customary societies’ concepts of land and property attractive. For example, state institutions are often unable to manage natural resources at local levels. Laws and regulations are often not realistic nor do they conform to different local conditions; in addition, administrative capacity is often too thin or non-existent. Communities based on customary tenure are able to provide rules and local management of natural resources and conflict resolution (Guasset 2002). In addition, the logic of utilizing land and other natural resources for provision of subsistence needs, not for commercial extraction and profit, implies a stewardship attitude and behavior on the part of landholders.

There are some elements of customary systems, however, that conflict very strongly and directly with notions of human rights and social equity. How does one reconcile this tension? A tenure system, with its attendant concepts of property, is embedded within societal institutions that determine family structure, community membership, and rights. Can these different structures with their norms and practices be disaggregated and modified, and still maintain societal integrity and community cohesion? Can the positive elements of a customary tenure system—such as ecological sustainability, providing access to land for subsistence needs to all households—be maintained while other customary patterns (such as patriarchy and gender bias) are fundamentally modified?

In other words, to attain social equity (including gender equity) do customary societies have to be so fundamentally changed that they lose their basic characteristics of community and common property? Does recognizing social equity and equal citizenship status to all community members necessarily undermine customary societies?

Customary societies and their systems (including land tenure systems) change in both positive and negative ways vis a vis gender equity, and they continue to have strong influence on people’s behavior and on governance structures. Often this is the case because of weak state institutions. The question is: how to work with customary authorities and laws in improving gender equity? Working with customary systems, rather than ignoring them or condemning them, can bring positive results.
Gender Equity within Property Formalization

Formal legislative measures that are gender-neutral or gender-sensitive with regard to property rights are not sufficient. Where women have faced significant social, political, and cultural constraints in acquiring land rights, however, legislation and public policy should also address how to remove these constraints. Real and effective rights for women will take time as norms of social equity and democratic governance are assimilated by communities and societies, and actors adopt values and practices not based on gender bias. This process can be facilitated through policy decisions and programs that assist civil society and state agencies adopt equity as a societal objective. Programs that raise awareness of current discriminatory practices increase the level of consciousness on the issue to societal level. Awareness raising together with legal literacy programs for both women and men, as in Laos, give community members the basis for knowing what their rights are. Legal assistance for those women (and minorities) who want to exercise their rights not only allows them to navigate government agencies and legal channels, it also offers women moral and financial support.

As titling programs improve their procedures and training activities to include women in the process, a number of structural and cultural obstacles have been encountered that especially impact on women. These include illiteracy, monolinguism, and lack of personal identification documents. Titling programs has attempted to deal with these obstacles with varied success.

The adult illiteracy rate for women is often quite higher than that of men. These rates increase in the rural areas, particularly among low-income families. Communication with women, therefore, is limited to oral and visual means, such as posters, graphic pamphlets, radio, and television. The difficulty women face in obtaining information through the written word also emphasizes the importance of their presence in the informational meetings and workshops organized by titling brigades.

Related to literacy is the issue of monolinguism. Bolivia and Laos are multi-lingual countries. Since official documents are written and most official procedures are done in the dominant language (Spanish in Bolivia and Lao in Laos), and many more women than men do not speak the dominant language, heightening their inability to participate fully. Oral communication materials (radios and television) as well as gender workshops in the local indigenous language are more likely to reach women. Titling brigades should also make an effort to have persons on their team with local language skills.

Another major obstacle for many rural women is the lack of personal identification documents, such as birth certificates and national identification cards. Women from land-poor households are less likely to have national identification cards than men. One requirement for land titles is official citizen status shown by possession of an identification card. Facilitating the process for women to obtain these identification cards would increase the likelihood that women become titleholders. Land
administration programs in some areas may want to consider including, as part of the titling process, a program to obtain personal identification documents for targeted populations.

Another issue is that of differing practices in rural and urban areas. In many countries, there are different laws and regulations for rural and urban land. Aside from legislation, however, there are other urban and rural differences. It appears that customary norms and practices tend to change as populations move from rural to urban areas. For example, a study of customary land tenure systems in Laos mentioned that while titling land to women in Hmong villages “simply would not work, despite the laws of the country,” it was noted that recently in urban areas this custom is not strictly adhered to among Hmong families and both sons and daughters inherit land (Lao PDR, Ministry of Finance 2002: 59-60).

The results presented in this paper summarize the immediate outcomes of property formalization programs. Future research will need to analyze the gendered long-term impacts of these outcomes such as effective control over land by women, gendered access to the credit market, decision-making authority on the part of women, recognition of women’s status as first-class citizens in local communities, and their participation in community organizations and decision-making.

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Graph 1: Titles Issued by Gender and by Year in Bolivia (%) 

Source: elaborated by author based on Bolivia, INRA 2005

Graph 2: Land Titled by Gender and Farm Type in Bolivia (Hectares)

Source: elaborated by author based on Bolivia, INRA 2005
Table 1: Land acquisition and land documents in Laos

<table>
<thead>
<tr>
<th>How land was acquired</th>
<th>Name on land documents</th>
<th>Percentage</th>
<th>Percentage</th>
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<tr>
<td>from husband’s family</td>
<td>husband</td>
<td>58</td>
<td></td>
</tr>
<tr>
<td>from wife’s family</td>
<td>wife</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>by couple</td>
<td>couple</td>
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<td></td>
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<tr>
<td>other name</td>
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<tr>
<td>Total</td>
<td>Total</td>
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<td>100</td>
</tr>
</tbody>
</table>

Source: Gender Resource Information & Development Center 2000 (pg. 8).

Table 2: Distribution of land titles & land use certificates in Laos (%)

<table>
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<tr>
<th>Study &amp; Year</th>
<th>Women</th>
<th>Men</th>
<th>Joint</th>
<th>Other</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Social Assessment (2002)</td>
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<td></td>
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<tr>
<td>titles (urban)</td>
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<td>24</td>
<td>38</td>
<td>3</td>
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<td>56</td>
<td>28</td>
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<td>100</td>
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<tr>
<td>Baseline Socio-Economic (2003)</td>
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<tr>
<td>titles (urban)</td>
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<td>20</td>
<td>41</td>
<td>11</td>
<td>100</td>
</tr>
<tr>
<td>certificates (rural)</td>
<td>24</td>
<td>40</td>
<td>27</td>
<td>10</td>
<td>100</td>
</tr>
</tbody>
</table>