

WOMEN AND LAND RIGHTS IN THE LATIN AMERICAN
NEO-LIBERAL COUNTER-REFORMS

by

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**“To be a woman is to have children,” “to not have
access to a parcel of one’s own,” “to do the
housework and the field work,”...”Why is there a
commotion each time a baby girl is born?”²**

Abstract: Rural women did not fare very well in the land reforms carried out during the Latin American “reformist period” of the 1960s and 1970s, with women being under-represented among the beneficiaries. This paper investigates the extent to which women have gained or lost access to land during the “counter-reforms” of the 1980s and 1990s. Under the neo-liberal agenda, production cooperatives as well as communal access to land have largely been undermined in favor of privatization and the individual parcelization of collectives. Significant land titling efforts are also being carried out throughout the region to promote the development of a vigorous land market.

Nonetheless, this latter period has also been characterized by the growth of the feminist movement throughout Latin America and a growing commitment by states to gender equity. This paper reviews the extent to which rural women’s access to land has potentially been enhanced by recent changes in agrarian and legal codes. Colombia and Costa Rica are found to be the leaders in gender-equitable legislation. The Mexican neo-liberal counter-reform is found to be the retrograde in the region. The case studies include Chile, Peru, Mexico, Nicaragua, Honduras, El Salvador, Costa Rica, and Colombia.

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Introduction

The current decade may well be called the decade of “counter-reform” in the agricultural sector. The rise and predominance of the neo-liberal model throughout Latin America--with its emphasis on free markets, comparative advantage, and a reduction in the role of the state in the economy--has resulted in a fundamental restructuring of land tenure throughout the continent (Kay 1995).

Most Latin American countries undertook some form of agrarian reform--redistributing access to land to landless, land-poor and tenant farmers--during the decades of the 1960s to the 1980s. In many countries, the large *latifundia* or haciendas were expropriated, eroding the power of the traditional landlord class. The “reformed” sector that emerged from these expropriations was quite heterogeneous, usually consisting of various forms of collective ownership and production, in addition to family farms.

It is these various forms of collectives which have been particularly subject to attack in the 1990s. Collectives are disintegrating either due to “benign neglect”--the withdrawal of state support--or outright privatization, usually through parcelization and individual land titling. Privatization, however, has also included the restitution of portions of estates to their pre-land reform owners as well as public auctions of national lands.

The explicit aim of most of the counter-reforms has been to create or broaden the land market in order to generate a more competitive agricultural sector, one that can compete in international markets. Most counter-reforms have thus aimed to secure individual property rights in land so that, following market signals, land may be transferred from less to more efficient producers.

This paper assesses women’s land rights during two periods: the period of agrarian reform; and the period of counter-reform. Both periods were based on state intervention, in the sense that the state defined the rules of the game and determined the beneficiaries of the process. Where they differ is that gender and development issues have become an international concern in the latter period, with many governments now formally committed to the goal of gender equality, at least as parties to the United Nations Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) (Krawczyk 1993). This difference raises the question of the extent to which state intervention in the agrarian sector in the latter period has been influenced by three decades of feminist research and activism, resulting in more favorable terms with respect to rural women’s access to land.

Another difference between the two periods is that, in the current conjuncture of neo-liberalism, state intervention is seen as a temporary measure, one of guidance in the transition to freely functioning land, input, credit, and product markets. Thus, another concern of this paper is with what happens when the state retreats from the process of land redistribution and other support to agricultural producers. Is the market any more “gender neutral” than state intervention? Or is the market also conditioned by legal, structural, and ideological impediments which result in limiting women’s access to land?

Before proceeding to analyze women’s land rights under the Latin American agrarian reforms and counter-reforms, it is important to reiterate why this is an important issue. We focus on two arguments: the productionist argument and the empowerment argument.³

For all too many decades, the stereotypical view of Latin American peasant agriculture has been that it was based on the family farm, with a division of labor in which the male head of household is the principal agriculturalist and the female spouse is the “helper.” This view has been perpetuated by the Latin American agricultural censuses and researchers who rely upon such stereotypes for cross-cultural analysis (Boserup 1970).

Several generations of feminists researchers have amply deconstructed this vision, illustrating that the gender division of labor is most heterogeneous, varying by region, principal crop, the inherited land tenure structure, peasant social differentiation, ethnicity, and the structure of the labor market, among other variables (Deere and Leon 1982, 1987; Campana 1990; Deere 1995). In many situations, women are the primary agriculturalists. In others, they have become so over the decades of the 1970s and 1980s, due to the growing number of female-headed households in rural areas, a phenomenon partly related to increased male seasonal migration, particularly among smallholders.

For the growing number of female farmers throughout the continent formal land rights are critical. Without such rights they cannot join credit and service cooperatives or otherwise get access to credit or technical assistance. We term this view the productionist argument since these constraints limit women’s productivity or most effective use of the productive resources to which they have access.

In addition, it has been well demonstrated that women’s formal rights over land are critical in women’s bargaining power within the household and community (Deere 1990; Agarwal 1994b). Women who own land not only find it easier to find a spouse, but also to terminate an unacceptable relationship, since they have their own independent means of support. Within marriage, women landowners tend to play a greater role in decision-making, particularly over the intra-household allocation of labor and distribution of income. Also, women’s ownership of land is important in assuring them security in old age, since the possibility of designating inheritance shares assures them of the assistance of their grown children. Thus, even in cases where women are not the principal agriculturalists, ownership of land is most important to their status and well-being (Roquas 1995). This view represents the empowerment argument.

An indicator of the importance that rural women themselves place on gaining access to land is given by the presence of rural women in land take-overs during the past three decades in countries ranging from Chile and Peru to Mexico and Nicaragua. In earlier decades, however, the participation of women in such land struggles rarely resulted in the demand that they subsequently be given land in their own names. It is in the 1980s that the demand begins to resonate in such countries as Colombia, Honduras, and Nicaragua that “family lands” be jointly titled in the names of both spouses.

At the First Continental Meeting of Rural Women Workers, organized by the Movement of Rural Women Workers of Northeast Brazil in September 1996, one of the main demands of the women gathered in Fortaleza, Brazil, besides calling for an end to the political and domestic violence against women, was the demand for women to have access to land and credit (Cevasco 1996:12).

Despite the importance rural women place on owning land, and their growing ability to articulate this demand through women’s organizations, most Latin American governments did not take women’s needs seriously when it came to redistributing land through agrarian reform or privatizing it through the counter-reforms. Drawing on the available secondary data for eight countries and interviews with specialists in the field, this paper examines the changes that have taken place in the region’s agrarian laws and civil codes in terms of women’s potential access to land. It also examines the extent to which rural women’s organizations and the growing feminist movement in the region have impacted upon the generation of more gender-equitable agrarian and civil legislation.

In the next section of this paper, a brief summary of how women were excluded from the Latin American agrarian reforms is presented. The next four sections present case studies of neo-liberal counter-reforms in the agricultural sector. The Chilean counter-reform is analyzed first, since it represents the proto-type of neo-liberal agrarian policies which commenced in the 1970s. Subsequently, the Peruvian, Mexican, and Honduran cases are analyzed. Whereas the Peruvian counter-reform was a product of the 1980s, the latter two are more recent, commencing in the 1990s. The next two cases, El Salvador and Nicaragua, are rather special, given the fact that both countries are still recuperating from civil wars that ravished them in the 1980s. While, in the neo-liberal tradition, both countries have encouraged the parcelization of the previous agrarian reform collective sector, the conditions of peace have required them to continue redistributing land. The last two sections focus on countries which have followed neo-liberal macroeconomic policies, but where agrarian reform efforts continue, albeit, for different reasons: Costa Rica and Colombia. While it is still too early to assess the full impact of many of the recent changes in agrarian policies, some tentative conclusions are put forward on the likely impact of these changes on women’s access to land and land rights.

The Latin American Agrarian Reforms

Previous research on the Latin American agrarian reforms demonstrated that most reforms directly benefitted only men (Deere 1985, 1986, 1987; Leon, Salazar, and Prieto 1987). The reforms had this result largely because it was assumed that households were the beneficiaries and only male household heads were generally incorporated into the new agrarian reform structures or given land titles. A necessary but not sufficient condition for rural women to benefit on par with men is that they too be designated as beneficiaries. Women as well as men must be given access to land or the opportunity to participate in the agrarian cooperatives or state farms promoted by an agrarian reform. In a comparative analysis of 13 agrarian reforms Carmen Diana Deere (1985, 1987) argued that this participation took place only in countries where the incorporation of rural women was an explicit objective of state policy: in the mid-1980s the available data indicated that this had taken place only in Cuba and Nicaragua.

Table 1 provides the most recent data available on the extent to which women were beneficiaries in the eight countries included in the present study. It shows that women have fared quite poorly, ranging from only 4 percent to 15 percent of the direct beneficiaries.

Legal, structural, and ideological mechanisms all contributed to women's exclusion from the agrarian reforms.⁴ With the exception of the Mexican agrarian reform law of 1971, the Cuban collectivization process of the late 1970s and 1980s, and the Sandinista agrarian reform of the 1980s, the majority of the reforms required beneficiaries to be household heads. Restricting beneficiaries to only household heads discriminates against women since, throughout Latin America, custom dictates that, if both an adult man and woman reside in a household, the man is considered its head. Even in those cases where beneficiaries were defined as individuals, it was usually assumed, if not explicitly stated, that only one individual per household could be designated a beneficiary and that was the household head. As a result, the only women who could potentially be reform beneficiaries were either widows or single mothers with no adult male living in the household.

A related structural problem is that many agrarian reforms benefitted only the permanent agricultural wage workers employed on the estates at the moment of expropriation and excluded the often large seasonal labor force from cooperative membership. In Chile, Peru, and El Salvador, for example, the permanent agricultural wage workers were generally men, although women were often an important component of the seasonal labor force. The inability of the agrarian reforms to accommodate the vast majority of seasonal agricultural workers was prejudicial to both men and women. However, whereas men are found in both categories of workers--permanent and seasonal--the structural characteristics of women's labor force participation resulted in women being excluded as a social group. The few women permanent workers, and thus potential beneficiaries, were then subject to an additional criteria: that they be household heads. This requirement, of course, reduced their participation still further.

Many of the reforms carried out during the Alliance for Progress period of the 1960s, besides prioritizing landless workers and tenants, determined potential beneficiaries on the basis of a point system. In Colombia, for example, the point system favored those with more education, larger family size, good reputations, and farming experience. Women were at a disadvantage compared to men in terms of educational attainment. Moreover, female heads of household suffered under the reputation criterion since nonconformity with the patriarchal nuclear family norm lowered their status in the eyes of the community. Women were also disadvantaged by the farming experience criterion since men in the Andes are considered to be the primary agriculturalists and women are generally regarded as their “helpers,” irrespective of the amount of time they might dedicate to farm activities.

Ideological norms governing the proper gender division of labor--that a woman’s place is in the home while a man’s is in the fields--often appear in the content of agrarian reform legislation, particularly in the language of inheritance provisions that explicitly assume that beneficiaries will be male. Article 83 of the Venezuelan agrarian reform law, for example, provided that, in the case of death or abandonment of land by the beneficiary, “the Institute will adjudicate the parcel to his wife or concubine, or in third place to the son.” A similar provision was made in the Costa Rican agrarian reform law. Ideological norms also constituted a significant barrier to the incorporation of women as beneficiaries in reforms that explicitly provided for the inclusion of female-headed households, such as Bolivia and Honduras.

In only two countries was the incorporation of women as beneficiaries, irrespective of their kinship status, an explicit goal of state policy: Cuba and Sandinista Nicaragua. While the 1959 agrarian reform law in Cuba was similar to that of other Latin American countries in terms of gender bias, in that the overwhelming number of beneficiaries from the “land to the tiller” program were male household heads, over the course of the revolution, in response to both ideological and economic considerations, gender equity was incorporated as a goal of state policy. Thus, when the movement to form production cooperatives began in the mid-1970s (by peasant households pooling their private property), all adult household members were encouraged to become cooperative members, with the women guaranteed employment on the cooperatives under the same conditions as men. This policy resulted in women making up 25.4 percent of the membership of the cooperatives in 1985 (Stubbs and Alvarez 1987: 144), a figure significantly higher than in any other Latin American reform.

We analyze below why Nicaragua’s gender pro-active agrarian reform led to such a limited number of female beneficiaries, particularly when compared to neighboring El Salvador and Costa Rica which did not have such a policy. As can be seen in Table 1, the share of female beneficiaries was not significantly different among the three countries. But, following the main theme of this paper, we begin our analysis with the Chilean agrarian reform, the proto-type neo-liberal counter-reform.

The Chilean Counter-Reform

In 1973, the Chilean “reformed sector” consisted of some 5,800 expropriated properties, encompassing approximately 40 percent of the country’s agricultural land and being worked by some 76,000 beneficiaries in various collective arrangements (Silva 1991: 16).⁵ Previous research has demonstrated that rural women were virtually excluded from the agrarian reform, primarily because beneficiaries were required to be household heads and permanent workers on the expropriated estates (Garrett 1982; Deere 1986; Mack, et al. 1987).

The military regime’s goal after the coup which overthrew Socialist President Salvador Allende in BerDecembersundaySundayMonday”tuesday 1973 was to foster the development of an internationally competitive agricultural sector. This was to be accomplished through privatization of the reformed sector and the development of a vigorous land market, external liberalization, and withdrawal of the state from promoting and managing agricultural production (i.e., the state’s withdrawal from participation in input, credit, and output markets). It was also to be accomplished by breaking the back of the trade union and peasant movements.

The first step was the dismantling of the reformed sector. Part of this land was restored to former owners, part was individually titled to former beneficiaries, and part was auctioned off to private entrepreneurs.⁶ The process of restitution resulted in 3,806 farms (out of an original 5,800 farms which had been expropriated) being partially or totally returned to their previous owners. In most cases the restitution was only partial, so that the total land surface returned in this manner ended up consisting of only 28 percent of the total land expropriated under the agrarian reform. The goal was to foster a broad sector of medium-sized agricultural producers, rather than the *latifundia* of the past; average farm size in this sector subsequently consisted of 80 standardized hectares (Silva 1991: 23).⁷

The parcelization process aimed to create a family farming sector among previous reform beneficiaries. Some 36,533 farms were titled, with an average farm size of ten standardized hectares, accounting for 41 percent of the expropriated land area. The beneficiaries were to purchase their parcel over a thirty year period, paying interest on their mortgages (Silva 1991: 25). According to Lowell Jarvis (1992: 192), in order to be eligible for a “family agricultural unit” of ten standardized hectares, the applicant had to be (1) a farm resident at the time of the initial expropriation of the farm; (2) a household head; and (3) someone who had not participated in an illegal land take-over during the previous two governments.

Although the initial intent of the military was to benefit the worker-peasants (*inquilinos*) who had already been deemed part of the reformed sector, this aim was subsequently modified to allow university technicians, former administrators, public employees, and other entrepreneurs to benefit as well. A system of points was created to rank the applicants for land titles which included “such categories as the relationship of the applicant to the land subject to distribution, age, number of family dependents, possession of certain university degrees, having administered or held a position that required the trust of the landowner, and so on” (Silva 1991: 26).

As a result of this ranking, it is estimated that ten percent of the new farms were allocated to those of non-peasant origin (Silva 1991: 27). Because of the restrictions and ranking process--which excluded former temporary workers on the estates as well as activists who had been granted beneficiary status by the Allende government--33,085 former beneficiaries (50.2 percent) were denied access to land in the privatization process (Silva 1991: 27).

It is difficult to analyze the gender implications of the privatization process in Chile since data by gender were not collected on those who received land titles through the counter-reform. But since the pool of potential beneficiaries of privatization was initially defined by those who had benefitted from the previous reform, one can surmise that these were predominantly male. Few women were qualified to apply for land, since most, including female heads of household, had been excluded as beneficiaries in the previous agrarian reform. As Sarah Bradshaw (1990) argues, the counter-reform was as patriarchal as the previous agrarian reform.

Since women were virtually excluded from the reform and counter-reform in Chile, the main way that women might gain access to land is through the land market (where they are at a disadvantage, as will be seen below) or through inheritance. Little research has been carried out on inheritance patterns among beneficiaries of the counter-reform or on Chile's smallholding sector.⁸ Bradshaw (1990: 117) notes in passing with respect to smallholders that "as land rights automatically go to any males in the family, and male labor is seen, in general, to be indispensable, whilst female labor is considered as secondary, then the sons remain working the land. Hence daughters may be forced to migrate whilst sons face parental pressure to remain." In general, young rural women are much more likely to migrate permanently to urban areas than young men, resulting in high masculinity ratios in rural areas (Aranda 1992: 7-8).

Christopher Scott (1990: 86-87) reports that inheritance of land is formally bilateral, with all children having the right to inherit, but in practice, women find it difficult to actually claim a share of land: "Dealings between male claimants commonly take the form of market transactions, as when one brother buys the share of another, or where a single resident male heir pays rent to absentee male heirs for the use of the entire property. By contrast, female claimants seem particularly vulnerable to pressure from male siblings to renounce their legitimate rights of ownership. This pressure may take the form of physical intimidation or of an expressed expectation that female heirs will not exercise their entitlements, particularly after marriage." Ximena Aranda (1992: 7-8) notes that, to avoid creating microfundios, there is an increasing tendency for only one child--always a son--to inherit the family farm.⁹

No doubt these inequitable inheritance practices were reinforced by the fact that Chile had, until recently, one of the more backward Civil Codes in Latin America (dating from 1857), one that maintained what is termed *potestad marital*: upon marrying, women lost the right to administer their own property and the husband became the sole manager of the resources of the conjugal society (FAO 1992; Aranda 1992: 32).

Rural women have not been hesitant to voice their discontent with the disadvantages they face in inheriting or controlling property. At the first national meeting of rural women in 1986, organized by the Women's Department of the National Peasant Commission (the *Comission Nacional Campesina* [CNC], an umbrella group of rural unions and peasant groups), among the main demands was reform of inheritance and property legislation (CNC 1986; GIA 1986: 9). But it was not until democratic government returned to Chile and a women's institute was created at the ministerial level in 1991, called SERNAM (*Servicio Nacional de la Mujer*, or National Women's Service), that attention focused on changing the legal capacity of married women (Matear 1997:99). Finally, in 1994, the "Ley sobre Regimen de Participacion en los Gananciales" was passed which provides that a couple can opt to hold and manage their own property separately, as individuals, or opt to form a joint patrimony with any wealth acquired during marriage; however, *protestad marital* is still the default option (Valdes and Gomariz 1995: 140-143).

Turning to the possibility that rural women acquire land through the land market, if not by inheritance, it is important to first consider the impact of neo-liberal restructuring on the gender division of labor. According to the Military's neo-liberal model, Chile's economic growth was to result by a restructuring of the economy around the country's comparative advantage in world markets, which was to center on the agricultural and mining sector, and in the case of the former, focus primarily on fruits and lumber.

Liberalization, combined with the counter-reform of land tenancy, had a tremendous impact on the agricultural labor market, fostering an increased supply of labor. This subsequently resulted in the low wages needed to build the competitive edge for export agriculture. As noted above, a sizable number of prior agrarian reform beneficiaries (slightly over half) were excluded from the privatization process. These marginalized households had few options: given the high unemployment rates in the cities, most remained in the countryside, either moving to the new rural hamlets (*villorios rurales*), which began springing up along the roadways, or becoming live-ins (*allegados*) of those who received land through the privatization process. In the latter case, some households worked for the owner of the parcel or sharecropped with him, while others only resided there, seeking wage work on a daily basis (Silva 1991: 27).

The expansion of fruit cultivation in the central region of Chile also led to a new process of land concentration. Lack of access to credit and other technical assistance (a result of the state's withdrawal from support to the agricultural sector) allowed few of the beneficiaries of the counter-reform to compete with the larger farms, and many were forced to sell their land, joining the other landless laborers as workers on the large estates (Bradshaw 1990: 113). It is estimated that as many as half of the new property owners from the reformed section lost access to land through these processes (Lago 1987: 24).¹⁰ Finally, the opening of the economy to foreign food imports wrecked havoc on domestic food production, forcing many small farmers into semi-proletarianization and seasonal migration or into selling their lands (Diaz 1990: 133-35)

The major change in the composition of the agricultural labor market is that fruit production and processing, the most dynamic and labor-intensive activity, led to a predominantly female work force. Maria Soledad Lago (1987), Bradshaw (1990) and Loreto Rebolledo (1993) all stress how the development of fruit production for export changed the gender division of labor in wage employment with women often contracted for skilled positions, especially fruit packing jobs. Nonetheless, women's position in this dynamic export activity is characterized by its part-time and unstable nature. The fruit industry provides jobs for only six to seven months out of the year. The majority of permanent positions (which were severely reduced over the 1980s) were mostly granted to males.

For example, in a 1984 study of 246 households in the fruit region, 18 percent of the men held permanent jobs while 43 percent held temporary jobs in the fruit industry; no women were found to hold permanent jobs while 45 percent of the women in these households held temporary jobs in this industry (Campana 1990: 258). In another study of seven fruit enterprises in the region of Santa Maria it was found that out of more than 3000 workers only 98 were employed on a permanent basis, and 92 percent of these permanent jobs were held by men (cited by Bradshaw 1990: 114).

For the remainder of the year, proletarian and semi-proletarian women must resort to the informal economy, domestic service, or the tasks of traditional agriculture if their family owns land (Bradshaw 1990: 113-15). Another major change in the gender division of labor prompted by the neo-liberal model has been women's increased responsibility for subsistence production on family plots (Bradshaw 1990: 117; Lago 1987: 27).¹¹ This particularly characterizes the regions of non-export agriculture, where males generally have been forced into seasonable migration in order to seek wage income.¹²

The major characteristic describing Chilean rural families in the neo-liberal period has been their general impoverishment and their greater reliance upon multiple sources of income generation, requiring the active efforts of both men and women (de los Reyes 1990: 149). An estimated 42.8 percent of the rural sector was characterized by indigence or extreme poverty in 1990 (Valdes 1994: 40).¹³ Among the poorest social group are rural women, particularly female heads of household. In addition, the share of rural female headed households has been on the rise, increasing from 13.5 percent in 1982 to 17.2 percent in the 1992 Census (Valdes 1990: 40). Few rural women or men have the opportunity to generate savings and participate in the land market.

As mentioned earlier, it was not until after the reinstatement of a democratically elected government in Chile that the state began to be concerned with women's issues, and those pertaining specifically to rural women. This concern can be attributed to the growing weight of the feminist and women's movement in the country, their role in the democratization process of the late 1980's (Matear 1997), and international pressure to comply with the United Nations CEDAW. Subsequent to its creation, the national women's office, SERNAM, began to work in concert with the agricultural development institute, INDAP, to implement policies supportive of

poor peasant households, including the creation of income generating and micro-enterprise projects for rural women (Matear 1997: 98).

One of the more important programs that was commenced in 1992, funded by the World Bank, was the national land titling project carried out by the Ministry of National Property in cooperation with SERNAM--the latter's participation to assure that rural women, particularly female heads of household, be included within the scope of the project. One of the main characteristics of Chile's smallholding sector is the absence of registered land titles, encompassing an estimated 100,000 farms (Scott 1990: 83). Such a situation not only excludes this sector from access to credit but also discourages women from claiming their inheritance, given the transaction costs of legalizing claims.

According to a sample survey carried out among the 26,000 beneficiaries to date of the titling project, 39.3 percent of these were rural women (MinBienes 1996: 3).¹⁴ Included in this figure, however, were those who were titled their lots (homes and gardens) as well as those titled land parcels; women appear to be concentrated in the former category. Nonetheless, the question remains whether the titling program will merely serve to facilitate women's sale of property (thus expanding the market) or propitiate women's greater ability to invest in agricultural and other income generating activities (Valdes 1994: 55).

SERNAM (1997) has recently issued a detailed set of policy proposals to assure rural women equality of opportunity. Developed in full consultation with peasant women leaders and other representatives of civil society, the proposals constitute an important step forward, if implemented, for empowering rural women. But while the document stresses the importance of "regularizing" women's land rights, particularly those of female household heads, it is strangely silent in terms of demanding women's greater access to land through land redistribution or right of inheritance. Nonetheless, the document is quite clear in terms of its objectives in assuring rural women access to credit, technical assistance, and greater training possibilities, including education.

In sum, compared to the period of agrarian reform in the 1960s and early 1970s and the subsequent counter-reform of the latter decade, Chilean rural women are now visible actors in civil society--through their role in the Women's Department of the CNC--and are included on the policy agenda of the state.

The Counter-Reform in Peru

The agrarian reform of Peru's Revolutionary Military government was among the most thorough undertaken in Latin America. Through Decree Law 17716 of 1970, some 427,000 households, approximately one-third of rural households, were adjudicated almost half of Peru's agricultural and forest land.¹⁵ The vast majority of beneficiaries received land through various types of associative enterprises, including production cooperatives, peasant communities, and peasant groups. Only 20.6 percent of the beneficiaries were assigned land individually.

Very few rural women in Peru benefitted directly through the agrarian reform, primarily because beneficiaries were required to be household heads and, in addition, permanent workers on the expropriated estates. While national-level disaggregated data by gender were never collected, case studies revealed that women only represented between two and five percent of the members of the production cooperatives (Deere 1987: 171-2); no estimates have been made of the share of women among those who received individual land titles.

Peru's counter-reform was initiated in 1980 with President Fernando Belaunde's "Law for the Promotion and Development of Agriculture" which allowed associative enterprises to be parcelized and these land parcels, once duly titled, to be sold. Only the peasant communities were exempt from this measure, since their land continued to be considered the inalienable land of the communities. By the end of 1986, approximately half of the production cooperatives had been parcelized, accounting for one-third of the adjudicated land under this form of management (Cuba Salerno 1993: 93). Relatively little progress was made with regard to land titling. By 1990, only some 59,578 land titles had been granted either individually or collectively, encompassing some 53 percent of the land adjudicated under the reform (Casafranca and Espinoza 1993: Table II-8).

Little has been written about the gender implications of the undoing of Peru's agrarian reform. We assume that since so few women were direct beneficiaries of the initial agrarian reform, few benefitted directly from the parcelization of the collective enterprises. Under the terms of the original agrarian reform law, the main way that women might gain access to land in their own right was by inheriting land from their husband upon his death. The legislation, however, was quite unclear about the specific rights of wives and concubines. Article 88 specified that, upon the death of a beneficiary who had not completely purchased his parcel, the General Directorate of Agrarian Reform was to adjudicate the parcel, without charge, to the spouse or permanent partner and the children under 18 years of age, and that they were not obligated to complete payment for the land until the youngest child reached 18 years (Macassi Leon 1996: 17).

Article 104 of the original legislation established the order of secession for beneficiaries who had obtained property rights to their parcel. If a deceased beneficiary left a will, then land would go to whomever was designated as long as this person worked the land directly. If he did not leave a will, then it was up to the legal heirs to decide to whom the parcel should belong; if they could not agree, this task fell to the General Directorate of Agrarian Reform who would adjudicate the parcel among those heirs meeting the conditions of the law (i.e., that they would work the land directly). Lawyer Ivonne Macassi Leon argues that this article excluded unmarried partners since the Civil Code of the time did not provide for inheritance in the case of consensual unions. This point is important, since traditional custom in the highlands favor consensual unions over formal marriages.

The Civil Code of 1984 did represent a step forward since it granted equal rights to men and women within the family, particularly with respect to the rights and duties governing

children. It also gave spouses the automatic right to a share of inheritance upon the death of a spouse, even in the case of a will noting otherwise. Nevertheless, even though consensual unions were recognized in the civil code, unmarried partners were not given the mandated rights to inheritance which spouses were given (Macassi Leon 1996: 12).

To facilitate the more rapid development of the rural land market, as well as the flow of capital into the agricultural sector, Alberto Fujimori's government passed the 1991 "Law to Promote Investment in the Agricultural Sector." This law was intended to facilitate the development of a medium-size capitalist agricultural sector by permitting either "natural or juridic persons" to acquire land, irrespective of whether they were the direct producers; moreover, this law withdrew the state from the business of land adjudication (i.e., formally ended the agrarian reform). In addition, henceforth, a contract of sale is sufficient for property to be inscribed in the land registry.

Various researchers also consider the 1991 agrarian law (D.L. 653 which superceded D.L. 17716) a step forward for gender equity since land rights are no longer framed in terms of household heads, but rather all "natural or juridic persons" are given equal rights.¹⁶ In addition, the special provisions governing inheritance in D.L. 17716 were rescinded, making inheritance subject to the more progressive provisions of the 1984 Civil Code.

Another 1991 law, the "Law of Peasant Communities" (D.L. 24656), established that both men and women have the right to be community members and the right to receive land in usufruct. Jazmine Casafranca and Cristina Espinoza (1993: 59) note, nonetheless, that any voting which takes place at community meetings is usually done on the basis of one vote per family, following customary practices.

The 1993 Peruvian Constitution went a step further in proclaiming the equal rights of men and women before the law, in proscribing discrimination by sex, race, or language, and in recognizing consensual unions.¹⁷ In addition, the constitution explicitly established that men and women can equally own and inherit land (Campillo 1995: 346). In sum, recent legislative changes in Peru have moved to make the legal framework governing women's access to land more gender neutral.

The main form of current state intervention in the agricultural sector is the "Special Project for Titling" (Projecto Especial de Titulacion y Catastro Rural, PETT), designed to bring order and stability to the land tenure situation by the completion of a full rural cadastre and the registration of all properties in the National Land Registry so that, subsequently, these can be legally bought and sold. This project, funded by the InterAmerican Development Bank, supposedly guarantees men and women equal opportunity to get their land titles legalized, given the recent constitutional changes. Nonetheless, as Macassi Leon (1996) argues, women may be at a disadvantage, given their low levels of literacy and lack of legal documentation (such as a voting card) which may proscribe their participation in the program. She estimates that no more

than 20 percent of those legalizing their land titles will be women, a figure which corresponds to the proportion of female headed households in rural areas, 20.1 percent (Peru 1995: 553).

In a comparative study of women's access to land in the Andean region (based on a sample survey in selected regions of each country), Peru and Bolivia appear as the two countries with the lowest share of female property-owners in the countryside (Ochoa de Pazmino 1994: 30). Unfortunately, national-level data on this crucial variable are still not collected in the agricultural census, which continues to be the case in the rest of Latin America as well.

What stands out in the Peruvian case is the relatively weak role that rural women's organizations or the feminist movement have played in demanding that women have access to land under the same conditions as men. While the changes in women's legal status in recent years is no doubt connected to the strong urban feminist movement in that country, it appears that there is a long way to go in making rural women aware of their basic rights and in creating the demand that these be honored. Moreover, a gender perspective has not been incorporated, even nominally, in development plans (FAO 1996: 8). Nonetheless, in late 1996 a women's office was created at the ministerial level to monitor compliance with the constitutional changes favoring gender equality.

Neoliberalism in Mexico

The Mexican agrarian reform was also one of the most thorough in the history of Latin America, with almost half (106.8 million hectares) of Mexican national territory passing to 29,659 *ejidos* (collectively held land holdings) and indigenous communities, and benefitting some 3.5 million households between 1915 and 1992 (Botey 1997:134-135).¹⁸

The original 1920 *ejido* law, implementing Article 27 of the 1917 Constitution, established that land should be distributed to household heads without mention of gender (Arizpe and Botey 1987: 70).¹⁹ It was the 1927 law that first referred to gender, and in a manner which discriminated against women. According to Article 97, *ejido* members should be "Mexican nationals, males over the age of eighteen, or single women or widows supporting a family." While the intent of this regulation may have been to protect the interests of female-headed households, it was discriminatory in that men could obtain land independent of whether or not they were supporting a family whereas women could not. Moreover, if an *ejidataria* subsequently married an *ejidatario* she automatically lost access to her usufruct parcel in the *ejido* (Vazquez 1997).

It was not until 1971 that legal equality was established between men and women: future beneficiaries could be "Mexican by birth, male or female over sixteen years of age, or of any age if with dependents" (Article 200).²⁰ Moreover, female *ejido* members were to have equal rights as male members (Article 45) and could no longer lose their *ejidataria* status upon marriage (Article 78).²¹

Inheritance provisions also protected spouses and permanent partners: in the event of the death of an *ejidatario* without a will, the default clause provided for the land to first pass to his partner, and following her death, then to the children (Article 86). *Ejido* land could only be willed to the spouse or children, or to whomever depended economically on the *ejidatario* (Articles 82, 83). Moreover, the legal heir was responsible for food provisioning to the children (under the age of 16) of the deceased *ejidatario* and to his wife or permanent partner until the latter's death or remarriage (Esparza Salinas, Suarez, and Bonfil 1996: 24-27).

Another aspect of the 1971 law that protected *ejidatarias* was that they were not required to work their land directly if they had small children and excessive domestic chores. In an exception to the norm governing the *ejidos*, these *ejidatarias* were allowed to rent their land and/or to hire wage workers (Article 76).

Lourdes Arizpe and Carlota Botey (1987: 71) argue that despite the egalitarian provisions of the 1971 law, women's access to *ejido* land continued to be limited by cultural conditioning and discriminatory patriarchal practices. Moreover, by the mid-1970s very little was being redistributed through the reform (Fox 1994: 244). As result of both of these factors, in 1984 female *ejido* members represented 15 percent of total *ejidatarios* and the vast majority of these were elderly widows who inherited the usufruct rights of their husbands (Arizpe and Botey 1987: 71). This figure roughly corresponds to the number of rural female household heads enumerated in the 1990 census: 14.3 percent.²²

Arizpe and Botey argue that few of these *ejidatarias* worked their parcels themselves, but rather that control of the parcel was usually in the hands of a male family member. This raises an important point stressed by Agarwal (1994a, 1994b): ownership (or usufruct right) of land is not the equivalent of effective control over land. Nonetheless, these *ejidatarias* at least had the legal right to attend *ejido* meetings and to vote in the proceedings, a right which the partners of male *ejido* members did not have.

The 1971 Mexican law also made some provisions for wives and daughters of male *ejido* members. It required *ejidos* to create agro-industrial units for women (UAIMs, *Unidad Agrícola Industrial de la Mujer*). Women over the age of 16 were to be given collective access to a parcel of land for special agricultural or agro-industrial projects. This parcel was to be equivalent in size to the average amount of land held by any one male member; moreover, the UAIM was to be given one collective vote in *ejido* meetings. There is a general consensus that the UAIMs have not proven a very efficacious means of promoting women's role in production or in decision-making in *ejido* structures; in addition, these came into being on only 8.6 percent of all *ejidos* (Zapata, Mercado y Lopez 1994: 189; J. Aranda 1991:124-32; 1993:205-12).²³

The 1992 changes in Article 27 of the Mexican Constitution and in the neo-liberal agrarian reform legislation intend to change the rural landscape, paving the way for privatization of the *ejidos* and the development of a vigorous land market. As Jose Luis Calva (1993:9-10) argues, the changes to Article 27 broke the agrarian social pact of the Mexican revolution which

had made *ejido* and indigenous community land inalienable.²⁴ Most critics argue that the aim of the neo-liberal agrarian law is to bring about a concerted depeasantization of the country-side in favor of accelerated capitalist development (de Vries 1995; Esparza Salinas, Suarez, and Bonfil 1996: 14-16; Botey 1997).

By removing the impediments to the creation of a land market, the neo-liberal law seeks to attract domestic and foreign capital to the agricultural sector through different modalities: outright land sales, joint ventures, or contract agriculture. It also creates the possibilities for the reconcentration of land to create “efficiently” sized enterprises, if not the old *latifundio*.²⁵ This outcome, as well as depeasantization, is also foreseen by the abandonment of state support for the *ejidos* in the form of subsidized credit and technical assistance and the gradual elimination of guaranteed prices for basic grains, the latter the consequence of Mexico’s joining the North American Free Trade Agreement (NAFTA) which went into effect in 1994.

There is growing consensus that this counter-reform is particularly prejudicial to rural women and will erode even further women’s access to land (Encuentros Nacionales 1992: 222-227; Stephen 1993: 2-3; Zapata 1995: 382; Esparza Salinas, Suarez, and Bonfil 1996:32; Botey 1997). First, all major decisions regarding the future of the *ejido* (whether to parcelize and/or dissolve the *ejido* or to enter joint ventures) are to be made by the recognized *ejido* members (Article 28).²⁶ This means that spouses of *ejido* members are excluded from decision-making and, in effect, women are excluded (since they make up a minority of total *ejido* membership) from participating directly in determining the future of their communities.

The most dramatic change introduced by the new legislation is that, upon a majority vote of *ejido* members, individuals holding usufruct rights may acquire a title to the land and dispose of it as the *ejidatario* sees fit, either renting or selling it. What was once a family resource--the *patrimonio familiar*--becomes the individual property of the *ejidatario* (Stephen 1996a: 289; Lara Flores 1994: 86; Esparza Salinas, Suarez, and Bonfil 1996: 8, 25, 35; Botey 1997: 170). If an *ejidatario* decides to sell his parcel, his spouse and children have what is called the “right of first buyer” (*derecho de tanto*);²⁷ however, they have only 30 days to make arrangements to purchase the land. Given the low wages and incomes that rural women have access to it is doubtful that many women will be able to exercise this right should her husband decide to sell the family plot (Esparza Salinas, Suarez, and Bonfil 1996: 38).

Lynn Stephen (1993: 16-17) found, in her interviews in Oaxaca, that many women were afraid that if their *ejidos* were parcelized, their husbands would decide to sell their land. Yet as she notes, “most hoped that their husband would consult them if they wanted to sell land, but pointed out that there was no guarantee that they would do so.... Given an average wage of \$4.00 per day, most women are unlikely to be able to purchase land.”

In a major change with previous practice, inheritance provisions no longer assure that access to *ejido* land will remain within the family. Now the *ejidatario* may decide the preference ordering, which may include the spouse or partner, one of the children, other relatives or *any*

other person. Moreover, the designated heir no longer has any responsibility to provide means of support for those who depended upon the deceased. This change in inheritance procedures places rural women in a more precarious position than ever before regarding land rights (Zapata, Mercado y Lopez, 1994: 188). Only in the case where the *ejidatario* has not made out a will does the traditional preference ordering rule: the spouse or partner, one of his children, another family member, or finally, any other person who depends economically on the *ejidatario* (Articles 17 and 18).

Carlota Botey (1997:180) goes even further in arguing that the new Agrarian Law violates the Mexican Civil Code. By allowing the *ejidatario* to designate non-family members as heirs to the *ejido* parcel, the law does not take into account that the Civil Code establishes that spouses are entitled to 50 percent of the common property of the household if the couple was married under the common property marital regime (*sociedad conyugal*).²⁸ In addition, by allowing *ejidatarios* to establish contracts with third parties, family rights over property are disregarded in the case of default on loans and forced sales.

Another aspect of the new Agrarian Law which is considered to be detrimental to rural women is that the new law no longer requires *ejidos* to set aside a parcel for women's productive activities, the UAIMs. While the efficacy of the UAIMs was always subject to question, and few *ejidos* actually complied with this requirement, now the law allows the creation of such to be *voluntarily determined* by each *ejido's* general assembly; in other words, the UAIMs are no longer mandated by law (Article 71).

The only provision that may favor some rural women is Article 48 which specifies that if an *ejidatario* has been absent from the *ejido* for more than five years, whomever has been in charge of the land parcel may claim it. According to Stephens (1993: 16-17), as Oaxacan men have migrated to northern Mexico and the U.S. to work as farm laborers in increasing numbers over the years, women and children have taken on growing responsibilities for subsistence production on the *ejido* plot. However, it is doubtful that women will benefit from male out-migration and their own increased agricultural responsibilities since they often work the land with another male family member, whether a grown son, uncle, or cousin. In Stephen's estimation, only those abandoned women who have maintained direct control of land have the potential to be beneficiaries.

Finally, a very controversial provision of the new agrarian law is that the state will no longer redistribute land (Esparza Salinas, Suarez, and Bonfil 1996: 6; Botey 1997: 168). This means that, henceforth, the only possibility for landless rural workers--women or men--to acquire land is through the land market or inheritance. Given the lack of credit to acquire land and the low income levels of agricultural wage workers, it is doubtful that they will be participants in the emerging land market.

But there was relatively little public debate or open protest over the neo-liberal counter-reform (Fox 1994: 262-263). Under the leadership of the Permanent Agrarian Council (CAP,

Consejo Agrario Permanente, the umbrella grouping of 11 national peasant organizations), various national forums were held and an alternative peasant agrarian law was drafted and presented to the Mexican Congress (Calva 1993: 92-93).²⁹ But President Carlos Salinas was not willing to compromise and used his skill at “divide and conquer,” as well as his offer of tangible concessions on other issues, to convince most of the CAP leadership to eventually endorse the drastic changes in Mexico’s agrarian law.³⁰

It is worth considering some of the elements of the alternative peasant agrarian law championed by CAP, even though they got nowhere in practice. Besides the need to continue distributing land, one of the main demands put forward by CAP’s Women’s Commission was that the *ejido* parcel should be considered the “patrimony of the family” and not of the individual male *ejidatario* (Lara Flores 1994: 86). In addition, women and children were to be protected by a clause which required *ejidatarios* to will land only to those who depended economically on him; moreover, the heir was required to provide foodstuffs to other remaining dependents. Another clause required the consent of all family members for *ejido* parcels to be transferred to a third party in whatever form.³¹

Access to land is clearly an important issue for indigenous women in Mexico, as seen in the Zapatista struggle that erupted in January 1994 in the state of Chiapas. Women’s demands were clearly stated in their “Women’s Platform for the Dialogue” (i.e., with the Mexican government), adopted at the first state convention of Chiapanecas women in May 1995. These demands included the following (Rojas 1995: 203, 209):

- ◆ “Throw out Article 27...because it takes away women’s right to inherit land;”
- ◆ “That women have the right to property of land and to inherit it;”
- ◆ “If a man abandons his family, the parcel should pass to the woman automatically;”
- ◆ “In granting land and titles women should be co-owners.”

Subsequently, in the Dialogue between the EZLN (Zapatista National Liberation Army) and the Mexican Government on “Indigenous Rights and Culture” in November 1995, women’s land rights figured prominently. The position paper of the EZLN states that “land should be redistributed in an egalitarian form to men and women” and that “women must be included in tenancy and inheritance of land” (Rojas 1995: 251).³²

Women’s demand for land rights were also clearly voiced at the National Meeting of the Women of ANIPA (Asamblea Nacional Indígena Plural por la Autonomía) in Chiapas in December of that same year, which included 260 indigenous women representing twelve entities and coalitions. One of their specific demands was that, when a couple separated, the land must be divided equally between them, which would reverse traditional practice (Rojas 1995: viii). And in the position paper of indigenous women prepared for the 1996 National Indigenous

Congress, a change in the new Article 27 to ensure that women be given land rights was high on the list of demands (Seminario 1996: 3).

At a seminar on women and land rights in Mexico, held at the Colegio de Mexico in January 1997,³³ there was considerable discussion regarding the extent to which rural women themselves were the protagonists behind such demands, or the extent to which these demands were the result of feminist influences among the leadership of these various organizations. As one participant at the seminar put it: “The discussion of women and land rights represents the top leadership of indigenous women, but those documents [and demands] are quite distanced from the base.”³⁴

The consensus at this seminar was that few rural women understood the changes implied by the modification of Article 27 of the Mexican Constitution just as few of them understood their legal rights under the previous agrarian law. As expressed by another seminar participant, an agrarian lawyer: “People are not sure of what exactly the changes introduced by the amendments to Article 27 are, and how these changes will affect them; moreover, people did not understand the contents of the original Article 27. And women, even less so. There was no state policy directed to inform people, neither before or after the changes. Therefore, there is great confusion in terms of the interpretation of the law.”³⁵

Notwithstanding the demands resulting from the leadership of the women’s groups of Chiapas and other gatherings of indigenous women, it seems that the most vocal local-level opposition by rural women against the 1992 agrarian counter-reform has been with respect to the changes governing the operation of the UAIMs, irrespective of their small numbers and ineffectiveness in many cases.³⁶ These local-level mobilizations have been linked to cases where the *ejido* assembly has decided to dissolve the UAIMs, without consent of the women members. Approximately eight complaints of this order are currently before the *Procuraria Agraria* (the office of the Agrarian Attorney General, a newly created institution). Another case in Guanajuato is pending because the *Comisariado* (the Executive Committee of the *ejido*) sold the UAIM land parcel (because it consisted of excellent lands) without the consent of the women members. A general problem seems to be that the UAIMs were rarely legally registered but rather consisted of informal arrangements between groups of women and the *Comisariado*; now, in the process of certification of *ejido* lands, few UAIMs qualify for formal certificates of possession.

Overall, the implementation of the Mexican counter-reform has produced considerable conflict at the local level as decades-old land disputes have been revived among *ejidos* and neighboring communities and landowners, and as *ejidos* decide whether to allow parcelization and when such has happened, over the actual delimitations of the parcels to be titled. Moreover, conflict has often erupted between family members over whom is to be titled what land (Stephen 1996b). Nonetheless, the great majority of Mexican *ejidos* have opted to join the process of individual land titling. As of December 31, 1996, of 27,218 *ejidos*, 72 percent were participating in the PROCEDA program (*Programa de Certificacion de Derechos Ejidales y Titulacion de*

Solares, or Ejido Rights Certification Program). By that date, 48 percent of the total had completed the certification process and 3.4 million certificates and titles had been issued to 1.5 million *ejidatarios* (this figure includes the titling of urban house plots, land parcels, and collectively held land).³⁷

The speed of the process has varied by region. The certification process is most advanced in Tlaxcala, Colima, Aguascalientes, and Morelos. In contrast, it has been slowest in Chiapas (where only one-third of the ejidos have agreed to be measured and certified individually), followed by Guerrero, Michoacan, and Oaxaca. Apparently, the government has decided to move slowly in the more indigenous areas, given the conflict in Chiapas.

Privatization of the *ejido* actually involves two steps. The first step involves certification by PROCEDE which then allows an *ejidatario* to rent his land or to give it in usufruct to a third party as a guarantee against a loan. Certification also allows an *ejidatario* to sell the land to another *ejidatario*. In either case, the land is considered to remain as part of the *ejido* regime.

The second step, termed *dominio pleno* (to pass to full private property), requires a majority vote of the *ejido* membership and the registration of the plan of the *ejido* with the National Agrarian Registry. This process involves a number of costs, such as the presence of a notary public, whereas the certification process is free. These costs may explain why few *ejidos* have converted to full private property (where land can be freely sold to third parties). Another impediment is that once former *ejido* land is in the private regime it is subject to taxation. However, without *dominio pleno* the landowner cannot seek credit from the private banking system.³⁸ In any case, it seems that agricultural entrepreneurs have favored renting land rather than buying it, particularly in northern Mexico. The most common legal sales have been of *ejidos* located near urban areas or the beaches of Mexico, which represent prime real estate.³⁹

Despite the low level of legal sales thus far, there was consensus among the participants at the Seminar on Women and Land Rights that illegal land sales (of *ejido* lands that only have certificates) are taking place all over Mexico: “With the certificate they can do whatever they want in practice.”⁴⁰ And *ejidatarias* are often more likely to sell their land. According to one agrarian lawyer: “Women sell easier, they are often pressured to do so by their children, by the comisiadores, and by buyers.”⁴¹

Unfortunately, gender disaggregated data specifying who is receiving ejido land certificates is not yet available. Botey estimate that in the 1990s women represent between 15 percent to 30 percent of the total number of *ejidatarios* and that the great majority are elderly women in their seventies and eighties.⁴² It is likely that, if none of their heirs are interested in working the land, they would be easily pressured to sell it.

In Mexico, as elsewhere, once the counter agrarian reform is concluded women’s access to land will largely depend on their ability to participate in the land market as buyers and on inheritance practices. One of the tendencies of the last two decades has been the growing semi-

proletarianization of rural women, a tendency that many consider to be accelerating as *ejido* land is rented and sold.⁴³ However, the low wages that women earn as farmworkers will largely preclude them from saving sufficient funds to participate in the land market as buyers.⁴⁴ In addition, with the privatization of the banking system, the end of subsidized credit, and an underdeveloped rural financial system for mortgages, it is particularly unlikely that rural women will benefit from the development of the land market.

Inheritance practices vary widely across Mexico, given the country's size and ethnic heterogeneity. Nonetheless, Maria de la Soledad Gonzalez Montes (1992: 412-413), in one of the most comprehensive summaries of land inheritance patterns in Mexico, found that the general case is for only sons to inherit land. She found this to be the case across ethnic groups, including the Nahuas of central Mexico, the Mayas of Chiapas, the Mixtecos of Oaxaca, and the Purepechas of Michoacan.

Gonzalez Montes (1992: 409) argues that the most common pattern across Mexico--and in the community she studied in the State of Mexico--is for the youngest son to inherit the parent's home in return for the care he is expected to provide his parents in old age. The division of farmland rarely takes place until the father's death or serious illness, although older sons may receive a small parcel of land upon which to build a house when they marry. She argues that this pattern serves to maintain the father's headship of the family and to assure that sons meet their obligations to the parents. Her review also suggests that the amount of land each son receives is closely related to his contribution to the parental household, be it in labor, cash income, or by assuming health and burial costs. In some communities, such as in southern Veracruz, the youngest son inherits the parental home and the largest parcel (Vazquez 1997).

What the various studies on inheritance suggest is that women rarely inherit land from their fathers, unless there are no male heirs or if the father is a fairly large landowner, in which case a daughter may inherit some land, but always less land than her brothers. If mothers own land in their own names, however, they tend to pass it on to their daughters (Gonzalez Montes 1992: 379, 382, 390).

Gonzalez Montes (1992: 414-420) also argues that inheritance practices are undergoing some change. Bilateral inheritance of land is becoming more common in regions where agriculture is no longer the primary household activity and which have witnessed some occupational diversification. She also finds bilateral inheritance to be increasing where there has been long-standing male and female out-migration, with sons and daughters inheriting land based on their contribution to maintaining the parental household.

In sum, the available evidence suggests that the Mexican Civil Code providing for bilateral inheritance has been quite at odds with traditional practices in rural communities. Nevertheless, the de-peasantization of the Mexican countryside may be creating some space for gender equity in inheritance practices. How this plays out within the forces set in motion by the Mexican counter-reform remains to be seen.

Modernizing Honduran Agriculture

Although Honduras first enacted an agrarian reform law in 1962 (as required by the Alliance for Progress), it was not until 1975 that Honduras had an operative agrarian reform law, one that established property ceilings and authorized the expropriation of unused lands. Nonetheless, the 1962 Honduran agrarian reform law had some relatively progressive gender aspects which were maintained in the 1975 revisions. Both laws guaranteed the right of widows and single women household heads to land. The laws, however, discriminated against single women without dependents as compared to single men, the latter of whom were included among the potential beneficiaries (similar to the 1927 Mexican agrarian code provisions).

In terms of preference ordering, the Honduran law gave female household heads priority over male heads and single men, unless the men exploited land under indirect forms of tenancy, had been previously dispossessed of their land, or had access to insufficient land (Escoto 1965: 46). However, it appears that the overwhelming number of rural men fell into one of these categories because in 1979 women constituted only 3.8 percent of the beneficiaries. Since 18.7 percent of rural households in Honduras in the mid-1970s were headed by women, it is apparent that female household heads did not receive priority (Callejas 1983).

By 1978, 8 percent (some 33,203) of rural households had benefitted from the reform, receiving land either individually or as part of some 133 associative enterprises, the latter of which had some 10,000 members (Callejas 1983). But few women were among the cooperative members because their membership had to be approved by the cooperative leadership and this usually only happened if a woman had a son old enough to work the land. Moreover, wives of cooperative members were at a disadvantage because if they were widowed, the family did not automatically inherit the right to cooperative membership; rather, the cooperative members decided who was to be the beneficiary (Bradshaw 1995: 147).

A decade later, the number of beneficiary households had increased to 56,400, but the percentage of women beneficiaries remained the same. Cooperative members continued to constitute approximately one-third of the reformed sector (Martinez, Rosales, and Rivera 1995: 37-38). What also stands out is the limited scope of the agrarian reform which, in 1990, left the largest 15 percent of farms still in control of 50 percent of the agricultural land, with only 20 percent of the latter in the hands of the peasantry in (Martinez, Rosales, and Rivera 1995: 37-38).

The main gender-equitable change in Honduran land legislation came about in 1991 when, as a result of the pressure of rural women's organizations, NGOs, and feminist groups, the Permanent Women's Forum of the National Congress was successful in modifying various clauses of the agrarian reform legislation which had discriminated against women. Articles 79 and 84, which addressed the designation of beneficiaries and inheritance, were re-written in explicitly non-sexist language. Revised Article 79 established for the first time that single women or men above the age of 16 could be beneficiaries of the reform, irrespective of whether they were a household head (as in Mexico in 1971). Moreover, the revised legislation explicitly

provided for joint titling in the case of spouses or consensual unions. Revised Article 84 clearly established that the spouse or partner had rights of first inheritance to land ceded under the agrarian reform (Martinez, Rosales, and Rivera 1995).

Unfortunately, these gender-progressive modifications were adopted just after the neo-liberal government of Callejas came to office intent on pushing Honduras through a classical structural adjustment program, one designed to create the conditions favorable to export agriculture. In 1992 the Agricultural Modernization and Development Law was approved which set about creating the conditions to invigorate the land and credit markets to spur capitalist development (Thorpe 1995:3-4).

While most of the main gender-equitable modifications approved by the Congress in 1991 regarding beneficiaries were maintained in the new agrarian legislation, joint titling to couples was no longer to be the norm, but rather, only a legal possibility *if a couple so requested it* (Martinez, Rosales, and River 1995: 55). And consensual unions (which characterize the majority of households in rural Honduras) were ineligible to apply for a joint title unless the relationship was duly registered, a process which was both costly and went against social practice (Acosta and Moreno 1996: 3).

Moreover, other discriminatory aspects were introduced in this legislation, such as requiring potential beneficiaries to work in agriculture on a full-time basis (Roquas 1995: 6-7). As one women peasant leader noted, "...women are not involved in agricultural production activities on a full-time basis and consequently according to the law, they do not qualify for obtaining land from the Honduran government" (Roquas 1995: 6-7).

However, this provision may apply only to those state or national lands already occupied by squatters, since the new modernization law allows for land to be owned by natural or juridic figures (i.e., corporations). Those who could prove that they illegally occupied such land for at least three years were entitled to claim their parcels and, upon payment of the required fees, receive a land title (Thorpe 1995: 3-4). According to a recent World Bank report (1996c: Annex B, p. 2), since land titling of formerly public lands began in 1992, women have been 20 percent of the 60,000 beneficiaries.⁴⁵

The new modernization law essentially ends the conditions under which private lands could be expropriated for social purposes (i.e., agrarian reform). Once land titling is completed, the market rather than the state is to be the main mechanism of land redistribution. That the intent of the law is to spur the development of the land market is clearly seen in the provisions regarding the agrarian reform cooperatives. These are now to be converted to "enterprises" with members receiving individual ownership shares based on their labor contribution. These shares may be inherited as well as sold, opening up the possibility for the disintegration of these collectives.

According to Thorpe (1995:6-7), the Agrarian Modernization Law has triggered substantial sales of cooperative land. Of the 2,694 officially recognized “peasant bases,” 9.2 percent entered the land market as vendors, selling 6.5 percent of the 470,572 hectares adjudicated to the reform sector in the initial years of the law. A number of cooperatives have sold all of their land; in several cases, the cooperatives sold all of their land to Standard Fruit Company who is in the process of reconstituting a banana plantation.⁴⁶

Women were such a small percentage of agrarian reform beneficiaries that the undoing of the agrarian reform cooperatives may have minimal direct effects upon them. Rather, the effects will more likely be indirect, depending on the fate of male family members who were former cooperative members, and on whether the capitalist enterprises which replace the cooperatives generate more or less demand for female labor.

There is some evidence that women family members have opposed the sale of some of the cooperatives, particularly those that were located in the northern, commercial agricultural region of the country and which were profitable. According to one of our interviewees:

“There’s been an interesting process of mobilization of women...It was reported in the press that the women protested the dismantling of the cooperatives because such was decided upon only by the men, because the women were never members of the cooperative. When the cooperative was dismantled no one asked their opinion and then the men sold the land and they pocketed the money. At that point some couples even separated, even after twenty-five years together; they had not been legally married since in Honduras consensual unions are the practice. It was very interesting how the women mobilized in protest and there was a clear confrontation between the sexes...The women denounced what their partners were doing because they were deciding on the disposal of property in which they had no legal rights” (A.N.: because they were in consensual unions and not married in addition to not being members of the cooperative).⁴⁷

Under the Law of Modernization of Agriculture, women’s access to land will increasingly depend on their ability to participate in the land market, which in turn depends on their labor market opportunities, as already noted, and on inheritance practices. Since 1906 the Honduran Civil Code has supported bilateral inheritance practices with respect to children. The prevailing pattern of inheritance, however, appears to be one where land is passed from father to sons and where women have few opportunities to gain access to land in their own right (Bradshaw 1995: 146).

In an excellent case study of northwestern Honduras, Esther Roquas (1995) shows how gender norms often appear in struggles over inheritance and work to the detriment of women. Women are often disinherited because they do not work the land themselves. Whereas sons’ labor in the fields is highly valued, the contribution of daughters to the household economy is largely ignored. In addition, women are often seen as “misusing” land; that is, only wanting land

so that they can rent or sell it. Another prevailing notion is that women can be dependent on other men and do not need their inheritance for securing their livelihoods.

Roquas (1995:5-6) also demonstrates the importance rural women place on owning land: land is a source of food and income and is necessary to secure loans for farm and off-farm activities; it is also critical for security in old age. While in this region women rarely perform field work, if they have access to land, they manage their parcel, hiring day laborers to prepare and cultivate food crops, such as maize and beans, or cash crops, such as coffee. Other women landowners rent their land, and live off this income, or rent portions of their land in order to secure labor to work coffee or grain fields. In addition, Roquas (1995:6) well illustrates the importance of land in sustaining dependency relationships between parents and children: “a parent who has land can count on the support and care of children and other possible heirs.”

Roquas (1995: 15-18) argues that the importance women place on owning land is illustrated by the kinds of struggles which develop over inheritance. As noted above, the Honduran Civil Code makes no distinction between men and women in inheritance, and thus does not discriminate against women. But in the area that she studied, historically, the youngest son has been the preferred and only heir. It was expected that he would stay at home and take care of the elderly parents. She argues that growing land scarcity in the region has encouraged other children to pursue their legal rights of inheritance. Whereas in the past, other children could get access to national lands, or rent land relatively cheaply, now inheritance is the primary mechanism of getting access to land. She argues that women are increasingly defending their rights of inheritance and devising clever strategies to assure themselves that they will not be left landless upon the death of their spouses or parents.

As in other Latin American countries, smallholders in Honduras rarely have formal titles to their parcels (75 percent lack formal titles in this country). In a study of an experimental land titling program in two departments, it was found that only 16.7 percent of the titles issued corresponded to women (Leon, Prieto, and Salazar 1987: 38-9). In another region where land titling was carried out massively during 1994-96, women represented 23 percent of those receiving land titles (Acosta and Moreno 1996: 2). These data suggest that serious obstacles exist in terms of women gaining land parcels through inheritance; ironically, they also suggest that women have fared better under traditional practices than through the agrarian reforms of the 1970s and 1980s (when women were less than 4 percent of the beneficiaries).

Nonetheless, in a report prepared by the National Agrarian Institute (*Instituto Nacional Agrario*) it was noted that one of the main constraints for women to be granted land titles under the national land titling program was that women were rarely aware of their rights to be titled land either jointly with their spouses, when they had acquired the land together, or in their own names, when they themselves had inherited the parcel. These authors note that there had been little publicity regarding the rights of women under the Law of Modernization, partly because of the lack of agreement within civil society on whether women should even have rights to land (Acosta and Moreno 1996: 4).

Among our case studies, nonetheless, Honduras stands out in terms of the growth in the number of rural women's associations and their increasing focus on strategic gender interests in the 1990s. In the mid-1990s there were six peasant women's associations and, of the two main national peasant organizations which were mixed in membership, each had active women's divisions (Brenes Marin and Antezana 1996: 11). Several of these organizations have taken up women's right to land as a core demand and have been successful in getting local women's groups assigned land for collective projects. There seems to be growing recognition that access to land is a pre-condition for bettering the condition of rural women and for improving their bargaining power with men (Martinez, Rosales, and Rivera 1995: 109, 117-119). Nonetheless, the proliferation of peasant women's associations and their failure to come up with a unified program of action has stymied the quest for gender equity. With the end of the agrarian reform and the neo-liberal model in command, it seems doubtful that women's demand for access to land will be met, unless the rural women's organizations speak with a unified voice.

El Salvador as a Special Case

Agrarian reform was not seriously considered in El Salvador until the country was in the midst of profound social unrest, in part a product of the country's non-egalitarian land tenure system and the rural poverty with which it was associated. In response to United States prodding, agrarian reform was initiated by a military-civilian junta in 1980, in two phases.⁴⁸

In Phase I (Decree 154), all farms larger than 500 hectares were expropriated with compensation. On these lands, so-called production cooperatives were constituted, primarily made up of the permanent workers on these estates. Phase III (Decree 207), initiated in 1983, was a "Land to the tiller" reform. All renters and sharecroppers on farms of less than 100 hectares in size were to become the owners of the plots that they so worked. Government credit was provided so that the beneficiaries could purchase up to seven hectares over a thirty year period at subsidized interest rates of 6 percent.

After a decade of agrarian reform, in May 1991, 81,799 households had benefitted under Phase I and III, representing approximately 11 percent of the rural economically active population. Of the beneficiaries, some 40 percent were organized in production cooperatives while 60 percent had received individual land parcels (Fundacion Arias 1992b: 31).⁴⁹

In terms of gender, women constituted 11.7 percent of the beneficiaries under Phase I and 10.5 percent under Phase III (Fundacion Arias 1992b: 34).⁵⁰ While these figures compare favorably with what was accomplished in gender terms in Sandinista Nicaragua--given the absence of an explicit gender policy in El Salvador--the picture is somewhat more complicated.

First, in constituting the cooperatives of Phase I, only one person per family could join the cooperative, the person that was considered the household head (Fundacion Arias 1992b: 47). Since, as elsewhere, if an adult male resides in the household he is always considered the head, the only women who benefitted were single women with young children.⁵¹ Given the very high

incidence of female household heads in rural El Salvador, 21.2 percent (El Salvador 1985: Table B-39.3), they were under-represented among the beneficiaries.

Second, many of the cooperatives functioned as cooperatives in name only, with the majority or a good portion of the land actually worked individually. In a survey of cooperative households in the mid-1980s it was found that only 65 percent of female headed households had access to an individual land parcel as compared to 82 percent of male headed households. Moreover, when women were assigned parcels through the cooperatives, it tended to be the poorest land and the smallest parcels--an average of 0.5 manzanas⁵² for women and 0.8 manzanas for men (Lastarria-Cornhiel 1988: 594-5).⁵³

Third, in Phase III of the reform more women ended up having been expropriated of their lands than emerged as beneficiaries. Women constituted 35.9 percent of those whose land was expropriated⁵⁴ as opposed to 10.5 percent of the beneficiaries. The great majority of those who lost land were widows, elderly women, and single women who did not directly work the land themselves, but rather, who worked the land with sharecroppers or rented it out (Fundacion Arias 1992b: 36). In the effort to generate the largest number of beneficiaries who might support the program of the military-civilian junta, the importance that women might place on owning land (as a source of food or income, or for old age security) was, thus, not taken into account.

What is ironic is that absentee landowners who owned between 150 and 500 hectares were totally exempt from the reform even if they worked the land with sharecroppers or renters. Thus political expediciencies far outshadowed considerations of equity and, in particular, gender equity.

Another problem contained in the 1980 agrarian legislation had to do with inheritance. When a deceased beneficiary did not leave a will, the official list of potential heirs excluded partners and natural children. Since an estimated 62 percent of adult co-habitants in rural El Salvador consist of consensual unions, this virtually prohibited rural women from formally gaining access to land as widows of agrarian reform beneficiaries (FAO 1992: 88). Moreover, if a beneficiary made up a will, he was at total liberty to leave the land to whomever he chose, giving no protection to the spouse or partner (FAO 1990: 5).

The counter-reform in El Salvador began under the Cristiani government in 1991. Decree 747 formally allows Phase I cooperatives to be parcelized and individually titled at the request of the cooperatives (Flores 1994: 6). That the intention of the government was to get out of the land redistribution business was also signaled by Decree 713 of that year, which created a Land Bank to assist potential farmers to buy land (Flores 1994: 11).

After a decade of war and a profound economic crisis, Salvadorans were ready for *concertacion*, a process of negotiation which led to the 1992 Peace Accords between the government and the FMLN (Farubundo Marti National Liberation Front). One of the thorniest issues was the resettlement of the population displaced by the war, approximately 14 percent of

the Salvadoran population, in addition to the reintegration of the FMLN combatants and the excess army personnel into civilian life.⁵⁵

Among the critical issues was the future of the agrarian reform, and this was resolved in favor of its continuance. But Article 105 of the Constitution was retained, which had earlier established the maximum-size farm subject to potential expropriation for social purposes as 245 hectares, limiting the potential scope for further land redistribution. The focus of future agrarian reform efforts was to be on the sale of national (non-forest) lands⁵⁶ and state purchase of lands voluntarily offered for sale by their owners at market prices.

The Land Bank was primarily funded by USAID and was to compensate land owners in cash, while potential beneficiaries assumed a thirty-year debt, with a four-year grace period, at a subsidized interest rate of 6 percent (CEPAL 1993: 64). Priority among potential beneficiaries was given to former combatants from both sides of the conflict who had an agricultural Avocation@ and were landless, followed by squatters (*tenedores*) in the zones of conflict. A final priority was given to benefitting peasants who had insufficient land or were landless, as established in the beneficiary criteria of the 1980 agrarian reform legislation.

Special considerations were applied to the zones of conflict, the most important being that the current land tenure was to be respected until a final solution could be found. This was important because, in the FMLN-controlled zones, many farms had been abandoned by their owners during the war and occupied by squatters, usually displaced peasants and FMLN supporters. It was agreed that the squatters could not be dispossessed and the FMLN was given responsibility for carrying out an inventory of these properties.

Landowners were given the choice of selling these properties at market prices through the Land Bank or of retaining their lands. In the former case, the squatters could then purchase the land; in the latter case, they could remain on the property until another farm was offered for sale in the region (Flores 1994: 10).

The in-depth study of women and land rights carried out by the Arias Foundation called attention to the fact that in the whole agrarian thesis of the Peace Accords no mention is made of women and their rights to land (Fundación Arias 1992b: 67-68), irrespective of the fact that three high-ranking female commanders participated in the process (Luciak 1996: 10). Ilja Luciak, in his interviews with these former commanders, found that they recognized that gender issues were not an issue during the war and that their lack of a gender perspective was evident in the design of the reinsertion programs, particularly the land program.⁵⁷

Somewhat ironically, the implementation of the land transfer program in the zones of conflict proceeded very slowly (Wood 1996: 96; Flores 1994: 15), and while these delays caused hardship for former combatants and FMLN supporters, the delays allowed initial concerns regarding gender discrimination in the reinsertion programs to be corrected to a certain degree (Luciak 1996: 9). By 1993, the FMLN-affiliated peasant women's organization, "Las Dignas" as

they are known,⁵⁸ had launched a national campaign under the banner of “Discrimination against women in the land transfers.” They argued that priority should be given to female household heads and that, in addition, in the case of couples, each should receive their own individual land title (Las Dignas 1993).

Whereas the government only intended to benefit household heads (or families), the FMLN, at the prodding of Las Dignas and the top-level FMLN female commanders, pressured for land to be titled individually, so that women with partners could be direct beneficiaries. But while subsequent official guidelines provided for land to be allocated to individuals, local functionaries and FMLN cadres charged with drawing up lists of beneficiaries continued to allocate land to family groups and, in the case of couples, allocate land to the male, household head. Moreover, local functionaries and cadre often added criteria of their own, such as literacy, or the possession of official documents, such as birth certificates or voter registration cards; women were over-represented among both groups not meeting such criteria (Luciak 1996: 9-10; Las Dignas 1993). It seems that only a concerted effort by top-level female ex-commanders and Las Dignas succeeded in partially over-coming these barriers when beneficiary lists were revised in 1993.

Of the universe of 18,934 beneficiaries (ex-combatants and squatters in the zones of conflict) who obtained individual parcels through the reinsertion program as of March 1996, 33.4 percent were female (Luciak: 10).⁵⁹ He argues that the data in terms of the composition of the FMLN’s combatants and their share of the beneficiaries suggest that discrimination has been overcome: women comprised 29.1 percent of FMLN combatants at the time of demobilization and thus far they represent 26.2 percent of the FMLN beneficiaries of the land transfer program (PTT, *Programa de Transferencia de la Tierra*).

Initially, it had been planned for the PTT to benefit 47,500 people: 25,000 squatters, 7,500 FMLN ex-combatants, and 15,000 army soldiers (CEPAL 1993: 63). The target number was subsequently reduced, and in April 1996, when the government announced that the program was coming to a close, the press reported that 32,521 individuals had benefitted, comprising 94 percent of the revised target.⁶⁰ Unfortunately, gender-disaggregated data for these figures are not available.

While it is certain that a much higher proportion of women benefitted from the land transfer program than under the previous agrarian reform, it is generally held that the majority of those who benefitted were female household heads and that few women actually ended up benefitting from the provision for both adults in a relationship to be titled land in their own names. Moreover, there is some indication that one of the reasons why women in the former FMLN controlled zones abstained from participating in the 1994 elections at such high rates was that they felt they had been discriminated against in the land transfer program.⁶¹

As a result of both international pressure and the demands of the growing feminist movement in the country, the Salvadoran government has taken some important steps in recent

years to address gender issues. In 1993 the Ministry of Agriculture created a “Department to Support the Participation of Women,” and in 1996, the Salvadoran Institute for the Development of Women was created with ministerial ranking. Moreover, the Ministry of Development has initiated a project to introduce gender concepts in development projects (FAO 1996: 7).

A major step towards gender equity was the approval of a new Family Code in 1994 which establishes how land and other property is to be transferred within families. The main innovation is that consensual unions (those which are publicly recognized and of at least three years duration) are granted equal status with formal marriages before the law. In case of separation of a couple, all goods (including land) and income acquired by either party during the union are to be equally distributed, unless the couple had previously registered under “*separacion de bienes*” (separation of property). Moreover, in case of the death of one partner without a will, the default clause provides for the half of the community property pertaining to the deceased spouse to be distributed equally between the remaining spouse, all children, and the parents of the deceased (World Bank 1996b: 28). The new law thus gives wives and partners more protection than ever before and increases the likelihood that they will inherit land.

In 1994 a new land policy was also agreed upon, one which is to be based on market mechanisms. First, top priority is to be given to titling and registering land which is already held in usufruct; the World Bank has loaned the Salvadoran government \$50 million for this purpose. Second, the individual titling of cooperative property will continue (such has been possible since 1991) based on the request of the cooperative membership. Third, government financing is to be made available at market rates for landless and land-poor farmers to purchase land from the National Land Bank (World Bank 1996b: 4-5, 27).

In a major move to improve the economic prospects for beneficiaries of Phases I and III of the agrarian reform and of the land transfer program, in May 1996 a major portion of the agrarian debt was condoned. According to Decree 699, 70 percent of the debt is condoned if the 30 percent remaining share is paid before the end of 1997.⁶² This legislation was quite controversial, leading some analysts to predict that it would bring about the total dismantling of the agrarian reform production cooperatives. Moreover, peasant organizations were demanding that 100 percent of the debt should be forgiven, given the poor terms of trade that peasant producers have faced under the neo-liberal model. Also unresolved at the moment is whether the excess land of Phase II properties will still be expropriated in the interests of agrarian reform or whether agrarian reform will formally come to a close.

Nicaragua at the Crossroads

The Sandinista agrarian reform in Nicaragua was the first in Latin America to include the incorporation of women among its explicit objectives. The 1981 agrarian reform law established that neither sex nor kinship position was to be a limitation with respect to being a beneficiary of the reform. Moreover, the 1981 Agricultural Cooperative Law stipulated that women be

integrated into the cooperatives under the same conditions as men, with the same rights and duties (CIERA 1984; Deere 1983).

The Sandinista agrarian reform ended up affecting 48.4 percent of the nation's farmland; of the total farmland, 13.8 percent was held by production cooperatives of different forms, 11.7 percent by state farms, and 20.7 percent was held by individuals who benefitted from the reform (CIERA 1989, Vol.9: 39).

The Sandinista experience underscores the point that an explicit state policy favoring the incorporation of women as beneficiaries is a necessary, but not sufficient, condition to generate gender equity in access to land and employment. According to official data, women made up only 8.6 percent of the membership of the production cooperatives in early 1989, up from 6 percent in 1982 (CIERA 1989, Vol. 7: 222; Deere 1983).⁶³ A mid-1989 survey undertaken by the peasant's association, UNAG (*Union Nacional de Agricultores y Ganaderos*), gives a somewhat higher figure of 12.3 percent, drawing on a greater number of production cooperatives--1,221 as compared to 1,120 in the earlier mentioned study.⁶⁴ Taking into account all forms of collective production, women represented 12 percent of the beneficiaries (Fundacion Arias 1992a: 31).

Women were slightly less well-represented among the members of Credit and Service Cooperatives (CCS), made up of long-standing property-owning farmers as well as beneficiaries of the reform who were titled individually: women represented 10.6 percent of CCS members in the UNAG survey, as compared to only 7.3 percent in the official data bank (the latter, which also included fewer CCSs). In terms of agrarian reform beneficiaries who received individual land titles, in 1984 women represented 8 percent of those who received their own land parcel (Padilla, Murguialday, and Criquillon 1987: 156).

A recent report issued under the Chamorro government indicated that a total of 5,800 rural women benefitted directly under the Sandinista agrarian reform, comprising 9.7 percent of the beneficiaries (INRA/INIM 1996:10). According to these data, between 1979 and 1989 women made up 11 percent of the members of the production cooperatives and constituted 8 percent of those who received individual land parcels.

Notwithstanding the inconsistency of the data, the trend suggests that, over the course of the decade of Sandinista rule, a growing share of women were incorporated as beneficiaries, a result consistent with the growing feminist movement in Nicaragua and, particularly, with the growing presence of women in Sandinista rural mass organizations. In 1984 the rural workers association, the ATC (*Asociacion de Trabajadores del Campo*) organized a women's division and began organizing temporary and permanent women wage workers in both the state and private sectors; by 1989 women represented 40 percent of ATC's membership of 135,000. Their weight in the union movement corresponds to the growing feminization of the agricultural labor force that resulted during the Contra War and the concerted effort of the ATC to incorporate women (CIERA, ATC, and CETRA 1987).

It was not until 1986 that the peasant association, UNAG, organized a women's division and began to play a more activist role in incorporating women as UNAG and cooperative members. By 1989 women constituted 12 percent of its membership of 125,000. In February 1989, when the first National Conference of Peasant Women was held, one of the main demands was with respect to land titling: that land distributed through the agrarian reform be titled in the name of both spouses.⁶⁵ In addition, rural women continued to demand that they be given access to unused state or cooperative lands for them to work for self-provisioning purposes (CIERA 1989, Vol. 7: 77-79; Perez Aleman 1990: 90-95).⁶⁶

The gains rural women made in terms of access to land under the Sandinista revolution were not much greater than their Central American neighbors who did not have gender-equitable agrarian laws in this decade. This result could be associated with the following factors: 1) the gender-equitable legislation was not broadly internalized by the Sandinista leadership and was not given priority in organizational efforts; 2) there was a considerable lag in the "concientization" of the leadership of the Sandinista rural mass organizations with regard to gender issues; and 3) by the time the rural mass organizations began to internalize gender issues, the Contra War and the deteriorating state of the economy paralyzed effective action.⁶⁷

Given these pressures, the main female beneficiaries of Sandinista agrarian reform efforts ended up being female heads of households, as in neighboring Honduras, El Salvador, and Costa Rica. The relative share of female beneficiaries was considerably greater in Nicaragua than in Honduras (see Table 1), suggesting that gender-equitable legislation did make a difference. But that the female share of beneficiaries ended up being similar to those in the Salvadoran and Costa Rican agrarian reforms confirms that gender progressive legislation may be a necessary but not sufficient condition to assure that women be incorporated as direct beneficiaries of agrarian reforms. Women need to know of their rights and to be in a supportive ambience to claim those rights which, in turn, requires the strong support of both women's and peasant organizations (Deere 1983; Padilla, Murguialday, and Criquillon 1987).

The gains made during the decade of the 1980s by Nicaraguan rural women and men--particularly those belonging to production cooperatives or workers on state farms--quickly eroded after the 1990 elections and the new government's adoption of the neo-liberal model. The main agrarian objectives of the UNO (Union Nacional Opositora) government were as follows: (1) land restitution to those it considered to have been unfairly expropriated under Sandinista rule; (2) the provision of individual land titles to members of the production cooperatives;⁶⁸ (3) the provision of individual land titles to those who had been granted lifetime usufruct rights to individual plots, allowing them to sell these if they so wished; (4) privatization of the state farm sector; and (5) resettlement of the contra forces and those repatriated (Enriquez 1991: 174-75; Fundacion Arias 1992a: 77).

The UNO government immediately adopted a neo-liberal economic policy and plunged the country into a severe structural adjustment program. One of its first objectives was to reduce the size of the state by firing thousands of government workers. This had a dramatic impact on

the agricultural sector, and on the production cooperatives, in particular, since the latter had been dependent on a network of government agencies and sizable government support under the Sandinistas. In addition, the policy of providing small farmers and cooperatives cheap credit ended in early 1992. Whereas in the late 1980s some 80,000 producers received credit, by 1993 only 16,000 did so (Renzi and Agurto 1994: 36). The production cooperatives were particularly affected since they had relied on credit to pay their members' "advances."

Early moves of the UNO government to reconstitute lands to former owners generated even greater instability in the countryside. It was reported that some 63 production cooperatives had been taken over and an additional 77 had been threatened by either de-mobilized Contras or former owners in the first year of UNO governance (Fundacion Arias 1992a: 81). Between May 1990 and June 1991 the UNO government did proceed rapidly with resettlement, giving land to some 16,550 families, 63 percent of whom were de-mobilized Contras. Among those titled individually, only 6 percent were women (Fundacion Arias 1992a: 77).⁶⁹

A case study by Dorien Brunt (1995: 11-12) of the Jalapa region highlights how the unfavorable macro-economic situation and the changed legal situation led to the undoing of the production cooperatives and to a fall in women's participation (from 27 percent of the membership in 1989 to 7 percent in those remaining cooperatives in this department in 1995). Her insightful analysis shows how difficult it was to incorporate women into the production cooperatives due to male opposition, and how such a high rate of female participation was achieved only because of strong state support for the cooperatives and for women's incorporation into them. In addition, Jalapa is a coffee region and women have traditionally harvested this crop. Moreover, it was a militarily contested region throughout the 1980s and many men were involved in defense efforts, requiring the active participation of women in production.

According to Brunt, once the state withdrew its support, discussion in the production cooperatives intensified over the rights of male and female members. The male members argued that women were not as productive as men and that they missed too many days of work because of children being sick. Maternity leave also became a source of dispute. "In many ways it was made clear to the women that they were of no use anymore for the cooperative. Facing all these problems together with the fact that the economic situation of the majority of cooperatives is deplorable, many women 'choose' to leave the cooperative" (Brunt 1995: 12). Single mothers were among those most likely to have left the cooperative.

For those who stayed, in the process of dividing up the cooperatives in favor of individual titling, women tended to receive land of the poorest quality. Nationally, it is reported that women not only received the worst land, but smaller plots than men when the cooperatives were parcelized (Fundacion Arias 1992a: 83-84). Nonetheless, in the Jalapan case, many women now regret having left the cooperatives. As one woman put it, "If I would have known that they were going to parcel the land, I never would have left the cooperative. I would have seen it through" (Brunt 1995: 12).

The former production cooperatives in Jalapa now operate, in practice, as credit and service societies. Land is individually cultivated although some still maintain a certain area for collective production. Meanwhile, the National Development Bank has been waging an aggressive campaign to recover bad debts and has put an embargo on the land of several cooperatives in Jalapa, as a prelude to foreclosure. Also, many cooperatives are finding themselves in the situation where they do not have sufficient resources to work all of the land which they control; thus, in what appears to be a national trend, they are beginning to sell their land (Brunt 1995: 14; Fundacion Arias 1992a). By 1994 it was estimated that 90 percent of the land which had been worked collectively had been parcelized. Additionally, a study of four departments of the country revealed that 14 percent of this agrarian reform land had already been sold to third parties.⁷⁰

The great majority (80 percent) of the state farms had been privatized by 1993. Most were returned to their original owners, but in some cases they were purchased by their workers, or at least their workers were able to purchase some portion of the former estate. According to Renzi and Agurto (1994: 38-39) women lost out in this process as well, since they tended not to participate in the decision-making process of state farms and were generally excluded in the discussions over privatization and worker-controlled areas. While women in the mid-1980s had comprised 45 percent of the members of the rural worker's union (ATC) and 35 percent of the permanent workers on state farms (CIERA, ATC, and CETRA 1987: 104), it is estimated that they now constitute only 24 percent of those permanent workers who are part of the new worker's cooperatives, *Area de Propiedad de los Trabajadores* (Fundacion Arias 1992a: 87).⁷¹

Brunt (1995:13) argues that the main possibility which remains for rural women to gain access to land is through inheritance. The Sandinista agrarian reform law--which has not yet been abrogated--provided that, in the case of individual land titles or holdings, upon the death of a beneficiary the land was to be inherited by the family unit (whether the new head of household was the wife or permanent companion) and that the landholding could not be broken up. The Agrarian Cooperative Law, however, was deficient in that it did not give widows the automatic right to replace their deceased spouse as a cooperative member (INRA/INIM 1996: 15). Under the Nicaraguan Civil Code spouses must receive at least one-fourth of a joint estate even if the deceased has left a will stating otherwise; similarly, dependent children are guaranteed a share of the estate. Partners and children resulting from consensual unions do not have such guarantees (Ramos 1990: 8-11).

According to traditional practices among peasant households, however, land has tended to go to sons, with daughters inheriting cattle, money, or sometimes a house, usually upon marriage. Among households with sufficient land, the general pattern was for the father to attempt to keep his sons as labor for his farm through the practice of pre-inheritance of a small plot of land, sufficient enough to build a house and provide for self-provisioning of foodstuffs. Upon the death of the father the remaining lands that had been under his control would be divided among the sons. Even though daughters work in agriculture for their fathers, they are expected to move away at marriage, providing the rationale for this practice (CIERA 1989, Vol.7: 43-45).

To the surprise of many, Violeta Barrios de Chamorro took up the cause of gender equity in the latter part of her presidential term.⁷² The National Women's Institute, INIM (*Instituto Nicaraguense de la Mujer*) which had been created in 1983 (under another name) was strengthened in 1993 with new legislation and the creation of an advisory board from all branches of government and civil society. In addition, an Inter-Institutional Commission on Women and Rural Development (known by its acronym of CMYDR--*Comision de Mujer y Desarrollo Rural*) was created to promote rural women's integration into development and access to productive resources. CMYDR is headed by INIM, with representatives from INRA (the Nicaraguan Institute for Agrarian Reform), the Ministry of Agriculture and Livestock, and other ministries.

In November 1993 CMYDR convened the first national conference on women and land tenancy with the explicit goal of sensitizing INRA officials on the importance of including women among the beneficiaries in another new program, the land titling and land distribution program known as PNCTR (*Programa Nacional de Catastro, Titulacion y Regularizacion de la Propiedad*) (INIM 1996: 5). This latter program has responsibility for carrying out a rural cadastre and for modernizing the system of national land registry, the latter being notorious for its inefficiency, as well as for regularizing the situation of Sandinista agrarian reform beneficiaries (INRA/INIM 1996: 16).

Apparently responding to the demands of the UNAG Women's Commission, that land be titled in the name of both spouses and that female heads of household be given priority in the titling of their usufruct parcels, the President instructed INRA to begin giving preference to joint titling of land distributed under the agrarian reform and to promote the titling of female heads of households (INIM 1996: 5). Joint titling of land to couples (whether married or in consensual unions) was made official by Law 209 (Article 32) of December 1995.⁷³

Moreover, in 1995 the PNCTR program, with external funding, began giving gender sensitivity training not only to its functionaries, but also to peasants demanding access to land or its legalization under the Sandinista agrarian reform (INRA/INIM 1996: 17). The program has been incredibly successful by whatever measure. During the Chamorro government, from April 1990 to November 1996, women constituted 21 percent of the 51,967 persons who benefitted from this government's land redistribution and titling program (INIM 1996: 2).

Between 1992 and 1996, a total of 35,545 persons received 22,096 titles. Women constituted 25 percent of the total number of persons who benefitted by having their names on land titles, and received 40.3 percent of the actual 22,096 titles distributed (INIM 1996: 13). The discrepancy in the numbers is due to the fact that apparently female household heads have fared somewhat better than their spouses in the joint titling program. Women represent 40.3 percent of those 8,745 individuals who received individual land titles, but only 33.8 percent of those who received joint title (*mancomunados*) to land. The great majority of joint titles appears to have been given to fathers and sons or to a group of brothers or other male heirs.

The impact of President Chamorro's initiative, however, is clearly seen in the rising share of women included in land titles between 1992 and November 1996: this share increased from 16.7 percent in 1992-93 to 29.7 percent in 1994, 47 percent in 1995, and 63 percent in 1996 (INIM 1996: 12). This trend is also a response to the National Plan of Action for Women (1994-96) that the government "promote in policies, plans and projects for rural areas equality of opportunities in the distribution and titling of land, access to technical assistance, and credit for rural women" (Brenes Marin and Antezana 1996: 15). Moreover, at the close of 1996, INRA and INIM were collectively elaborating a new Agrarian Code with a gender focus (INRA/INIM 1996: 17).

Whether these gender progressive policies--or land redistribution at all--will be continued under the more conservative President-elect Arnoldo Aleman remains to be seen. In his first pronouncements as President, Aleman indicated that he would continue vigorously with land titling to end once and for all the conflict over landed property, a conflict which has continued to characterize Nicaragua over the past six years. It seems likely, however, that his party will seek major changes in Law 209, particularly regarding the terms of compensation of landowners who were expropriated under the Sandinista government.⁷⁴ Particularly alarming for the women's movement in Nicaragua is that Aleman has also announced his intention of abolishing the Women's Institute (INIM) and replacing it with a Ministry of the Family, a move which feminists strongly oppose.⁷⁵

Innovations in Costa Rica

Costa Rica promulgated an agrarian reform law in 1961 in response to the Alliance for Progress, but efforts at redistributing land were characterized by meagerness. Between 1963 and 1976 only 11,306 families received land, representing some 5 percent of rural households (Seligson 1980: 152). In the next decade, efforts at reform slowed to a trickle and by 1988 the total number of beneficiaries stood at 13,621 families with 399,696 hectares (Madden 1992: 43). Of the direct beneficiaries, only 11.8 percent were women (Brenes Marin and Antezana 1996: 2); this number is close to the share of rural female headed households in the mid-1980s, 12.9 percent (Costa Rica 1984: Table 6).

In some ways it is surprising that the share of women among the beneficiaries was this high given the criteria for selecting beneficiaries. Costa Rica employed a point system which gave preference to household heads with the most dependents and farming experience; moreover male household heads received more points than did female household heads (Escoto 1965: 11; Guzman 1991: 208).

It was not until 1984--the year that Costa Rica signed the United Nations CEDAW--that state attention began to focus on rural women and the Section on Women and the Peasant Family was created within the agrarian reform institute, IDA (*Instituto de Desarrollo Agropecuario*). Subsequently, women's issues began to be addressed in national development plans, starting with the Arias administration. Under his presidency, a National Center for the Development of

Women and the Family was created under the Ministry of Culture to coordinate state policies (Madden 1992: 74-76).

What is interesting is that the growing concern with women's issues in Costa Rica developed in concert with the adoption of the neo-liberal model. Structural adjustment measures began to be implemented in 1982, with further measures--including the ending of state agricultural subsidies and privatization--implemented during the Arias administration. In an overall context of growing poverty and rural crisis, some state funds begin to be earmarked specifically for women's projects (Madden 1992) as did NGO funds.

The most remarkable event of all, however, was the adoption of the 1990 Law to Promote the Social Equality of Women, passed at the end of the Arias administration.⁷⁶ This law established that land and housing was to be considered family property, giving both spouses equal rights over such; similarly, men and women were to have equal access to agricultural credit. Finally, the law gave legal recognition to consensual unions for the first time⁷⁷ (Guzman 1991: 199, 208; Campillo 1995: 360-61).

Article 7 of this law merits special examination: "All property distributed through social development programs should be inscribed in the name of both spouses in the case of married couples; in the *name of the women* in the case of consensual unions, and in the name of the individual in any other case, be it male or female" (in Madden 1992: 55; emphasis added).

First, as in Honduras, the law establishes joint titling for land distributed by the state; however, the Costa Rican law is much stronger than that adopted in Honduras. In the latter, joint titling was to take place only if the couple requested it, while in Costa Rica joint titling is mandatory. Second, for the first time in the history of agrarian legislation in Latin America, women were given priority over men in the titling of land when the family was characterized by a consensual union. This historic piece of legislation was apparently taken quite seriously by agrarian reform functionaries because they began handing out land to women whether or not they had previously filed a land request (Madden 1992: 80). And in 1990 women constituted 38.7 percent of those titled that year (Brenes Marin and Antezana 1996: 2).

The constitutionality of Article 7 was soon questioned by groups of peasant men who subsequently brought suit against the agrarian reform institute, IDA. The suit was settled in 1994 by the Supreme Court in the men's favor. Subsequent land distributions to consensual unions are to be titled in the name of both partners (Brenes Marin and Antezana 1996: 9).

It is also worth noting that Costa Rica developed such progressive legislation with respect to rural women's land rights in the absence of a strong rural women's association. While local rural women's groups have proliferated, particularly in the context of income generating projects, only in 1996 was a National Association of Peasant Women formed with the explicit objective of empowering rural women (Viquez Astorga 1996: 8).

Whether Article 7 will significantly increase women's access to land in Costa Rica depends on a number of factors. First, it is unclear how much land is available for redistribution. Under the current neo-liberal model--which favors economic efficiency over social justice--it is doubtful that a thorough redistribution of landed property will soon be on the agenda. Second, the law was apparently not made retroactive to cover previous agrarian reform beneficiaries, thereby reducing its potential impact.

A recent report by the Coordinator of the Women's Office of the Agrarian Development Institute was quite pessimistic in terms of large numbers of women gaining access to land (Viquez Astorga 1996). Besides the above factors, she notes that few rural women are aware of their rights and hardly ever apply for land, a factor she attributes to the fact that they do not see themselves as farmers. And despite the good number of "gender sensitizing" courses that have been held in that country, government functionaries in the agricultural sector do not value women as agricultural producers, "except in the case of IDA where the Law of Equality is applied (a.n.: joint titling), but in a mechanical way, so that it really is not making a difference in terms of women's control over land" (Viquez Astorga 1996)

The implementation of the Law of Social Equality will no doubt require significant changes in the mentality of those charged with doing so, as well as among peasant men. This change, in turn, depends on a strong feminist movement and, particularly, a strong peasant women's movement focused on strategic gender interests.

Colombia: Gender and Agrarian Crisis

Colombia's 1961 agrarian reform was also initiated under the auspices of the Alliance for Progress. Aiming to modernize agriculture by reducing the high degree of concentration of land and its under use, Law 135 intended to increase the number of family farmers by expanding commercial agriculture. The scope of activities under this law, and its modification in 1973 favoring associative enterprises, were extremely modest. In 25 years of land distribution only some 35,000 households received land, somewhat less than 4 percent of the target population (Leon, Prieto, and Salazar 1987: 49).⁷⁸

Law 135 did not directly discriminate against women--the beneficiaries were intended to be sharecroppers, renters, and landless wage workers (i.e., poor households). In practice, however, only one person per household was designated the beneficiary and this was usually the male household head. This cultural practice was reinforced by a point system devised to choose among potential beneficiaries which favored those with farming experience and higher education, factors which favor male as opposed to female household heads.

Women derived limited direct benefits under Law 135. Through 1986, women constituted only 11.2 percent of the total direct beneficiaries (Leon, Prieto, and Salazar 1987). Nonetheless, it should be noted that women's participation varied regionally.⁷⁹ Part of the explanation for the few female beneficiaries is related to the fact that not until 1974 (Decree

2820) did Colombia establish equality between the sexes for judicial purposes, specifically, a regime of shared responsibility in all family matters (de Almeyda 1977).

In 1984, Colombia was one of the first Latin American governments to adopt an explicit policy regarding the incorporation of women in rural development. The policy was motivated by the food crisis characterizing this decade, as well as the growing recognition of both the importance of peasant production in national food production and women's participation in agriculture. This recognition, in concert with the Integrated Rural Development (DRI) programs characterizing this period, led to rural women's greater access to credit and technical assistance, particularly in the context of income generating projects. But the series of measures adopted in favor of rural women in the 1980's did not carry the force of law, and implementation was quite heterogeneous, depending greatly on personalistic factors.⁸⁰ Moreover, since national consensus over carrying forth a thorough agrarian reform still had not been achieved, the new initiatives did not adequately address women's lack of access to land.

One of the main accomplishments of this period was the growing organization of rural women, first under the umbrella of the various projects promoted by the new policy regarding rural women. Moreover, this policy led to the creation of the first national association of women, ANMUCIC, the National Association of Peasant and Indigenous Women, in 1985 (Gomez-Restrepo 1991). While initially charged with developing projects aimed at rural women, this organization soon realized that income generating projects for women were insufficient measures and began demanding that agrarian law spell out the rights of women explicitly.

ANMUCIC drew attention to the discriminatory aspects of Agrarian Law 135, whose provisions largely led to the titling of land only in the name of men, although it was presumed that all household members benefitted. The association pointed to the numerous cases of separation in the country-side which resulted in women in male-headed households losing all access to land, and they began demanding that all adult members of the household (whether spouse or partner) be included in land titles issued under the agrarian reform.⁸¹ In addition ANMUCIC drew attention to the growing number of rural households headed by a woman and their need for land. Their demands were to play an important role in shaping Agrarian Law 30 of 1988.

During the mid-1980s the peasant movement in Colombia was growing in strength (although quite divided), partly in response to the agricultural crisis which took place in concert with the spreading guerilla threat and the growing influence of drug traffickers and paramilitary groups. In response to the demand for agrarian reform, the government of Virgilio Barco finally adopted Agrarian Law 30.

Agrarian Law 30 did not substantially modify the principles of the initial agrarian reform; rather, it was a politically crafted law, designed to speed the implementation of agrarian reform. Nonetheless, it was a singularly important law for rural women because, for the first time, it explicitly recognized the right of women to own land.

Among the main provisions of the law was that, henceforth, agrarian reform titles were to be issued in the name of couples, whether the woman was the legal spouse or the permanent companion. In addition, special provisions were made for female heads of household over sixteen years of age. They were to be given priority access to unutilized national lands and/or membership in communal enterprises created under the agrarian reform. Finally, peasant women's groups were to be given equal participation with men in regional and national committees of the national agrarian reform agency, INCORA (*Instituto Colombiano de la Reforma Agraria*); ANMUCIC was also given participation in designing the training program of INCORA.

In terms of the advances introduced by Law 30, the total number of agrarian reform beneficiaries on a per annum basis increased dramatically between 1986 and 1991, as compared with the previous 25 years. Notwithstanding the provisions favoring the incorporation of women introduced by the law, however, the proportion of women beneficiaries nationally remained the same, 11 percent (Duran Ariza 1991: Appendix 3). Unfortunately, the available data referents to this period do not report the extent of joint titling, so it is impossible to draw any firm conclusions regarding the efficacy of this provision (since joint titling might still be reported under the category of male household heads).

There is consensus that the main limitation of Law 30 was in its implementation.⁸² The president of ANMUCIC notes that the "struggle to comply with the law" pitted the national women's organization against the peasant men's association since the latter often resisted the representation of women on local and regional committees. They also had to confront an unfriendly bureaucracy within INCORA; at the local level, functionaries simply resisted titling women jointly with men.

Indicative of the degree of male opposition to the implementation of this law was that, even after a strong-worded letter by the director of INCORA to implement the provisions favoring women⁸³ (written as a result of ANMUCIC pressure), a year later, in its annual report, INCORA failed to make any mention of the provisions of the law guaranteeing the participation of women. Moreover, none of these were explicitly listed among its goals, the latter which still focused on benefitting rural families and communitarian enterprises.⁸⁴

While national data imply that Law 30 had minimal effect in securing women's access to land, local level data suggests that it did have a positive impact in certain regions. For example, in the Risaralda River basin the share of women beneficiaries increased from 37 percent in the 1962-88 period, to 47 percent in the 1989-94 period. However, the average size of parcel ceded to women fell dramatically, from 8.12 hectares to 2.9 hectares over the two periods, and women continued to receive smaller parcels than men, the latter receiving an average of 7.5 hectares in the latter period (Villareal 1995: Table 4 and 4a).⁸⁵ Villareal attributes the growing number of female beneficiaries to the active role of the women's association in assuring that women claim their rights under the law. And indeed, from 1989 on, ANMUCIC stepped up its efforts

nationally to make sure that women understood their rights under the law and to demand compliance.

The multiple ways in which Law 30 has been applied at the local level also suggest that its implementation still depends too much on the arbitrary disposition of local level functionaries. The arbitrariness is further related to the lack of political will at the national level to enforce gender equity provisions in an integrated fashion during the decade of the 1980s (Gomez-Restrepo 1991: 224).

Nonetheless, while quantitative measures point to the difficulty in implementing Agrarian Law 30, a series of dispositions were enacted in subsequent years strengthening gender equity. During 1989 a new resolution (#5) was issued by the executive committee of INCORA which made joint titling of land mandatory when so requested by a man and his wife or partner. And in 1991 another resolution was issued giving priority to women who were in a state of “lack of protection” due to the situation of violence characterizing Colombia, associated with increasing widowhood and abandonment. Women in such a situation were to be given an additional ten points on their application to become land beneficiaries (Medrano 1996:7).

The situation of escalating violence and political crisis⁸⁶ characterizing Colombian society in the 1980s prompted accelerated initiatives for national conciliation, leading to the exceptionally progressive Constitution of 1991. The new Colombian constitution emphasizes participatory democracy; a redefinition of human rights to include social justice; equality of rights and opportunities among men and women; and prohibition of discrimination against women.

In concert with the new constitution, important changes in Colombia’s Civil Code were implemented favoring women. The first new amendment to the Civil Code, Law 54 of 1990, recognized the full rights of consensual unions, elevating these to the level of formal marriages in terms of joint patrimony and inheritance. For example, whether a woman is a wife or a partner, upon the death of her spouse, she is entitled to 50 percent of any joint patrimony and the rest is divided equally among all legal and natural children. Law 82 of 1993 defined explicitly the condition of female household heads and set up a number of provisions to ensure their welfare.⁸⁷ In that same year, rural households headed by women made up 17.1 percent of the total (Colombia 1993).

The new constitution of 1991 provided the context for the new Agrarian Law 160 of 1994, passed under the Gaviria government. While Cesar Gaviria’s initial intention was to follow the neo-liberal model and open up the land market, political pressure from below and agricultural crisis has resulted in a law that is both redistributionary and neo-liberal. On the one hand, it seeks to broaden access to landed property while fostering a private land and credit market. On the other hand, it maintains the role of the state as the key intermediary in economic and judicial relations between the market and peasantry in order to assure at least a modicum degree of redistributionary justice.

The main features of the law are as follows (INCORA 1994):

- 1) It seeks to expand peasant and landless worker's access to land through two venues:
 - a) market sales: these are based on peasant initiatives to purchase land on the regular land market; INCORA intervenes to assure that both parties agree upon an acceptable price and to mediate the terms of sale;
 - b) state sales: these are based on INCORA's initiative to purchase land or expropriate it, the latter based on needs of social interest; these lands are then sold to beneficiaries on subsidized terms.
- 2) Under both modalities, peasant beneficiaries receive a state grant equivalent to 70 percent of the value of property; the remaining 30 percent they must acquire on commercial terms through the banking system. Potential peasant beneficiaries cannot have been previous beneficiaries of the agrarian reform or have credits in arrears or have defaulted on previous bank debts. Moreover, they are required to work the land directly for twelve years in order to qualify for the 70 percent subsidy as a condition for receiving title to the property.
- 3) State policy is designed to stimulate voluntary land sales, since the different degrees of state intervention are directly related to the portion of the land value paid in cash versus in government bonds. That is, voluntary sales are to be paid 50 percent in cash and 50 percent in bonds; acquisitions by INCORA directly are to be paid 40 percent in cash and 60 percent in bonds; and INCORA expropriations are to be paid fully in bonds. As these provisions should make clear, the state has placed itself in a position to encourage the development of a more vigorous land market, through the use of both positive and negative incentives. Its role in other markets is more ambiguous, since another pillar of the new legislation is to create an integral package of state services, called the "National System of Agrarian Reform and Rural Development," under INCORA.

The main provisions which favor women are as follows:

- 1) The beneficiaries are explicitly delineated as peasant men or women who are household heads in conditions of poverty⁸⁸ and non-owners of property; they cannot have been previous beneficiaries of agrarian reform legislation; and they must be over 16 years of age and credit-worthy. In addition, beneficiaries are subject to a point system, reflective of the priorities in the redistribution of land.⁸⁹
- 2) Female heads of household and other women, especially those considered to suffer from a lack of social and economic protection due to violence, abandonment, widowhood, and insufficient access to land, are given the maximum number of points in the determination of beneficiary status.⁹⁰ It is worth stressing that this provision went beyond any other

previously existing Colombian law or regulation in promoting the access of poor women to land.

- 3) In Article 24, the previous provision, enacted in the 1988 Agrarian Law, promoting the joint titling of lands ceded to households of adult men and women was reaffirmed.
- 4) A major victory for the rural women's organization, ANMUCIC, was that it was to be included in the membership of the executive committee of INCORA and in the regional and local committees charged with selecting the beneficiaries and executing the law.

The 1994 Law is noteworthy for committing the Colombian state to furthering agrarian reform in a period when this process is in reversal in much of Latin America. In principle, it also guarantees women's access to land through two important venues: assuring female household heads as well as other adult women priority in land redistribution; and re-affirming the principle that land issued to households should be titled in the names of both spouses.⁹¹

Nonetheless, it is worth pointing out that the law still suffers from a number of deficiencies and/or ambiguities. For one, only persons who are credit-worthy are potential beneficiaries. While this seems reasonable, spouses, whether in unions or separated or divorced, are still responsible for their previous partner's prior actions. Thus, current female heads of household may be denied beneficiary status if their previous companion/spouse defaulted on a debt.

Another question relates to the 30 percent of the land value which the potential beneficiary must raise from commercial credit. This requirement might require a trade-off between securing credit for property acquisition versus working capital. It is not clear at this point in time that the latter will be readily available under the National Integrated System.⁹² Another ambiguity in the law regards the requirement that land acquired through Law 160 cannot be sold or transferred for twelve years. Article 40 (4) states that, if a beneficiary dies without canceling his/her debt, the land passes to the heirs to be jointly managed until the twelve years have passed, at which time it can be definitively titled. The law, however, leaves unclear how jointly titled land will be dealt with.

Another issue, given the preference of the law for individual and/or joint beneficiaries, is the status of communal enterprises or associative groups under the new legislation. In some cases, women's groups have proved effective in devising cooperative production schemes, but they have found themselves rebuffed at the moment of soliciting communal holdings.⁹³

The data in Table 2 presents the accomplishments of Law 160 in its first year of operation. It should be noted that these data are preliminary, since a final reporting and information system has still not been implemented. The available data are alarming, however, because they suggest that the rhythm of land distribution is only slightly above that of the late

1980s: there are 4,172 beneficiaries per year as opposed to 3,673 in the previous period. At this rate, it will be years before the land hunger of the majority of Colombia's rural poor is satiated.

However, women are certainly a higher proportion of the direct beneficiaries (19 percent) than they were in previous years, when they constituted only 11 percent of the total. Moreover, if the share of couples who have been titled land is taken into account, the percentage of households in which a woman has been a direct beneficiary increases to 37 percent, a significant increase above past figures. Worrisome is that, notwithstanding the provision of the law requiring joint titling, the majority of those receiving land under Law 160 are still male household heads. This provides strong evidence that joint titling is still not the norm and that opposition continues to exist at the local level with respect to enforcement of the law.⁹⁴ Nonetheless, since 1993 INCORA has been training its functionaries in gender analysis and perspectives.

It is of interest to note in Table 2 that the great majority of land distribution thus far has taken place through INCORA purchases of land (state sales), rather than through market purchases and sales. Moreover, more women have benefitted, particularly through joint titling, when distribution has taken place through state rather than market sales. This suggests the importance of state intervention in land redistribution if women are to be beneficiaries of the reform.

The potential implications of Law 160 for the future of rural women largely depends on the extent to which women increasingly become aware of their and begin to demand that these rights be fulfilled; it also depends on whether the integrated system of rural development services proposed by the state is implemented. That is, until the effective demand for land is created by rural women themselves, it will be difficult to overcome the historical and cultural barriers that have restricted women's access to land. In that respect, the national rural women's association, ANMUCIC, has a historic role to play; needless to say those "instances" within the state that have furthered the policy toward rural women have a major responsibility in assuring that the policy is implemented. And the state must ensure that if women have access to land, they also have access to credit, technical assistance, and other resources in order to ensure that they have the means to be effective producers.

What is promising is that the Colombia state is continuing to take further steps to guarantee equality before the law. In 1994, at the beginning of the Samper government, the policy entitled "Equity and Women's Participation" (EPAM) was launched which directly focuses on the need for thorough cultural change to guarantee women their appropriate role in national development. This policy is based on the recognition that strategies developed from a gender perspective are necessary in all spheres of public and private life and it calls for a full institutional commitment to end the subordination of women. In this context, a Minister was charged with responsibility for women's issues. Further, in 1995 the Colombian congress created the National Direction for Women directly under the Presidency.

While this momentum is most encouraging from a feminist perspective, it must also be taken into account that Colombia's new agrarian reform--which has potential with respect to rural women's access to land--is taking place under unfavorable circumstances. Over the last decade or so, Colombian drug traffickers have undertaken what is virtually a historically unique counter agrarian reform in the country-side. While they are accomplishing what the 1961 agrarian reform was never able to do--to take land away from the landed oligarchy--the degree of land concentration which is being generated is alarming. Suffice it to note that it is estimated that some three to four million hectares of land have been taken over by drug traffickers,⁹⁵ at least twice if not three times as much land as was redistributed by the Colombian state over the past thirty-five years.

In the face of this illegal counter-reform (in addition to the heavy-handed pressure emanating from the United States for Colombia to take stronger measures against the drug trade), the Colombian Congress approved Law 333 in December 1996 which allows property acquired through illegal means to be expropriated (*extincion de dominio*). The expropriated lands then pass to the agrarian reform institute for redistribution.

While this measure suggests that the government is committed to continuing agrarian reform, implementation of Law 333 is certain to be difficult. The worry is that if these lands are expropriated and sold to peasants--given the alliance between the drug traffickers and the paramilitary groups--the result will be to escalate rural violence and political instability.⁹⁶

The implication of this situation is that it is not a sufficient condition that the Colombian state be gender-conscious in terms of rural women's access to land and that it use all of the resources at its disposal to enforce Law 160. In addition, in order to make land available to poor rural women and men, the state must garner the political will to implement Law 333 and break the power of the drug traffickers and paramilitary groups. This will not be an easy task.

Conclusion

Agrarian reforms were carried out throughout Latin America over the course of this century, but particularly in the decades of the 1960s-1980s, for both social equity and efficiency considerations. Under the neo-liberal model, in the majority of countries, social equity considerations in the distribution of productive assets are a thing of the past. The welfare of the great majority of rural men and women is to be determined in land, labor, and capital markets, which can be expected to reward the most efficient.

Agrarian reform is now officially over in Chile, Peru, Mexico, and Honduras and it is coming to an end in El Salvador and Nicaragua. In Chile and Nicaragua, the counter-reform included restitutions of land to former owners as well as the privatization of collectives. In Peru, Mexico, Honduras, El Salvador, and Nicaragua counter-reform is centered on this latter process, although parcelization and individual land titling is nowhere near complete in any of these

countries. In all six countries the top priority of the state centers on land titling in order to organize land tenure in an orderly fashion and invigorate the land market.

El Salvador and Nicaragua stand out as special cases. Both of these countries are pursuing a neo-liberal model, but agrarian reform continued in the 1990s as a condition of securing peace and of the pressing need to reinsert ex-combatants and resettle thousands of people displaced by a decade of war. At the same time, while the agrarian reform has not officially been brought to a close, the agrarian reform production cooperatives are being dismantled and land titling is moving vigorously ahead.

The two exceptions to the counter-reform trend in the eight countries examined in this paper are Costa Rica and Colombia. While they share a commitment to neo-liberal macroeconomic policies and have opened up their external sectors, for various reasons they have pursued different sectoral policies with regard to agriculture. Costa Rica stands out for its attempt to implement “structural adjustment with a human face,” maintaining to the extent possible its legacy of commitment to social justice. While Costa Rica never implemented a thorough agrarian reform resulting in a major redistribution of landed property, agrarian reform efforts continue, focusing on the state purchase of properties voluntarily offered to it for sale. In Colombia as well, political considerations have outweighed economic or ideological precepts with respect to the implementation of the neo-liberal model in agriculture. The continuing rural violence propitiated by guerrillas, drug lords, and paramilitary groups have forced the state to stay in the land distribution process while playing the role of arbiter in the land market.

The two central questions addressed in this paper have been: 1) how have rural women fared under the guiding hand of neo-liberalism, specifically in the Latin American counter-reforms; and 2) what has been the influence of international feminism and the growth of the feminist and women’s movement in the region on changes in gender-discriminatory legislation regarding women’s access to land?

With respect to the first question, in the two countries where agrarian collectives were dismantled in the 1970s and 1980s--Chile and Peru--women represented such a minimal share of the membership that parcelization probably had little direct impact upon them. The impact of the counter-reform on women would likely depend on whether the male household head was titled land, and whether the share of household income which was pooled was greater or lesser when the male head was a member of the collective as compared to a farmer. A similar conclusion can be reached with respect to Honduras, although in this counter-reform there is the possibility (although not mandatory) of joint titling of land.

In Nicaragua and El Salvador, where women are a much larger share of the cooperative membership than in Honduras, the impact of the counter-reform has been more direct. It depends on whether female cooperative members are as likely to be able to acquire a land parcel as male members, and if so, if they receive land of comparable size and quality as the male members. Similar reasoning also applies to Mexico, with respect to the future status of *ejidatarias*. In

Nicaragua, there is case evidence that women, in the initial years of parcelization, were less likely to acquire their own parcel and, when they did, they tended to get the worst land (Brunt 1995). Whether the actions of the Chamorro government in the 1993-96 period reversed this trend remains to be investigated.

The main accomplishments with respect to gender equity are summarized in Table 3. In seven of the eight countries included in this survey, important legislative changes have taken place with respect to women's land rights. The most common accomplishment has been that in five of the eight countries analyzed here--Nicaragua, Peru, Honduras, Costa Rica, and Colombia--land rights are no longer vested on household heads. In all of these countries, women and men now have equal rights before the law to own and inherit land. Ironically, Mexico, which was the first country to establish equal gender rights to land, has effectively disenfranchised rural women by allowing family usufruct plots in the *ejidos* to become the individual private property of the *ejidatario*.

The Mexican case is important in reminding us that legal changes do not necessarily translate into *de facto* changes in customary practices. Between 1971 and 1992, men or women over the age of 16 could become agrarian reform beneficiaries and *ejidatarios*; in reality, however, social custom based on patriarchal ideology continued unchallenged and, in the great majority of cases, resulted in only male household heads becoming *ejidatarios*.

A second accomplishment that has been established in four countries--Honduras, Costa Rica, Colombia, and Nicaragua--is provisions for joint titling of land, whether a couple is married or in a consensual union.⁹⁷ Joint titling is mandatory only in the latter three countries and applies only to land distributed through the agrarian reforms.

Only four countries have experimented in recent years with what we might call pro-active moves to assure women's access to land: El Salvador, Nicaragua, Colombia, and Costa Rica. The Salvadoran case is limited to the reinsertion program for ex-combatants and their supporters, but under this program women combatants received land in similar proportions to their participation in the armed struggle, a good example of gender equity. In Nicaragua, in the latter years of the Chamorro government, female heads of household were given priority in land titling efforts and joint titling of land became mandatory.

The 1994, Colombian Agrarian Law was much broader in scope than the above cases, giving top priority in land distribution efforts to female household heads as well as to other women who lack protection or are displaced by war, presumably including women who are childless and spouseless. Preliminary data for Colombia indicate that, while the number of women beneficiaries has risen considerably as a result of this provision and joint titling, the major share of beneficiaries continue to be men. This suggests the importance of both the need to raise the consciousness of women about their land rights (that is, to create the demand) and the need for continued gender sensitivity training of agrarian reform functionaries responsible for implementing the law.

Costa Rica's 1990 Law to Promote the Social Equality of Women was historic in designating that, in the case of consensual unions, land should be titled in the name of the woman. This clause was over-turned by the Supreme Court, however, as being unconstitutional because it discriminated against

men. This example raises the issue of the difference between equality before the law versus equality of opportunity, and of the difference between joint titling of land and having “a parcel of one’s own.”⁹⁸

Joint titling of land is certainly preferable to land titled only in the name of the male household head, presumably because it gives women the right to compensation in the event of separation or divorce. It probably also fosters more stable unions. Joint titling, however, does not address the problem that in most of Latin America men continue to be viewed socially as the primary agriculturalists and the women as “the helpers.” Thus the likelihood of a woman retaining land upon separation or divorce is highly unlikely. Only “a parcel of one’s own” guarantees women and children some real degree of security of livelihood upon separation or divorce.

The case for equality of opportunity rests on the fact that women have been denied access to land through customary inheritance practices and by state intervention in land redistribution. In other words, to correct inequities in the gender distribution of property, affirmative action is called for until social norms which discriminate against women have been eradicated, along with the legal codes upon which they have traditionally rested.

In examining the gender equitable accomplishments in Table 3, it is evident that the majority of the changes in agrarian and civil codes have been in response to both external and internal factors. Among the external factors, the demands of the international feminist movement, the existence of the U.N. Convention to Eliminate All Forms of Discrimination Against Women (CEDAW), and the funding preferences of international NGOs have all played an important role in influencing domestic policies and the politics of national feminist groups. Internally, the increasingly vocal urban feminist and women’s movement, bolstered by international allies, is largely responsible for the creation of women’s ministries, institutes, and/or departments within government ministries, and for bringing about favorable changes in agrarian and civil codes and other gender-equitable policies. But with a few exceptions, it seems as if the gender-progressive accomplishments of the past decade with respect to rural women have largely been top-down.

With the exemption of Colombia, and to a certain extent Nicaragua and Honduras, none of these eight countries has been characterized by strong, national-level rural women’s organizations. And, not surprisingly, the most has been accomplished in Colombia, where there is only one, autonomous, national peasant women’s organization.⁹⁹ There is little question that the gender-favorable agrarian legislation in Colombia has been but a product of their increasingly prominent voice in national politics. It is also clear that if gender-progressive legislation is to become a reality in practice, it will depend upon the unified action of local and national rural women’s groups.

In those countries that have passed through both agrarian reforms and counter-reform, women's access to land will depend henceforth on the market-place and on inheritance practices. One aspect of the neo-liberal model which may favor rural women is that one of the preconditions for developing a vigorous land market is land titling. Lack of clear titles to land is endemic among Latin America's smallholding sector and has become the focus of attention in both the World Bank and the Inter-American Development Bank. Both banks have Women in Development offices which have worked to include the titling of land to women as a consideration, if not a priority, in these programs. Programs prioritizing the titling of women landowners, principally female household heads, have been instituted in Chile and Nicaragua. It is possible that the land titling programs may result in benefitting more women than were benefitted in the whole period of state land redistribution, particularly if these programs are pro-active; that is, if they support titling women in family disputes over land.

A point of concern with land titling programs, nonetheless, is whether, once women have legal titles to land, they will be able to hold on to their parcels and have access to the necessary complementary resources (i.e., credit, technical assistance) to earn a decent living as agriculturalists. Since one of the main rationales for land titling programs is to invigorate the land market by allowing land to be transferred from the least to the most efficient producers, it will be particularly important to monitor the outcome of these programs.

As buyers in the land market, women will no doubt be at a disadvantage compared to men--notwithstanding the fact that the neo-liberal model has resulted in the expansion of many non-traditional agricultural exports which favor the seasonal employment of women. The Chilean case stands out in this regard. Most rural wage employment for women is temporary in nature and, with only a few exceptions, women tend to earn less than men. Low wages for agricultural workers, in general, irrespective of gender, result in a low capacity to save. In the absence of subsidized credit, particularly designed to allow the landless and land-poor to participate in the land market, it is doubtful that the growing number of agricultural proletarians will be participants in this market. The Colombian experience with offering subsidies for land purchases will be interesting to follow in this regard.

In coming years, the struggle over inheritance rights will undoubtedly take on an even more important focus as the primary means by which rural women might claim rights to land. The rights of spouses and companions in terms of inheritance vary widely and often differ in the civil and agrarian codes of a given country (FAO 1992). Given the prevalence of consensual unions throughout rural Latin America, high on the feminist agenda should be the demand that these unions be accorded equal status to legal marriages, without the need for prior registration (as in Honduras).

In some countries, farmers can will their property to whomever they wish; in others, such as Colombia and recently in El Salvador, a spouse is automatically guaranteed a certain portion of the property whether so willed or not. This latter provision seems most important if women are to be provided with a modicum degree of security in old age. When a landowner dies without

a will, some countries stipulate that the spouse or partner is the first heir; others provide for property to be divided between the spouse or companion and the children. Certainly the former provision is much more favorable to women, assuring them greater security in old age.

In addition, in those countries that maintain agrarian laws governing inheritance of property that is given or sold through an agrarian reform, it will be important for women's groups to struggle to maintain provisions that give spouses and partners first priority to agrarian reform land upon the death of their husbands. The probable lesson of the Mexican experience is that only in this way will rural widows be able to maintain some form of security, irrespective of whether or not they work the land themselves.

Most Latin American countries follow the Napoleonic Code which provides for bilateral inheritance by all children if the parents die without a will. However, as we have seen (particularly in the Honduras case study), whether in fact rural women are able to claim their inheritance is subject to social practices and is an arena of struggle and contention, one particularly growing in intensity as land shortages becomes more acute. In the coming years it will be important for women's groups to struggle for the enforcement of bilateral inheritance and equal land rights for all children, irrespective of gender.

In sum, the main conclusion of this paper is that, during periods of state intervention in agriculture, feminist strategies must focus on assuring that both men and women are beneficiaries of agrarian reforms or counter-reforms, either through joint titling of land so that the family unit is the beneficiary in practice, or by demanding that men and women be titled land individually.¹⁰⁰ In countries that have already passed through agrarian reform and counter-reform, women's access to land subsequently depends on two factors: access to the land market and inheritance. Feminist strategies through collective action may well make a difference in the latter practice. The future of women's land rights in Latin America greatly depends upon it.

Table 1: Share of Women Beneficiaries in Eight Latin American Agrarian Reforms

<u>Country/Years</u>	<u>Female Beneficiaries</u>
Chile (1964-73)	none/low
Peru (1970-91)	low
Mexico (1920-92)	15% (1984)
Nicaragua (1981-90)	Collectives: 11.0% Individuals: 8.0% (1990)
Honduras (1962-91)	3.8% (1979)
El Salvador (1980-91)	Cooperatives: 11.7% Individuals: 10.5%* (1991)
Costa Rica (1963-88)	11.8% (1988)
Colombia (1961-86)	11.2% (1986)

Note: *In the case of El Salvador, this figure does not take into account that women represented 35.9% of those whose lands were expropriated in favor of their tenants in Phase III of the agrarian reform. In other words, women incurred a net loss in this phase of the reform.

Sources: Chile: Garrett (1982)
Peru: Deere (1985: 1040)
Mexico: Arizpe and Botey (1987: 71)
Nicaragua: INRA/INIM (1996: 10)
Honduras: Callejas (1983)
El Salvador: Fundacion Arias (1992b: 34)
Costa Rica: Brenes Marin and Antezana (1996: 2)
Colombia: Leon, Prieto, and Salazar (1987: 49)

Table 2: Beneficiaries of Colombia Agrarian Law 160 of 1994 (During 1995)

	Total Beneficiaries	Female Beneficiaries	Male Beneficiaries	Couple Beneficiaries
MARKET SALES	957 (100%)	170 (17.8%)	704 (73.6%)	83 (8.7%)
STATE SALES	3,215 (100%)	626 (19.5%)	1,928 (60.0%)	661 (20.5%)
TOTAL	4,172 (100%)	796 (19.1%)	2,632 (63.1%)	744 (17.8%)

Source: Instituto Colombiano de la Reforma Agraria (INCORA), Gender Office, preliminary data as of June 1996.

Table 3: Legal Accomplishments with Respect to Gender Equity

<u>Country</u>	<u>Year</u>	<u>Action</u>
Chile	1994	Civil Code: married women can manage their own property
Peru	1991	Agrarian Law: land rights no longer conferred on household heads but on “natural and juridic persons”
	1991	Law of Peasant Communities: women and men have the right to be members of the community and to receive land in usufruct
	1993	Constitution: women and men have equal rights to own and inherit land
Mexico	1971-92	Agrarian Law: women and men have equal rights to be agrarian reform beneficiaries and <i>ejido</i> members (Women are subsequently virtually disenfranchised by reforms to Article 27 in 1992 that allow family usufruct plots to be privatized in the name of the <i>ejidatario</i>)
Nicaragua	1981	Agrarian Law: neither sex nor kinship pose a limitation on being a beneficiary of agrarian reform
	1981	Cooperative Law: women should be integrated into cooperatives with the same rights and responsibilities as men
	1995	Law 209: joint titling of agrarian reform land is mandatory
Honduras	1991	Agrarian Law: re-written in non-sexist language
		<ul style="list-style-type: none"> • Women and men (over 16) have equal rights to be designated beneficiaries • Joint titling for spouses and for legally registered consensual unions (Modified in 1992, so joint titling depends on couple’s petition)
El Salvador	1993-96	Reinsertion and Land Transfer Program for ex-combatants to reflect gender composition of FMLN combatants
	1994	Family Code: consensual unions have the same rights as legally married couples in the division and inheritance of property;

spouses/companions are guaranteed 50% of property acquired during the union with the remaining 50% to be divided equally by the surviving spouse/partner, children, and parents of the deceased.

Costa Rica	1990	Law to Promote Social Equality of Women: <ul style="list-style-type: none">• Land and housing is family property• Legal recognition to consensual unions• Equal access to credit• Property distributed through A.R. to be jointly titled if married; If in consensual union, property is to be titled to the woman (Pro-active policy reversed in 1994; consensual unions to be jointly titled as well).
Colombia	1988	Agrarian Law: <ul style="list-style-type: none">• Joint titling of spouses or consensual unions• Priority to female heads of household in distribution of national lands• Participation of women's groups in land distribution agency
	1990	Civil Code: full rights to consensual unions; women guaranteed 50 percent of partner/spouse's property
	1991	Resolution: priority in land distribution to women "who lack protection due to violence"
	1994	Agrarian Law: <ul style="list-style-type: none">• Female heads of household and women who lack protection get maximum points in application for land• Joint titling to couples is mandatory• Participation of women's associations in land distribution agency

Sources: See text

Notes

1. The authors are grateful to Carlota Botey, Fabiola Campillo, Blanca Fernandez, Margarita Flores, Johnny Fox, Clara Murguialday, Diana Medrano, Lynn Stephen, Maria Luisa Torres, and Elizabeth Wood for comments on earlier versions of this paper and/or for providing the authors with materials for some of the case studies; and to Karen Graubhart and Olga Vasquez for excellent research assistance. This paper is a revised and much expanded version of a paper presented at the IAFE Panel on “Property Rights and Women’s Empowerment,” NGO Forum on Women, UN Fourth World Conference on Women, Beijing, China, August 1995.
2. Excerpts from interviews in the state of Oaxaca, Mexico, by Josefina Aranda (1993: 187).
3. See Agarwal’s (1994a, 1994b) detailed analysis of why women’s independent control over land is critical to women’s well-being in the case of South Asia. She develops four arguments: for welfare, efficiency, equality, and empowerment. Our productionist argument includes welfare and efficiency consideration while our empowerment argument also assumes equality considerations.
4. This section is based on Deere (1985, 1987). Table 1 updates the tables presented in these earlier works.
5. The data on the share of rural households benefitted is quite contradictory. *The Statistical Abstract of Latin America 1993* (Wilkie 1995) draws on different sources, reporting 9.2 percent (Table 309) and then 20 percent (Table 310).
6. The land which had been previously titled as collective property to production cooperatives under the Alessandri and Allende regimes (approximately 11 percent of the area in the reformed sector, with 9,907 beneficiaries) was left formally intact by the Military government (Silva 1991: 21). Nevertheless, it appears that through state neglect this sector also largely disintegrated, resulting in individual properties by the end of the 1970s (Jarvis 1992: 192).
7. A standardized unit was calculated in terms of basic irrigated hectares, one standardized unit being the equivalent of 1 hectare of prime irrigated land in the Maipo Valley in Central Chile (Jarvis 1992: 190).
8. In 1979 farms smaller than five standardized hectares accounted for 74.4 percent of the farms but only 14 percent of the total farmland (Scott 1990: Table 4.11).
9. In certain parts of Chile (what is called the “Norte Chico”), where communal property prevailed until the counter-reform, the norm was always that only the eldest son inherited the family usufruct parcel. This was always termed the “*Ley de Mayoralazgo*.” Interview

with Francisca Rodriguez, peasant woman leader of the Nacional Campesina (CNC), by Carmen Diana Deere, April 30, 1997, Santiago, Chile.

10. While the counter-reform achieved its objective of invigorating the land market, by 1986 it is estimated that only 25,000 beneficiary households remained on their land parcels (GIA 1986: 5).
11. The regions oriented toward production for the internal market were extremely depressed during the 1970s due to the policy of liberalization, since they could not compete with imported wheat, corn, etc. After a major agricultural crisis in 1980-83, the Government raised tariffs on basic foodstuffs and controlled prices, allowing a recuperation for both peasant and capitalist units of production in the non-fruit and lumber regions (Lago 1987: 23).
12. The other region of export expansion, the lumber region in the south of Chile, has been characterized by a very different gender composition of the labor force. Here gender norms have restricted employment to males, providing both permanent and seasonal employment to men. This, however, is a much more capital intensive activity than fruit production, and has witnessed much more restricted expansion of employment opportunities along with significant dispossession of the peasantry.
13. It should be noted that rural poverty peaked in 1987, when 52.5 percent of the rural population was characterized by indigence or extreme poverty (Valdes 1994: 40).
14. The survey may have over-sampled women, since female heads of household were designated a priority group in the sample frame. According to Cesar Talavera of the Ministry of National Property, women probably represent closer to 30 percent of those benefiting from the titling program. Interview by Carmen Diana Deere, April 30, 1997, Santiago, Chile.
15. Beneficiaries as of January 1990; based on "Reform Agraria en Cifras, Enero 1990," in Casafranca and Espinoza (1993, Table II-8). The figure on land area was derived from *Statistical Abstract of Latin America 1993* (Wilkie 1995), Tables 309 and 338.
16. Macassi Leon (1996: 19); Casafranca and Espinoza (1993: 38); FAO (1996: 8).
17. Since the Constitution of 1979 women over 18 have the right to vote whether or not they are literate (Macassi Leon 1996: 6). This is an important point since it is estimated that in 1991 45.6 percent of rural women were illiterate (Casafranca and Espinoza 1993: 59).
18. The available data on the scope of the reform differ widely. Data provided by Manzanilla (1977) suggests that in 1971 approximately 69 percent of rural households were ejidatarios. According to the *Statistical Abstract of Latin America 1993* (Wilkie 1995),

which draws on a FAO report, the agrarian reform in 1980 encompassed 43 percent of Mexico's land area and benefitted 52 percent of its rural households (Table 310). Tellez (1994) reports that the reform encompassed 102.9 million hectares, or 48 percent of the total land area, and 2.9 million beneficiaries.

19. Ejidos and indigenous community landholdings were ceded by the Mexican government to communities in perpetuity. In some cases these lands are worked collectively; in the vast majority of cases, crop land is worked by individual households, although grazing areas may be used in common. The status of ejidatario as well as the family usufruct parcel is hereditary.
20. Vasquez (1997) argues that this change came about because then President Luis Echeverria was to host the first U.N. Conference on Women in 1975 and he wanted to project an image of being a progressive Third World leader after the infamous Tlatelolco massacres.
21. All references to the Articles of the 1971/1972 *Ley Federal de Reforma Agraria* are drawn from Botey (1997: 146-154). In this publication it is not clear if the law dates from 1970, 1971, or 1972, since references are made to all three years. In Arizpe and Botey (1987), the revised agrarian reform law is clearly denoted as having been passed in 1971.
22. Elaborated from the National Census (Mexico 1992: Tables 47 and 48) based on inhabitants in communities of less than 2,500 people. The national proportion of female headed households was 17.3 percent, increasing steadily as the size of the locale of residence increases.
23. In a personal communication, Johnny Fox points out that the fact that few ejidos developed UAIMs constitutes a gendered dimension of a more general process, for only a minority of the better organized and endowed ejidos generated any kind of sustained group enterprises.
24. The basic principles governing *ejido* land were as follows: *inembargabilidad*, land could not be used as collateral; *intransmisibilidad*, land could not leave the family; *inalienabilidad*, land could not be sold to a non-*ejido* member; and *imprescriptibilidad*, land could not be rented to outsiders. In practice, many of these principles were violated, it not being unusual for *ejido* land to be rented or sold illegally (Esparza Salinas, Suarez, and Bofil 1997: 14-16).
25. Size limits on landholdings in Mexico include the following: 100 hectares for irrigated land; 200 hectares for non-irrigated land of decent quality; 300 hectares for plantations; 400 hectares for pastures of good quality, or 800 hectares for those of bad quality or forests. (*Ley Agraria* 1992, article 117, in Zendejas 1992: 11).

26. All references to Articles in the 1992 Agrarian Law have been substantiated by the studies of *Tribunales Agrarios* (1994).
27. Following family members, others who have the *derecho de tanto* include those that have worked the parcel for at least one year, other members of the *ejido*, and neighbors of the urban nucleus of the *ejido* (Article 84, in *Tribunales Agrarios* 1994: 108).
28. Also, under this regime children are guaranteed 50 percent of the couple's common property upon the death of one spouse. The alternative marriage regime is separation of property (*seperacion de blenes*) where each individual maintains individual property rights over whatever property they bring into a marriage or acquire during its duration. This option is considered to be less common in Mexico.
29. Besides the CAP, Carlota Botey (1997: 166-167) reports that peasant organizations affiliated with MONARCA (Movimiento Nacional de Resistencia y Lucha Campesina) also opposed the changes to Article 27 of the Mexican Constitution.
30. For example, one of the demands of the CAP leadership was that the government deal with the "backlog" (*rezago agrario*) of lands which had been officially ceded to *ejidos* but were still in the possession of their private owners. In many cases, the *ejidos* or claimants received a cash compensation for these "lost" lands (Fox 1994: 262).
31. The alternative peasant agrarian law and the neo-liberal law are compared and contrasted, clause by clause, in Calva (1993: 181-244; also see the discussion on pages 110 and 119).
32. The Dialogue between the EZLN and the Mexican Government has currently been suspended. Agreement was reached on only one point, in January 1996, regarding the autonomy of indigenous communities. Interview by the authors with Paloma Bonfil, January 16, 1997, Mexico City.
33. The "Semenario sobre Mujer y Acceso a la Tierra" on January 16, 1997 was organized by Maria Luisa Tarres of the Centro de Estudios Sociologicos and included a presentation by the authors of this comparative paper as well as a fruitful discussion on the Mexican case.
34. "Las discusiones pertenecen a la cupula de las mujeres indigenas pero estos documentos estan lejanas a las bases." Paloma Bonfil of GIMTRAP.
35. "La gente no sabe con certidumbre los cambios del Artículo 27 y como estos cambios la afecta, ademas la gente no sabe el contenido del Artículo 27 anterior. Y mucho menos las mujeres. No hubo politica para difundir ni antes ni dispues esta informacion. Ademas, hay gran confusion de interpretacion." Barbara Zamora of ANAD.

36. This information was gathered from participants at the “Seminario sobre Mujer y Acceso a la Tierra,” on January 16, 1997, cited earlier.
37. Data are drawn from Procede, *La Jornada*, January 8, 1997: 18. Note that these data refer only to *ejidos* and do not include lands of indigenous communities, the other collective form of landholding which resulted from the Mexican revolution. Indigenous community lands are still inalienable. However, indigenous communities may now request a change in status to the *ejido* regime, which would then open up the possibility for their privatization.
38. This explanation of the difference between PROCEDE certification and *domino pleno* was provided in the Seminar on Women and Land Rights at the Colegio de Mexico by the Magistrada Numerario of the Superior Agrarian Commission, Arely Madrid Tovilla, and the Chair of the Agrarian Commission of the National Congress, Carlota Botey. The authors also interviewed an agrarian lawyer, Juan Carlos Perez, on January 17, 1997.
39. Interview by the authors with rural sociologist Horacio Mackinlay, January 17, 1997, Mexico City.
40. “Con el certificado pueden hacer lo que quieren en la practica.” Magistrada Arely Madrid Tovilla.
41. “La mujer vende mas facil, presionada por los hijos, por los comisadores, y por los compradores.” Interview by the authors with Juan Carlos Perez, January 17, 1997, Mexico City.
42. Carlota Botey, head of the Agrarian Reform Commission of the National Congress, provided this estimate in an interview with Carmen Diana Deere, October 20, 1996, Mexico City. It is likely that this number grew significantly over the past decade due to the shorter life-span of men. Esparza Salinas, Suarez, and Bonfil (1996: 29) report that the Secretariat of Agrarian Reform estimates that 33 percent of all current ejidatarios are women. Case studies suggest that there is considerable heterogeneity in this figure on a regional basis, being higher in Oaxaca and Chiapas than in Veracruz or Tlaxcala. Case studies in these latter two regions suggest that women are less than 7 percent of the ejidatarios. See Vasquez (1997) for a compelling account of how women were excluded in the formation of an agrarian community in Southern Veracruz in the early 1980s.
43. This conclusion was reached at the Seminar on Women and Land Rights at the Colegio de Mexico, January 16, 1997.
44. Esparza Salinas, Suarez, and Bonfil (1996: 37) stress that 32 percent of the women who are enumerated as economically active earn less than the minimum wage. They also note that the majority of semi-proletarian rural women are undercounted in census statistics.

45. This finding is somewhat surprising since a sample survey carried out in 1986-87 of landholdings in Honduras revealed that, of 3,860 landholders (in all forms of tenure), only 5.4 percent were women. Of these only 12 held parcels as squatters on national or *ejido* land as compared to 191 men. Martinez, Rosales, and Rivera (1995: Table 3), based on ECSFTR-3 PNUD/UNIF/SECPLAN "Politica Nacional de la Mujer, 1988."
46. See Ruben and Funez (1993) for a detailed analysis of the sale of agrarian reform cooperative lands.
47. Interview with Mirta Kennedy of CEMH, *Centro de Estudio de la Mujer Hondurena*, by Magdalena Leon, January 30, 1997, Managua, Nicaragua.
48. Initially, three phases had been planned. What is known as Phase II, affecting farms between 150 and 500 hectares in size, was never implemented. Moreover, in the 1983 Constitution the lower limit on farm size was increased to 245 hectares if Phase II were ever to be implemented (Fundacion Arias 1992b: 29).
49. The scope of this reform differs in different sources. Seligson (1995: 64), for example, reports 85,000 beneficiary households with approximately 125,000 workers who represent 21 percent of the agricultural economically active population; he reports that the reform encompassed 14 percent of the land area and 20 percent of the farmland. Flores (1994: 2) reports that 290,000 hectares, approximately one-fifth of the nation's farmland, was redistributed to 82,000 beneficiaries.
50. Figures on the share of female beneficiaries vary widely. A recent World Bank report (1996b: 29) gives three different citations for Phase I female beneficiaries: 12 percent by the Agrarian Reform Evaluation Project (the source used in the Arias Foundation report); 6 percent in the 1993 Land Tenure Survey; and 5 percent in a Ministry of Planning report.
51. The percentage of female farmers on cooperative properties may have been somewhat larger in practice than in formal cooperative membership data since it was not uncommon for male members to abandon the cooperative, joining or fleeing the civil war, as well as their families. Women would thus sometimes assume informal access to the land parcel. (Personal communication with Elizabeth Wood, September 24, 1996).
52. A manzana is equivalent to 0.7 hectares.
53. It is worth noting that, in the 1984 PERA (*Proyecto Planificacion y Evaluacion de la Reforma Agraria*) survey, of 1172 households which were members of Phase I cooperatives, 12 percent of the households were female-headed; 14 percent of the households had a woman as a direct beneficiary (Lastarria-Cornhiel 1988: 592). As this author notes: "Female heads of households are not necessarily direct beneficiaries and women designated as direct beneficiaries are not always household heads, thus the

- different percentages....” Also, some households had more than one direct beneficiary, 2 percent in the Phase I sample.
54. Another source (FAO 1992: 90) puts this figure even higher, reporting that 70 percent of those expropriated were women. In addition, FAO reports that, of the 3,500 women who received land titles, some 2,800 renounced them, perhaps because of being caught in the Civil War.
 55. According to a CEPAL (1994: 6) report, there were 400,000 internally displaced people plus another 285,000 Salvadorans living in exile in Guatemala, Mexico, Honduras, and Nicaragua; at least three-quarters of these were women and children.
 56. These national lands include lands expropriated under Phase I of the initial agrarian reform but where cooperatives were never formed due to the civil war.
 57. Fundacion Arias (1992b) makes a similar point with respect to the development of women’s organizations in El Salvador. It was not until after the signing of the Peace Accords that the feminist movement began to have an impact on Salvadoran society.
 58. Their full name is “*Mujeres por la Dignidad y la Vida.*”
 59. The data reported by Luciak refers to former FMLN combatants and the *tenedores* who were titled private land; the figure excludes the titling of state land as well as government soldiers who were also beneficiaries. The World Bank report (1996b: 29) cited earlier concludes that women represent between 25 percent and 35 percent of the beneficiaries under the Peace Accords, citing the following sources: 35 percent of 15,000 beneficiaries according to ONUSAL, the U.N. agency overseeing the process; 34 percent of 24,373 beneficiaries according to the Coordinating Office of Agrarian Issues; and 25 percent according to an internal USAID report.
 60. *La Prensa*, April 29, 1996: 5A.
 61. Personal Communication with Clara Murguialday, researcher at *Las Dignas*, December 9, 1996. Murguialday headed the investigation on why women abstained from voting in such numbers in the former FMLN-controlled zones.
 62. Personal communication with Margarita Flores of CEPAL/Mexico, January 27, 1997.
 63. These figures refer only to the 1,120 CAS (*Cooperativas Agropecuarias Sandinistas*). The source in the CIERA study is MIDINRA, “*Promocion Cooperativa,*” D.R.A., 1989.
 64. *Revista Productores de la UNAG* Number 10 (August/September 1989): 10, cited in Fundacion Arias (1992a: 31). Note should be made that, in this latter book, the

percentages in the text do not agree with the raw data provided in the table included as endnote 15. We have cited the data in the table.

65. That the women members of UNAG started demanding joint titling of land in this period was also confirmed in an interview with Martha Eriberta Valle Valle, national deputy and UNAG leader, by Magdalena Leon, January 30, 1997, Managua, Nicaragua.
66. By the end of the Sandanista government, 2,000 women wage workers had access to self-sufficiency parcels on state farms, and another 1,000 women had formed production collectives on lands borrowed from production cooperatives (INIM 1995: 75).
67. According to a recent report written under the Chamorro government, land was titled in the name of whomever requested it rather than in the name of the family, and there was little attention within INRA, the Nicaraguan Institute for Agrarian Reform, given to gender issues (INRA/INIM 1996: 6). Notwithstanding this outcome, a rural women's research team existed within CIERA, the Center for Research on the Agrarian Reform, from the moment of its creation in 1980 as part of INRA, and its members continually lobbied for a gender perspective. However, there was tremendous resistance, both among INRA functionaries and peasant men and women, to women joining the production cooperatives. See Deere (1983).
68. According to Brunt (1995: 11), between the time of their defeat in the February 1990 elections and turning over power in April of that same year, the Sandanista government enacted two controversial laws, #84-90 and #88-90. These laws were intended to protect the production cooperatives from being returned to their former owners, but they required the cooperatives to equally divide the confiscated land which they had been assigned among their memberships, and for these lands to be considered as the member's legal contribution to the cooperative. It is thus difficult to entangle what was a Sandanista initiative from the actions of the new UNO government with respect to the parcelization of the cooperatives.
69. It is reported in INIM (1996: 1) that, of the 10,493 contras or contra-supporters who received land between 1990 and 1992, 6 percent were women. Only 772 members of the Sandanista army received land between 1990 and 1991, 7 percent being women.
70. Equipo de NITLAPAN "Descolectivizacion: reforma agraria 'desde abajo'," *ENVIO*, November 1994: 17-34.
71. The main feature of the current period of Structural Adjustment has been the massive displacement of women from agricultural work. Whereas in 1989 there were an estimated 15,355 permanent women agricultural workers, this figure decreased to 1,285 by March 1991 (Fundacion Arias 1992a: 86).

72. In Nicaragua, as in El Salvador, both the feminist and the women=s movement grew in strength after the end of the civil wars. The women’s movement worked closely with the INIM leadership to promote gender issues among the women in the UNO leadership, including President Chamorro. The President took gender issues seriously enough that she held a two day retreat with all of her ministers and their spouses to discuss the incorporation of gender into government policy. Such an unusual step reflects the strength and unity reached by the women’s movement in Nicaragua after 1990. Interview with Malena de Montis, Director of CENZOTLE, by Magdalena Leon, January 29, 1997, Managua, Nicaragua.
73. The wording of Article 32 is somewhat vague in terms of whether joint titling was to be made retroactive: “Por el solo ministerio de esta Ley, los tituios de Reforma Agraria extendidos a nombrew del jefe de familia se entenderan extendidos tambien a nombre de la conyuge o companera en union de hecho estable.” According to an interview with Lea Montes of NITLAPAN, the Research and Development Institute of UCA, the Central American Catholic University, this law went into effect in December 2, 1995. Interview by Magdalena Leon, January 31, 1997, Managua Nicaragua. The actual law was signed by the legislature on November 26, 1995.
74. Summary of interview on Channel 6, Program “*Haciendo el Cambio*,” January 1997; “Proponen reformas a Ley de la Propiedad,” *La Prensa*, January 29, 1997, Managua, Nicaragua.
75. Interview with Malena de Montis, Director of CENZOTLE, by Magdalena Leon, January 29, 1997, Managua, Nicaragua.
76. This law seems to have been the result of demands of urban women’s organizations that the state implement its 1984 pledge to end discrimination against women. It was also strongly supported by the President’s wife, Margarita de Arias, who was quite involved internationally in promoting women’s issues. Interview with Fabiola Campillo, former FAO and IICA expert on women’s issues, by Magdalena Leon, January 22, 1997, Bogota, Colombia.
77. The 1974 Family Code established equality between the sexes for legal purposes but did not recognize consensual unions. Also see Fadne (1995: 186).
78. Estimates regarding the number of beneficiaries differ widely. Blutsteins (1977: 354) estimates 135,000 beneficiaries; given a total of 1,305,582 rural households in 1975 this would imply that approximately 10 percent were beneficiaries. One difference in these estimates is whether the *de facto* recognition of squatters is included among the total number of beneficiaries. In 1982 there were 1,284 communal enterprises with 12,300 beneficiary households (Caro 1982: 196).

79. For example, in the Risaralda river valley, a coffee region, women represented 37 percent of the beneficiaries between 1962 and 1988; nonetheless women received smaller parcels on average than did men (14.1 hectares for male headed households versus 8.1 hectares for female headed households) (Villereal 1995: Table 4, p.35).
80. For a detailed description of the 1984 measures favoring the incorporation of rural women and debates generated regarding these policies see Leon, Prieto, and Salazar (1987); Gomez-Restrepo (1991); and Duran (1991).
81. Interview with Leonora Castano, President of ANMUCIC, June 13, 1996, by Magdalena Leon, Bogota, Columbia.
82. This analysis is based on Gomez-Restrepo (1991), Medrano (1996), and interviews with Norma Villereal, expert in women and rural development, April 17, 1996, by Magdalena Leon, Bogota; interview with Diana Medrano, former head of the Office of Rural Women of the Ministry of Agriculture and Rural Development, May 29, 1996, by Magdalena Leon, Bogota; and interview with Leonora Castano, President of ANMUCIC, June 13, 1996, by Magdalena Leon, Bogota, Columbia.
83. Memorandum No. 09784 of April 6, 1988 by Director of INCORA, Dr. Carlos Ossa Escobar, to all regional offices.
84. Ministerio de Agricultura, INCORA, *Informe de Gerencia 1988* (Bogota, May 1989).
85. Even within each region there was considerable variation at the municipal level. In only four of the ten municipalities of this region did more men benefit in this period than women. However, in all of them in which women predominated or were equally represented, men received much larger parcels than women.
86. It should be noted that, besides an alarming increase in the death rate due to the activities of guerilla groups, drug traffickers, and paramilitary forces, there was a growing lack of confidence in the institutions of the state. This was also manifested in an internal crisis within the leading political parties. In this void, new political actors, including women's groups, rose to the forefront, demanding a new national political project and model of development (Ramirez 1995).
87. Another precondition of the 1994 agrarian law was that, in January of 1994, the National Commission for Economic and Social Policy (CONPES) developed a new policy for rural women, which served to re-affirm previous principles regarding the role of women in agricultural development and spurred INCORA to increase its efforts to comply with the 1988 legislations (FAO 1996: 7).

88. Based on the regulations defining the implementation of Law 012 of 1995, Article 2. To be a beneficiary, the law explicitly sets a limit on household income and stipulates that three-fourths of this income must have been previously generated from agricultural employment.
89. The point system is described in Acuerdo 01 of 1995, Article b (INCORA 1994: 259).
90. Acuerdo 012 of 1995, Article 6.
91. It is worth mentioning that this victory did not come easily. In our interview with the President of ANMUCIC, she emphasized that, in the original draft law presented by INCORA, all of the gains achieved for women by their organization in the 1988 Agrarian Law had been ignored in the proposed legislation (intentionally or not), notwithstanding the existence of an Office for Rural Women in the Ministry of Agriculture and Rural Development and the many women's projects in INCORA. Only as a result of their lobbying, in concert with their allies, were these provisions maintained and strengthened in the current legislation.
92. N/A, "Estudio para identificar los cuellos de botella que limitan el libre acceso a la oferta de credito de la caja agraria y a los recursos de redescuento de Finagro por parte de las mujeres rurales y establecer mecanismos para superarlos," report prepared for the Office of Rural Women, Ministry of Agriculture and Rural Development, n/d.
93. Interviews by Magdalena Leon with Alba Lucia Zuluaga, consultant to the Office of Rural Women, Ministry of Agriculture and Rural Development, Bogota, June 6, 1996; and with Pilar Vidal, consultant to INCORA, June 3, 1996.
94. This was also confirmed in the interview with Alba Luciuia Zuluaga, June 6, 1996.
95. Interview with Alejandro Reyes, researcher at the Institute of Policy Studies and International Relations of the University of Colombia, by Magdalena Leon, May 30, 1996, Bogota, Colombia. Also see *El Tiempo*, "Narcos se Aduenan del Campo," November 30, 1996: 1. Here it is estimated that as much as half of Colombia's productive lands are in the hands of drug traffickers.
96. "Dificil impulsar la Reforma Agraria," *El Tiempo*, February 18, 1997: 1B and 2B.
97. However, as noted earlier, in Honduras a consensual union must still be officially registered to benefit from joint titling.
98. Here we are re-phrasing the title to Bina Agarwal's (1994) pioneering book.

99. The Honduran and Nicaraguan cases thus differ from the Colombian case in that Honduras is characterized by multiple rural women's organizations at the regional and national level which have found it difficult to adopt a unitary program in terms of women's land rights. In the case of Nicaragua, there is only one national peasant women's organization but it is not autonomous of the main national women's peasant organization, UNAG, nor until the 1990s of the FSLN.
100. Agrarian reform has yet to be undertaken in Brazil or to any significant extent in Guatemala, countries that might still pass through such a process. While President Fernando Henrique Cardoso of Brazil announced such a reform in March 1995, to date an effective policy of land redistribution has not been adopted (FAO 1996: 6).

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