



Responsible Land Governance: Towards an Evidence Based Approach

ANNUAL WORLD BANK CONFERENCE ON LAND AND POVERTY
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UNGENDERED POLICIES. GENDER AND LAND RESTITUTION PROCESS IN COLOMBIA

Paola García Reyes
Universidad del Norte, Colombia
paolagarcia@uninorte.edu.co

Henrik Wiig
Norwegian Institute for Urban and Regional Research, Oslo and Akershus University College
of Applied Science
henrik.wiig@nibr.hioa.no

ABSTRACT

Since 2011, the Colombian government has implemented a process of land restitution of lands abandoned or dispossessed during the ongoing internal armed conflict. The aim of the policy is to restore 6 million hectares up to 2021, through a mixed transitional process that includes administrative and judicial measures. The Law 1448 of Victims and Land Restitution proposes preferential treatment for women. This includes prioritizing their cases, but also a general gender orientation in the process. In this paper we wonder about the gap between the policies and the realities in the process of land restitution in Colombia. We argue that although the policy is gender sensitive, does not respond to the actual gender differences. To do this, we present an account of the debates on this issue in the country. Then, based on data obtained from a survey conducted among 205 beneficiaries of the policy between December 2015 and February 2016, and the qualitative information gathered during field work between 2012 and 2016, we derive a set of distances between the policy formulations and the observed reality. On this basis we suggest some gender signals to be considered in future efforts, and propose some policy considerations.

Keywords: gender, restitution, transition, redistribution.



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INTRODUCTION

Since 2011, the Colombian government has been implementing a process of land restitution. Its initial objective was to restitute over 6 million hectares by 2021 by means of a transitional process of a combined nature that includes both administrative and judicial measures. Law 1448, or the Victims and Land Restitution Law, calls for preferential treatment for women, including prioritizing their requests. In cases where a ruling for restitution of property titles is issued in favour of a claimant, the title must include both the man and his partner as a means for ensuring access to property ownership by women. This treatment has been emphasized through special procedures and guidelines aimed at including gender indicators in the restitution process, as well as to facilitate gender sensitivity among state officials (García-Godos and Wiig 2014).

In this paper we show that there is a gap between the gender policy as institutionalized in Law 1448 and the realities of gender inequality in the Colombian countryside. We claim that even though the policy includes a gender focus, it does not address key specific sources of inequality: work, distribution of land, the structure of households (a point previously suggested by Deere and León: 2001) and information. Our results confirm insights provided by the relevant literature, but advance the agenda in two directions: by highlighting the fundamental importance of informational inequalities, and by showing the specific dimensions not captured by agrarian policies that claim to be gender-sensitive.



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First, we discuss the relevant literature and the ways in which it explains the existence of persistent rural gender gaps. Then we focus on our data and methods. The third section is dedicated to the way in which gender sensitivity is institutionalized in the restitution process. The fourth section sketches the relations between gender, family and land in Colombia, which reveals the structure of gender inequalities related to land property but at the same time highlights important changes that have taken place in countryside in recent years. This is the backdrop against which we analyze our research results related to the four main categories of gender inequality relevant for the restitution process and not captured by it (work, land property, household structure and information). In the conclusions we discuss the mismatch between land restitution gender sensitivity and real existing gender inequalities.

GENDER, REDISTRIBUTION AND RESTITUTION

The relevant literature has shown that in Latin America and elsewhere gender inequality in the countryside is sticky and difficult to overcome. It is sticky among other factors because entrenched patriarchy implies that sons, rather than daughters, inherit the land. This creates inequalities in the distribution of land and capital, which implies that women depend on their partners for their livelihoods. In the event of separation, women have less capital to start a new life. Manser and Brown (1980) call this a *weak threat-point* in the context of a collective bargaining model where the spouses negotiate everyday results and decisions. Agarwal (1997) emphasizes that rules and culture affect the negotiating power of each partner independently of the *threat-point*, and Sen (1990) points out that ‘influence according to contribution’



implies that, by definition, the spouse with more land contributes more and has more influence in the marriage.

In Latin America, countries such as Colombia and Nicaragua have led the way in introducing marital awards as a mechanism to achieve the greater participation of women in the assignment of property. Despite the views that consider independent property titles the most suitable mechanism to achieve greater autonomy for women (Agarwal 1994), granting of marital titles has the potential to benefit a large number of women because of the prevalence of families and productive units in the region (Deere and León 2001: 193). Some quantitative studies have documented the positive effect of measures of this type. Wiig (2013) found that women with lands under marital ownership in the Peruvian mountainous region have a significantly greater level of influence in everyday decisions compared to women with individual property titles. The formalization of property rights led to 57 per cent of properties being owned through marital titles, even though most of the land had been inherited from fathers to sons. Twyman, Useche and Deere (2015) also found that the participation of women in farm work increases the influence of women in decisions related to farming, even more than formal ownership of the land.

However, as shown by Walker (2003) in her analysis of the South African case, it is not enough for agrarian policies to be explicitly gender-sensitive; there may be major differences between stated objectives and realities. The Department of Land Affairs (DLA), expressed its commitment to gender equality as a major policy principle. This commitment was developed in the 1997 *White Paper*, which gave priority to the participation of women in the deployment of the policy, intended to enhance the status of women, and to redress the gender imbalances



in land access. Even though women were included in the first phase of redistribution programme (1993-1999) and a 45 per cent of its beneficiaries were women, male-headed households had access to larger plot sizes and female-headed households were less likely to use their land for agriculture. Also, the only two measures for women's involvement -include female-headed households in project lists, and ensure that one or two women were appointed to community land reform committees- proved to be inefficient because the Officials worked within already existing power relations between men and women (Walker 2003: 121, 134-135). In Brazil, women's access to formal rural property, which was recognized in the 1998 constitutional reform, did not produce any noticeable increase in the number of women agrarian reform beneficiaries (Deere 2003). In Tanzania, some debates highlighted the futility of legislative reforms and their limited capacity for changing discriminatory consuetudinary rules (Tsikata 2003).

How big is the impact of Colombian land restitution? Relevant studies are sparse. Meertens and Zambrano (2010) point out that the discussions on the gender dimensions of transitional justice have focused on the legal frameworks and their capacity to transform unequal and undesirable social relations produced by the armed confrontation, but not on their actual effects. A study of a population of potential beneficiaries of the land restitution process in Colombia suggested that even though women are almost as well informed as men, they are less willing to file claims for their rights, to use the land themselves and to return to their place of origin (Wiig 2015). Sliwa and Wiig (2015) documented that the majority of women prefer public housing programmes in the cities compared to programmes to return to their place of origin linked to land restitution.



DATA AND METHODS

This paper is based mainly on a census of 235 beneficiaries of the total population beneficiary of the land restitution policy within the Montes de María region in Colombia¹ as of October, 2014 (García and Pardo 2016)². This region is emblematic area of reparation policies. In fact, the country's first land restitution judgment was given in this region (2012) and the delivery ceremony was presided by President Santos, accompanied by the Minister of Agriculture and representatives of the international community. It also takes insights from two other studies: a body of 60 accessibility sampling interviews with the peasant population of the same region, carried out between 2013 and 2016, and a survey using the *Respondent Driven Sampling* (RDS) method implemented in 2014 with a population potentially eligible for restitution. The survey covered 498 displaced persons in the Atlantic and Bogotá regions whose properties were abandoned or dispossessed in the areas where the land restitution process was being implemented (Gutiérrez, et. al. 2014).³ Further details for all three studies can be found at the Observatorio's web page (<http://www.observatoriodetierras.org/>).

¹ Located on the Colombian Atlantic coast, in the north of the country, the region comprises 15 municipalities highly affected by the armed conflict, whose geographic location and access to ports offers substantial potential for agricultural production.

² The census was built and implemented with the Consensus-Building Roundtable of Montes de María. This is a network of displaced persons from the region, aimed at promoting talks and coordination between different sectors of the population, government agencies and non-governmental organizations that work in the area.

³ This survey was carried out by researchers of the Observatorio and the Norwegian Institute for Urban and Regional Research, financed by the Foreign Affairs Ministry of Norway.



INSTITUTIONAL PERSPECTIVES

The restitution law recognized the right to restitution of lands for all those who abandoned or were dispossessed from their properties from 1991 to the final effective date of the law in 2021. The process has a mixed nature where the judicial stage is preceded by an administrative procedure. The latter consists in recognizing the situation of abandonment and/or dispossession, delimiting and describing the property and documenting the case. The judicial stage establishes the status of victim and, based on such status, orders restitution (García Reyes 2012).

The responsibility for managing the policy has been assigned to the Ministry of Agriculture's Land Restitution Unit (URT by its Spanish acronym). Initially, official forecasts called for an estimated total of 6,559,678 ha (360,000 cases) to be restituted by 2021. Of these 248,200 would be cases of abandonment and 51,800 cases of dispossession (García Reyes 2012).⁴ These estimates did not include any forecasts of the proportion of men and women beneficiaries, and the gender focus was only included in general provisions on the inclusion of minorities and/or discriminated populations. The principle of equality establishes that the measures are to be applied independently of gender, sexual orientation, race, social condition, profession, national or family origin, language, faith or political opinion. The differential focus recognizes that certain populations have special needs because of their age, gender, sexual orientation or disability, and that legal provisions are to be applied to address such differences. It also explicitly mentions the right of women to live free from violence.

⁴ These expectations turned out to be incompatible with the institutions' capabilities and the property-by-property design of the process, to the point that the URT itself has publicly lowered its expectations. A study carried out by the Observatorio, based on a queuing theory, indicates that given the current scenario, resolving all the restitution requests will be a never-ending story (Gutiérrez 2013).



Regarding the restitution procedure, it establishes that women shall receive preferential and prioritized assistance in processing their claims. Also, they shall be prioritized for access to credit, award of lands, social security and education. The titles of the restituted properties shall be in the name of the applicant and his/her partner, regardless of whether they appeared or not in the proceedings.

The law includes two later developments reflecting policies related to gender: the ‘Special program for special access for women, girls and female teenagers’, established in 2013 (URT 2013); and the agreement between the URT and the office of the High Commissioner for the Protection of Women, signed in 2014 with the objective of establishing gender indicators, promoting differential assistance within the judicial and administrative phases and strengthening female victims (García-Godos and Wiig 2014). However, such provisions have remained general in nature and women are treated just like any other type of vulnerable population, such as children, ethnic groups and people with disabilities. The programme and the agreement have not had specific developments and the published statistics on applicants in the process are not broken down by gender, even though there are statistics by age group and disability.

The information obtained from our field visits, from the interviews we held with officials and key stakeholders and the RDS survey (Gutiérrez et al 2014, Wiig 2015) show that implementing gender sensitive policies entails several challenges. First, getting women to request restitution, given that land is often considered the property of males. On several occasions we found that women have little knowledge of the documents that demonstrate ownership, of the debts associated with the properties, or even the specific boundaries of the



properties. One widow responded the following when we asked her if she had any witnesses or proof of ownership: ‘if my husband were alive, things would be different, because even though I know practically everything, I don’t know as much as he does, because he is the man’ (personal interview, March 20, 2014).

The existence of these intermediated relationships with the land can make it more difficult to overcome psychological barriers associated with displacement and prevent women from displaying their interest in filing claims for their land. In the RDS study, 45 per cent of women heads of household and 56 per cent of women with partners said they had no intention of filing claims for their land, compared to 68 per cent of men of both types (Wiig 2015). Also, males are much more interested than women in returning to their land (Gutiérrez et. al. 2014). A report by the NGO Sisma Mujer on persons who have already been restituted indicates that 72 per cent of the claims that involved couples were filed by men (SismaMujer 2014).

It is also difficult to prioritize women during the administrative phase due to the practical aspects of policy implementation, because the selection of beneficiaries was based on strict security criteria. Selecting the women first would have slowed down and encumbered the process. The preferential treatment for women during the judicial stage requires that the judges have specific skills and sensitivities. This is not always the case. This is particularly true in the case of demonstrating a conjugal relationship among informal couples (much more prevalent in Colombia than formal ones).

Last but not least, there may be gender biases embedded in the inheritance rules. The judicial rulings can order individual titles or group titles to be issued to heirs when the owner of a



property is deceased. In the case of groups of heirs, even though the woman may be the main beneficiary, the restitution grants specific rights to children and parents within a patrilineal succession line. It is not clear how this may affect the rights of women who hold titles and whether this lessens the intended redistributive effects of the policy.

GENDER, FAMILY AND PROPERTY IN COLOMBIA

In Colombia, men and women acquire land in different ways. Inheritance is the main source for women, whereas market transactions are the most important source for men. Although the cultural preference is for sons to inherit the land, factors such as illiteracy, inheritance allocation practices, migration by sons and daughters, the scarcity of land and the decline of peasant farming have led to more egalitarian inheritances (Deere, León 2003: 926, 933). Other studies indicate that barriers that once existed for men might have favoured women. An example is the requirement for men (no longer in effect) of submitting a military service status card as a requirement to obtain a property deed (Farah, Pérez 2004: 147). In the case of acquisition through market channels, men have easier access to credit, and therefore greater possibilities of acquiring properties (Deere, León 1998, 2001, 2003).

Colombia adopted in 1994 a ‘market oriented reform’, following a Latin American and global vogue (Balcázar, López & Vega 2001). The Colombian Agrarian Reform Institute (INCORA by its acronym in Spanish)⁵ was to participate as an intermediary in negotiations between landless peasants and landowners. One of its main roles was to provide loans for land acquisitions (Gutiérrez and García 2016:5). This mechanism may have boosted gender

⁵ In 2003 INCORA was converted into Instituto Colombiano para la Reforma Rural Integral (INCODER). Since 2016, its functions are performed by Agencia Nacional de Tierras (ANT).



inequality: according to the few datasets available, between 2001 and 2003, females received on average 23 per cent of the total credits granted for land awards (FAO 2006, 96).

Gender inequalities interact with, and are shaped by, familial structures. A 2005 study shows that less than a half of rural households in Colombia consisted of nuclear families: 39.3 per cent were full nuclear families (father, mother and children), followed by full extended families (17.2 per cent), incomplete nuclear families (8.4 per cent), childless couples (7.6 per cent), extended incomplete families (7.3 per cent), childless couples in extended families (3.4) and heads of household with other relatives (3.6 per cent) (FAO 2006: 55). There is also a trend in Colombia towards a greater number of female heads of household. In 1978, 15 per cent of rural households were headed by women, whereas in 2005 the proportion increased to 30 per cent. Households with female heads tend to be older, smaller and participate more in labour markets (FAO 2006: 57). These distinctions are important because women well-being is related to familial compositions,

Empirical evidence has shown that (1) not all income generated household members is necessary pooled; (2) men and women spent their income in different ways; and (3) pooled incomes do not necessary result in shared consumption or equal consumption shares for all household members (Deere & León 2001: 14)

There have been some perceptible changes in these realities in the past two decades. There seems to be an increase in the proportion of rural women compared to the total population (FAO 2006: 57). Additionally, women are increasingly taking on tasks considered to be for males. A qualitative study based on interviews of 30 women in a department in the country's



Andean region found that they had taken on tasks that were primarily male: preparing the land, weeding, digging and fumigation. This change was greatest in locations where men were involved in mining activities (Farah, Pérez 2004). Even though in Latin America these changes are associated with men joining the workforce and growing urbanization, there is a consensus in Colombia that these changes have taken place especially rapidly as a result of the escalation of violence and forced displacement. As early as 1991, an INCORA provision established the need to prioritize widows who faced abandonment due to the conflict in the land award policies (Deere, León 2001: 194).

RESTITUTION AND REAL EXISTING GENDER RELATIONS

The Montes de María restitution process started in 2011. Within the area, 23 micro-areas were established for processing restitution claims. According to URT data, by 2013 there were 3,503 restitution requests equivalent to 96,433 hectares, and by July of 2015, 302 parcels/beneficiaries had been restituted, equivalent to 4,208 hectares (García Reyes et. al. 2015). The backdrop of this effort was a scenario of very deep and massive displacement and dispossession. The information included in the Unified Registry of Victims (RUV by its acronym in Spanish) shows that the displaced population in the area was even greater than the population counted in the 2005 census. These deep and repeated victimization processes (some persons, for example, were displaced more than once during the conflict) were accompanied by massive abandonment of properties. This section is based on the information gathered during the census made with the beneficiaries of the policy in the region as of



October 2014: 79 rulings on 234 parcels/beneficiaries, of which we were able to interview 205.

The distribution of respondents by gender is in line with what was discussed previously on the lower participation of women in the process: 150 men, 55 women. The men's average age is 63 and the women's average age is 70. Most have little or no education, with 22 women and 67 men stating that they had not completed any level of education, and 5 women and 25 men who had completed grade school. This overall profile serves as the baseline to observe the differences we find between rural men and women.

WORK

The census included a set of questions on current occupations and occupations in the previous 20, 10 and 5 years. In all cases, the non-exclusive categories were: agriculture, livestock, trade, handicrafts and small business, homemaking, caring for children, construction, services, day work, school/student, fishing, pensioner. None of the respondents were in the last three categories. The occupations that were reported offer a second look at the scenario of concentration in agriculture for men and concentration in homemaking for women. 54.5 per cent of women said their current occupation was agriculture, followed by trade and livestock. 89.3 per cent of men are in agriculture, followed by livestock. None of the males reported being a homemaker and only 7.27 per cent of women reported being homemakers. The lower participation of women in traditionally female work may be associated with the age of the interviewees. 16.4 per cent of the women said they were homemakers 20 years ago, 12.3 per cent had been so 10 years ago and 7.27 five years ago. However, the periods of greater



participation in this occupation are associated with lower responses for agricultural work and, at the same time, with the times of greatest armed confrontation in the region, which may signal an overall reduction in agricultural work at those times. In fact, 65.5 per cent of the women worked in agriculture 20 years ago, 45, 5 per cent ten years ago and 39.5 five years ago. Something similar occurs in the case of men.

First I worked with a family as a housemaid, then I came back to town and did what I saw my parents do, to work on crops, I know how to plant a plantain tree, I know how to plant a yucca plant, I know how to put in a plant of maize, to work on maize because that is what I saw my elders do (personal interview, woman 64 years old, November 18, 2015).

[I am] first of all a peasant, as I told you. I was born in Maicao in certain circumstances, but I had to come here, I adapted as a peasant, working on the land since.... and then, because of things that happen in life, since I was displaced I have done a little bit of everything. I've had to sell water at traffic lights, bags of water, then I had to learn, I took an intensive course on saddle work and shoe repair in Cartagena, and I made a living with that all the time, because I had to repair shoes, in the afternoons at home I worked at a saddle workshop and after that they hired me. Let's say that after that I also took an electronics course, and well I fix fans and stuff like that. More or less but growing crops is like my thing (personal interview, man 43 years old, February 4, 2016).

Changes in the reported use of land display similar trends. As in the case of occupation, we asked respondents how they used their properties before and after displacement. We also asked how they planned to use the land in the future. The non-exclusive categories were:



agriculture, livestock and housing. Before displacement, the women said they used their properties as follows: 78.2 per cent for agriculture, 34.5 per cent for livestock and 14.5 for housing. The men responded 95.3 per cent agriculture, 40.6 livestock and 24 housing. After displacement, the use of the properties decreased, but the distributions follow similar patterns. 43.7 per cent of women said they use it for agriculture, 16.4 per cent for livestock and 1.82 per cent for housing. The frequencies for men were 56 per cent, 20 per cent and 8.7 per cent, respectively. In the future, the percentages decrease, but the patterns are similar.

This information is consistent with the differences indicated in the literature. In particular, women work to a lesser extent in agricultural chores than men. Also, they do more house chores and raise small animals.

LAND

The reported average size of the properties is larger for women (17 ha) than for men (12.4). However, the distribution of women's land displays greater variability. The sizes are consistent with the areas awarded during the reforms undertaken in the 1970s and 1980s, which may explain the smaller size of the properties of males because, as we will see, awards were an important form of acquisition for men.

The distributions of the origin of the restituted properties (award, rental, purchase, inheritance) are apparently similar for men and women. Award is the main category for men (66.4 per cent), while for women, awards (37.8 per cent) are as important as inheritance (34 per cent). It is important to note that the region has a history of fights over land, which was



associated with the relative success of the agrarian reform processes (Fals Borda 2002, Zamosc 1987, Guitérrez & García 2016).

When we came to this property... we had no land so we squatted on a plot of land and got it; we squatted on the lands of a lady who had land there and we began to squat there and to fight with her. We had problems, we fought with her and later we were awarded the plot of land (personal interview, man, 47 years old, March 26, 2015).

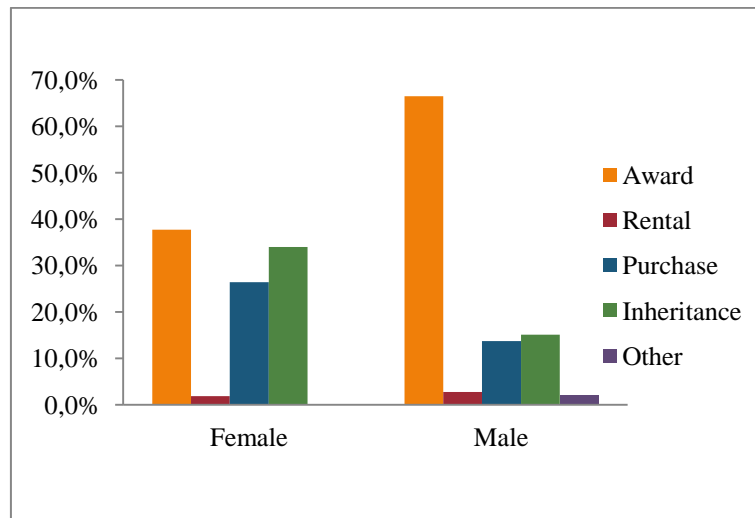
That was a big process... when Incora still existed, you could say let's go and squat on that property, so we went in there to squat until we achieved the objective and Incora awarded it to us (personal interview, man, 50 years old, March 12, 2005).

Look, when I joined the fight for the property El Cucal, I moved there when Incora awarded me a plot of 14 hectares of land. I lived here in Los Bellos because this is where I grew up and I went to my home town (personal interview, woman, 64 years old, November 18, 2015).

Probably because of the importance of land awards, acquisitions, which are generally important for men (Deere, León 2001), are less relevant in this region: they account for 13.7 per cent of the origin of properties for men and 26.4 per cent for women.



Figure 1. Origin of the property by gender



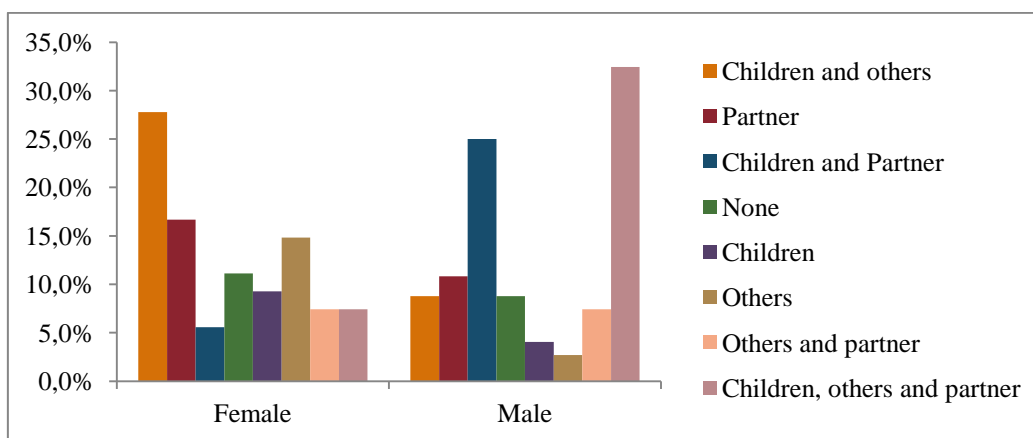
This evidence indicates a strong gender bias in the institutional assignment of titles and the apparently low impact of preferential measures such as marital awards and prioritized assistance for vulnerable women.

HOUSEHOLDS

Our results show that the restituted households in Montes de María are grouped in forms that go beyond the basic nuclear family. The question on who the restituted persons live with (partner, children and other relatives) enabled us to identify eight types of households,



Figure 2. Type of households by gender



The data shows that women are inserted into different types of families and that these types are different from those in which men are inserted to. As we mentioned above, this had the potential to affect their well-being, a point made by Deere and León in their study of gender, land and property rights in Latin America (Deere & León 2001). In the Montes de María case, we observe that nearly a third of women (27.8 per cent) live with their children and other relatives. In contrast 32.5 per cent of men live with their partner, children, and other relatives. Also, we can observe a lower presence of women than men in nuclear families (restituted one, partner and children), and a higher presence in families composed by the restituted one and other relatives. These facts seem to be related to the effects of armed conflict on familial structures, in particular to a widowhood-related phenomenon,

I now have the company of a family again, because the displacement broke the social fabric with the children; some went to Bogotá, others went to Cartagena, to Barranquilla, others I didn't even know about, one was in Santander and I didn't know where he was, but now he came back and he is here with me, and I thank God because we didn't know



where he was, we had lost him. That was very big for us because it was truly a huge tear in the family fabric (personal interview, woman, 65 years old, November 18, 2015).

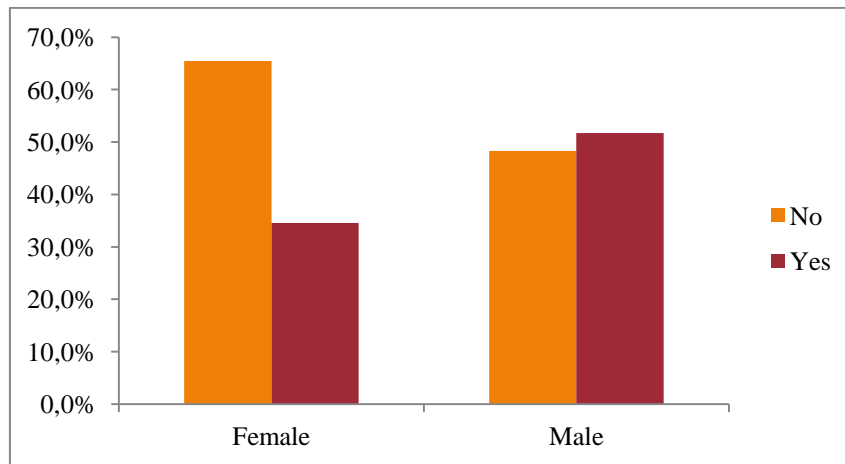
I didn't want to go there, [...] I kept on telling him not to go there, not to go there, and he ended up going anyway until some strange people showed up [...] They took him and we just waited and waited and he did not show up, and like at seven or eight we were still awake, waiting for my husband, just waiting, and he had not shown up when dawn broke, I didn't sleep that night at home with my children, they were still small, and the next day at nine we went out to look for him, me and one of my older and one of my youngest sons, and we found him where they had killed him (personal interview, woman, 47 years old, March 27, 2015).

INFORMATION

In addition to the differences already pointed out in the literature, there is also substantial inequality in terms of information. Here, women and men are clearly different. Most women (65.4 per cent) said they did not know their rights in the framework of the land restitution process, whereas most men said they were aware of them (51.7 per cent) (see Figure 3).



Figure 3. Knowledge of rights by gender



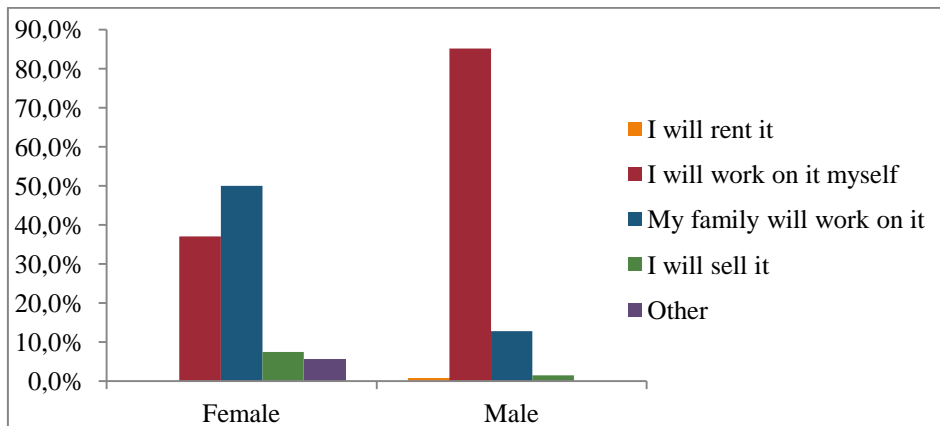
This is consistent with the differences found in the RDS study (Gutiérrez et. al. 2014, Wiig 2015). Also, the qualitative information indicates a low level of understanding of the restitution process by women, and the huge implication this has.

The thing is that I... because look, I don't understand how it works, because they came here to tell me, I asked them and the girls (URT) who came here told me that mine had gone to court, so I don't understand what that means (personal interview, woman, 75 years old, April 30, 2015).

Informational inequalities are associated with others. For example, 85.1 per cent of men expect to stay in their restituted lands and work them; for women the proportion falls to 50 per cent. 6 per cent of the women wanted to sell their property; no man wanted to do so.



Figure 4. Plans for the property by gender



CONCLUSIONS

The land restitution policy incorporates soft measures for the recognition of the differentiated effects and conditions of women victims of dispossession and/or abandonment of lands in the country: equal rights without distinction of gender, and a differential focus that prioritizes assistance for women in the process. These measures include women as part of other populations considered to be vulnerable, such as children, ethnic groups and persons with disabilities. Nevertheless, the praxis of these general provisions faces specific challenges related to other non-explicit measures of prioritization, and to real existing gender differences. Among the former ones are the security criteria, which are the main aspects taken into account for the delimitation of zones for the implementation of the policy; the cognitive orientation of judges and other officials that not always have gender oriented sensitivities and skills; and the inheritance rules within the rulings are made.



Among the real existing gender differences, we found here that there are at least four relevant sources of gender inequality: work, land, households and information. Awards are a much more important source of property for men than for women. This indicates a very poor distribution by gender of previous policies, despite the existence of certain affirmative measures (marital titles and prioritized assistance for women victims). Also, even though the primary occupation of women is agriculture, their participation in traditionally female chores continues to be substantial. Households also have gender-based traits. There are at least two typical types of households: those comprised by women, their children and other relatives and those comprised by men, their partners, their children and other relatives. Lastly, information inequalities are substantial: men know more than women, and are more aware of their rights and of property related issues.

This has additional implications. The expectation of remaining on their restituted property and working on it is greater among those who say they know their rights (87.4 per cent) than among those who do not (57.6 per cent), as is the case for those who said they received their property by means of an award (90 per cent). We saw that the plans and knowledge related to land are gender-coloured. But the Colombian restitution policy has nothing to say in this regard. Furthermore: first, there are no specific plans or decisions to increase women's knowledge about their rights within the process; and, second, the implications family structures and widowhood are not a matter of reflection. This mismatch between declared gender-sensitivity and the real way in which inequalities are manifest are a symptom of the stickiness of major gender differences in the Colombian countryside, and of the myopia of the policies created to correct them, included the land restitution policy.



REFERENCES

- Agarwal, B. (1997). 'Bargaining' and gender relations: Within and beyond the household. *Feminist Economics*, Vol. 3, No. 1, pp 1–51.
- Deere, Carmen, León, Magdalena, 2001. Empowerment Women. Land and property rights in Latin America. Pittsburgh: University of Pittsburgh Press.
- Deere, Carmen Diana (2003). Women's Land Rights and Rural Social Movements in the Brazilian Agrarian Reform. *Journal of Agrarian Change*, 3(1-2), 257-288.
- Deere, C, León, M. 2003. The Gender Asset Gap: Land in Latin America. *World Development*, 31(6), 925-947
- Diaz, D. 2002. Situación de la mujer rural colombiana. Perspectiva de género. Cuadernos Tierra y Justicia, 9. ILSA, 58 p.
- Fals Borda, Orlando 2002. Historia doble de la costa. Bogotá: Universidad Nacional de Colombia
- FAO, 2006. Situación de la mujer rural Colombia
- Farah, M, Pérez, E. 2004. Mujeres rurales y nueva ruralidad en Colombia, *Cuadernos de Desarrollo Rural*, 51, 137- 160
- Garcia-Godos, J. and H. Wiig (2014). The Colombian land restitution process - Process, results and challenges, with special emphasis on women. Report. Oslo, NIBR.
- Garcia-Godos, J. and H. Wiig (2016). 'Ideals and Realities of Restitution: The Colombian Land Restitution program.' Habitat International.
- García Reyes, P. 2012. Restitución de tierras abandonadas o despojadas por causa del conflicto armado en Colombia. Actores y funciones institucionales según la ley 1448 de 2011, mimeo, 21p.
- Garcia Reyes, P. (2015). On rules, violence, and transactions. Land dispossession in El Carmen de Bolivar, Colombia, 2000-2010. World Bank Land and Poverty. Washington D.C.
- García Reyes, Paola, Ochoa Guzmán, Laura, Pardo Herrero, Belén and Zableh, Orozco, Judith. 2015. Informe sobre el estado actual e impactos del proceso de restitución de tierras en los Montes de María. Barranquilla. Observatorio de Restitución y Regulación de Derechos de Propiedad Agraria. Septiembre 2015. Consultado el 4 de abril de 2016. <http://bit.ly/1RYya56>



- García Reyes, P. and B. Pardo Herrero (2016). Censo de población beneficiaria del proceso de restitución de tierras en los Montes de María (Beneficiary of land restitution in Montes de María population census), NIBR Observatio de Tierras.
- Gutiérrez Sanín, F. (2013). Un trancón fenomenal. Observatorio de Restitución y Regulación de Derechos de la Propiedad Agraria
- León, M, Deere Carmen, 1978. Estudio de la mujer rural y el desarrollo del capitalismo en el agro colombiano, *Demografía y economía*, (12)1, 4-36.
- León, M, Deere, C. 1997. La mujer rural y la reforma agraria en Colombia. Cuadernos de Desarrollo Rural, 38 and 39, 7-23
- Manser, M., & Brown, M. (1980). 'Marriage and household decisionmaking - A bargaining analysis'. *International Economic Review*, **Vol. 21**, No. 1, pp. 31-44.
- Meertens, Dony and Zambrano, Margarita (2010). Citizenship Deferred: The Politics of Victimhood, Land Restitution and Gender Justice in the Colombian (Post?) Conflict. *The International Journal of Transitional Justice*, (4), 189-206.
- Meertens, Dony (2015). Discursive Frictions: the Transitional Justice Paradigm, Land Restitution and Gender in Colombia. *Papel Político*, 20(2), 353-381.
- Minsalud. 2015. Las mujeres rurales y la agricultura familiar
- Sen, A. (1990). 'Gender and cooperative conflicts'. In I. Tinker (Ed.), *Persistent inequalities: Women and world development*. Oxford: Oxford University Press
- Sliwa, M. and H. Wiig (2016). 'Should I stay or should I go: The role of Colombian free urban housing projects in IDP return to the countryside.' *Habitat International* 56: 11-19.
- Tsikata, Dzodzi (2003). Securing Women's Interest within Land Tenure Reforms: Recent Debates in Tanzania. *Journal of Agrarian Change*, 3(1-2), 149-183.
- Twyman J., P. Useche, and C.D. Deere (2015) 'Gendered Perceptions of Land Ownership and Agricultural Decision-making in Ecuador: Who Are the Farm Managers?' *Land Economics*, **Vol. 91**, No. 3, pp. 479-500
- Walker, Cheryl (2003). Piety in the Sky? Gender Policy and Land Reform in South Africa. *Journal of Agrarian Change*, 3(1-2), 113-148.
- Wiig, H. (2009). Compensation or restitution of land rights in the Colombian peacemaking process - Economic efficiency vs. society building? *Working Paper*. Oslo, NIBR.
- Wiig, H. (2013) 'Joint titling in Rural Peru: Impact on Women's Participation in Household Decision-Making' *World Development*, **Vol. 51**, pp.104-119.
- Wiig, H. (2015). Women in the Colombian land restitution process - Quantifying effects in a RDS household survey. *NIBR report*, NIBR.



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Wiig, H. (2016). Lecciones del proceso de restitucion de tierra para el Acuerdo de paz en Colombia (Lessons from the land restitution program for the peace agreement in Colombia). Working Paper, NIBR HiOA.

Zamosc, León. 1987. La cuestión agraria y el movimiento campesino en Colombia: luchas de la Asociación Nacional de Usuarios Campesinos (ANUC) 1967-1981. Bogotá: Cinep.