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## **The Impact of Women's Mobilisation: Civil Society Organisations and the Implementation of Land Titling in Peru**

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This article analyses how civil society organisations (CSOs) influenced the implementation of the National Land Titling Project (PETT) in Peru. Land titling projects such as PETT raise a number of questions about the social implications of formalisation. Women often are disadvantaged when it comes to land titling, due to several factors such as lack of legal documentation, illiteracy and the predominant gender division of labour. However, evaluations of the formalisation process in Peru show that there has been an increase in the incidence of joint ownership from the first phase of the implementation process to the second, even though the joint titling of land to couples was never adopted as official policy. Heavy criticism was raised towards PETT by feminist non-governmental organisations and social movements in the late nineties, promoting equal land rights. At the time of implementation, political changes were occurring in Peru, creating space for new actors, and a change in the extent of repression of collective actors. These changes seem to have created a good environment for action. Researchers mention the mobilisation as a possible explanation for the increase in joint ownership, suggesting that the activism of CSOs led the implementing agency to favour joint ownership between spouses. Uncovering the impacts of collective action requires close attention to the dynamic interplay between the capacities and strategies of CSOs and the political spaces for their claims and campaigns.

**Keywords:** civil society; mobilisation; social movements; impact; gender equality; land rights; collective action

### **Introduction**

Starting in the 1990s, several Latin American countries have undertaken land titling projects, aiming to provide security for owners and producers and to create a more effective land market. In Peru, the government of President Fujimori launched the Special Land Titling and Cadastre Project (PETT) in 1991 to formalise rural landownership. Land titling projects such as PETT raise a number of questions about development, gender and politics. Land rights have been central to popular struggles for empowerment and social justice, but have also become a key element within the neo-liberal agenda for market-led development, not the least due to the influence of the

Peruvian economist Hernando de Soto within international financial institutions and national governments (de Soto, 1989). This convergence on the importance of land rights across political divides raises a number of questions about the politics of property rights and the links between formal rights, poverty and equality. The present article studies one specific aspect of land titling, namely the gender politics of land and especially the role of civil society organisations (CSOs) in regard to women's land rights. We examine the question: How did CSOs influence women's land rights during the implementation of the land titling project in Peru? The emphasis is on the kinds of political actions that were undertaken by Peruvian CSOs to influence the implementation of land titling and the extent to which they made a difference.

Women are often disadvantaged when it comes to land titles. Deere and Doss (2006) observe that factors such as male preference in inheritance, male privilege in marriage and male bias at the community level and in state-led programmes of land distribution and formalisation have created a significant gender asset gap in Latin America. In this situation, land titling is critically important for women's empowerment, but access to land is highly contentious and brings up tensions and struggles, ranging from the level of the family and community to national politics. In Peru and elsewhere, local gender roles and negotiations regarding land, labour and livelihoods intersect with more ideological mobilisations in civil and political society. Throughout Latin America, it can be observed that women's movements have become important expressions of civil society in recent decades. Women have fought against direct and indirect barriers to self-development and participation by challenging prevailing gender relations and specific gender needs. Women's movements often emerge as key actors in periods of crisis and change; increasing participation in social organisation and protest has thus become a strategy of empowerment for women (Caivano and Hardwick, 2008; Padilla, 2004).

Despite advances, long-standing social prejudice and discrimination against women have resulted in women experiencing higher levels of poverty and unemployment than men throughout Latin America (Deere and León, 2001). In this situation, the land titling programmes that started in the 1990s are important initiatives that deserve analytical attention. A number of states adopted policies of joint titling of land to address the gender inequality problem, not the least due to the pressure of organised women's movements, non-governmental organisations (NGOs) and national women's offices. The Peruvian formalisation law is, in contrast, gender neutral and was only intended to formalise existing informal property rights (Fuentes and Wiig, 2009). Heavy criticism was raised against how PETT practised the titling in the field by CSOs in the late nineties. Their main objection was that women's traditional rights were neglected; resulting in women actually losing rights to land that was their individual property or was owned together with their spouse or cohabitant. Peruvian NGOs and women's movements, therefore, launched a campaign in favour of women's land rights in 1998. One of the main demands was that land titles be given in the names of both spouses whether they were married or in a consensual union, an already existing requisite that tended to be forgotten by the field agents (Fernández et al., 2000).

The campaigning for women's land rights in Peru was followed by changing implementation practices within PETT. Evaluations of the formalisation process show that there has been an increase in the incidence of joint ownership from the first phase of the implementation process to the second, even though the joint titling of land to couples was never adopted as official policy. The Peruvian Development Research Group evaluated the PETT programme, and found that 76 per cent of all the households with couples had shared title to at least one of the household's plots (GRADE, 2007). This represents a massive increase if we compare it with historical data from the Peruvian Living Standard Measurement Survey (LSMS 2000 in Deere and León, 2001). Against this background, this article examines the link between mobilisation and protests by women's organisations and the observed increase in joint ownership, i.e. whether activism of CSOs led the implementing agency to favour joint ownership between spouses. Our main finding is that the increase in joint titling can be understood as a combined effect of movement actions and outside influence that bear directly on the movement claim. The analysis thus highlights that movement activism exists within a broader political and cultural context that frames the political space and impact of civil society mobilisation. This also supports the theoretical point that uncovering the impacts of collective action requires close attention to the dynamic interplay between the capacities and strategies of CSOs and the political spaces for their claims and campaigns.

The article is organised in four main sections. The first section provides a theoretical basis for the analysis through a brief review of recent literature on the impact of collective action. This is followed by a general analysis of the political and legal basis for PETT and its context-specific and changing implementation at the local level. The last two sections provide analyses of the strategies and impacts of CSOs, examining both the goals and practices of CSOs and the discourse of activists and state officials on the role of CSOs in the changing implementation of PETT. The analysis is based on fieldwork in Peru from April to June 2010. During this period, in-depth interviews were conducted in Lima with representatives from the Ministry of Agriculture (MINAG), the PETT administration and national CSOs. Local fieldwork was conducted in Cajamarca and Cusco, two localities in the highlands where a leading national NGO – The Peruvian Women's Centre Flora Tristán – has been campaigning actively. In both localities, qualitative interviews were conducted with representatives from CSOs and the PETT administration.

### **Women's land rights and impact of social movements**

The theoretical point of departure for our analysis is a view of gender relations as social constructions that are subject to contestations and negotiations. Following from this, we see gender politics as ranging from struggles over constructions of gender in society to more narrowly defined political negotiations about practical gender needs. Gender negotiations can be about both material resources and structures of meaning, and the

outcome of political negotiations is contingent on relations and practices of power in society. In agreement with this general position, Agarwal (1994) argues that the bargaining power of individuals and groups is greatly affected by their material and symbolic resources. Women's ownership of assets, for example land, is critically important because it reduces their vulnerability to poverty and provides leverage in negotiations. Holding a title to land implies a 'bundle of rights': the right of possession, the right of control, the right of exclusion, the right of enjoyment and the right of disposition (Sevatdal, 2006). However, there is an imbalance between women's rights in relation to the law and the achievement of these rights in practice. This distinction between legal recognition and social recognition is important because women may have the legal right to property, but if this right is not socially recognised and the law is not enforced, it remains just a right on paper. There are also critical questions about individual or joint titles to land. Agarwal (1994) argues that individual rights are necessary and that joint ownership will not make any difference in practice. Deere and León (2001) disagree with this and believe that joint titling is essential to include women in the land rights process. According to them, it is important to recognise that agriculture is commonly organised as a family practice and that rural women in Latin America will gain from the use of joint titling. Their view is based on an extended 'land to the tiller' approach rather than looking at land as a piece of property as such. Both positions agree, however, that legally and socially recognised land rights for women are important for improvements in rural welfare and poverty alleviation; agricultural efficiency and productivity; gender equality; and, women's participation and empowerment.

Gender negotiations may take place at various interrelated sites; the family, community, market and state. First, gender relations are negotiated structures in society that provide a context for women's bargaining within the household. Second, owning assets within a market system also strengthens women's bargaining power in negotiation of rules, governance, access to resources and social behaviour. Third, women's ability to organise themselves politically in regard to political parties and the state may affect rights, assets and gender relations and thereby change the societal context for women's everyday practices and negotiations (Deere and León, 2001). Marchand (2000) observes that the growth of social movements in Latin America has been marked by high participation of poor women and that many of them have addressed gender issues: women's access to resources, education, property and income, strengthening women's political and economic role, and the right to a life free of oppression and violence are in focus (Caivano and Hardwick, 2008). Collective mobilisation has thus been a way to address both practical gender needs (inadequacies in living conditions experienced by women) and strategic gender interests (problems identified by women as a result of their subordinate social status), as well as the link between practical and strategic interests (Marchand, 2000; Molyneux, 1985; Ray and Korteweg, 1999). Peterson and Runyan (1993) argue that women's participation in social movements and protests for practical gender needs can lead to attention to their strategic gender interests. Collective action often revolves around practical

gender needs and may not challenge women's subordinate position in society, but mobilisation around practical needs may yield feminist consciousness and challenge gendered divisions of labour, power relations and gender norms as women come together and become aware of their strategic gender interests (Baca, 1998; Padilla, 2004).

This centrality of women's mobilisation for practical gender needs and strategic interests brings up the question of the impact of women's movements (Molyneux, 1998). At the outset, it is important to recognise the diversity of women's movements and organisations. Civil society, as a domain of voluntary associational life, is characterised by a multitude of organisations and movements, displaying great variety in terms of organisational structure, degree of formalisation, popular participation and political strategies. This complexity of civil society combined with diverse political spaces for mobilisation means that the impacts of collective action will also be varied. Research on civil society has addressed the emergence and organisation of collective action, but paid less attention to their outcomes and consequences (Della Porta and Diani, 2006; Goodwin and Jasper, 2009; Snow et al., 2009). The study of origins and dynamics of social movements is a well-established terrain, while the literature on how to understand the outcome of collective action is more limited (McAdam and Snow, 2009; Tilly, 1999). This is surprising since the ultimate aim of mobilisation is to bring about change and 'the interest of many scholars in social movements stems from their belief that movements represent an important force for social change' (McAdam et al. in Burstein, 1999, p. 3). This can be explained by the methodological problems specific to this subject: to understand the impact of collective action, one must understand what might have happened in the absence of protest. It is also difficult to study the impact of mobilisation because the dimensions of change are many and varied. Finally, to establish a causal link between collective action and change in society requires that it is possible to eliminate the possibility that the change we see is the result of other factors and actors. Even when collective actions are followed by changes that movements have asked for, we cannot *a priori* exclude the intervention of a third party. Moreover, it is important not only to examine state and movement strategies, but also to consider broader societal and political processes of change (Giugni, 1998).

Studies of collective action have conventionally been divided between structure- and actor-orientated approaches. Whereas scholars within the former tradition have emphasised the social basis of movements and the manner in which they challenge power relations in society, the latter approach has brought more attention to the capacities and strategies of social movement organisations. The contemporary literature on collective actions and their impacts draws inspirations from both these traditions (for Latin American examples, see Alvarez et al., 1998; Johnston and Almeida, 2006; Stahler-Sholk et al., 2008). Early research on the impacts of collective action has focused on those characteristics of movements that are found to be most conducive to success. Such studies examine organisational variables and especially whether

strongly organised movements are more successful than loosely organised networks. Gamson (1990) has for example argued that internal variables and resource mobilisation are determinants of success. Other scholars have challenged this work, arguing that a narrow focus on organisational characteristics is insufficient and needs to be replaced by a model that takes into account the role of the political context in explaining the success of collective action (Giugni, 1999; Tarrow, 1998). Another line of investigation in early studies of movement impact has focused on the effects of disruptive and violent protest, yielding a debate about whether the use of disruptive strategies is more likely to lead to change than moderate tactics. Such studies have also been challenged by researchers stressing the importance of the broader political and social context in which disruptive actions take place (Giugni, 1998; Tarrow, 1998).

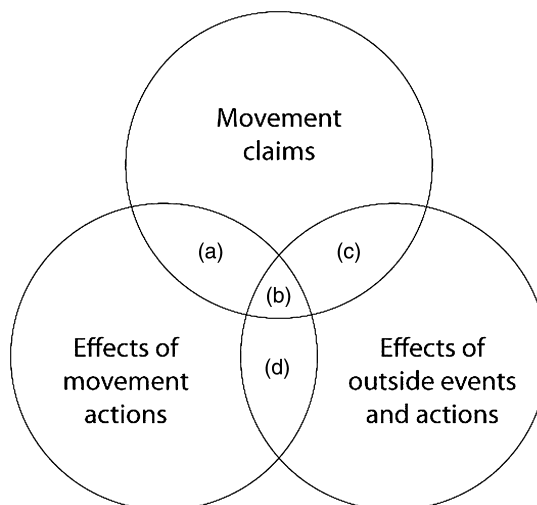
These early debates on the impact of collective action highlight that it is not enough to study the internal characteristics of actors. Recent work on this subject has, therefore, shifted away from a focus on organisational characteristics and the effectiveness of violence toward contextual conditions that facilitate or constrain a transformative role of movements (Tilly and Tarrow, 2007). Two different avenues of research have emerged: one focuses on the role of public opinion, while the other emphasises the political context of collective action. Attention to public opinion, on the one hand, stems from the realisation that social mobilisation normally has two targets: the power holders and the general public. Creating awareness and changing public opinion on a specific issue can help movements to reach their goals, and may therefore be a powerful factor in determining outcomes due to the interconnectedness of movement actions, public opinion and policy changes (Burstein et al., 1995; Giugni, 1998; Tilly, 1999). The political process approach, on the other hand, studies how external factors affect protest behaviour and stresses the importance of the movement's political space (Tarrow, 1998). Two important aspects are found to be decisive: the system of alliances and opportunities and the structure of the state. Having allies within and outside institutional arenas is stressed as a key factor influencing the impact of collective action (Burstein et al., 1995). Recent studies have also emphasised political opportunity structures as a mediating factor between movement claims and their success. One way of performing this kind of research is by comparing outcomes across different political spaces. Another approach is to trace contextual political processes by examining the dynamic interaction between political spaces and the capacities and strategies of CSOs (Harriss et al., 2004; Tarrow, 1998; Törnquist et al., 2009).

To make matters even more complicated, there is no agreed-upon conceptualisation of success. According to Gamson (1990), success is a set of outcomes that fall into two main categories: acceptance and new advantages. Acceptance refers to recognition of a movement or organisation as a legitimate representative of a particular constituency and its concerns, while new advantages refer to actual gains won for the constituency. Gamson uses these concepts to develop a typology of outcomes: full response (complete success), co-optation (recognition without gains), pre-emption (gains without recognition) and collapse (complete failure). In a similar manner, Amenta et al. (1992)

operate with three levels of success: cooperation or recognition from the opponent, gains in policies that aid the group and transformation of challengers into members of the policy. The notion of success and failure is also problematic because it overstates the intentions of participants. According to Tilly (1999), success and failure hardly explain most of the effects created by collective actions. Such actions can also leave political by-products that are outside their aims, or even contradict them. It is thus necessary to separate goal-related outcomes and broader consequences, and to acknowledge both short-term and long-term consequences. These are some of the reasons why the tracing of outcome is so difficult: the effect of collective action exceeds the explicit aims, and success and failure cannot describe most of the effects (Tilly, 1999). Furthermore, it is important not to see movements and organisations as monolithic actors, but to determine what success means to whom. Actions of authorities, other interested parties and societal change will also affect political outcomes. Giugni (1998) and Tilly (1999) argue, therefore, that researchers should take into account all movement claims, all effects of the movement's actions and all effects of outside events and actions.

Figure 1 provides a graphic illustration of this complexity of collective action and political outcomes. The figure shows that interaction between three broad factors creates four different kinds of outcomes: First, there are outcomes that are effects of movement actions and bear directly on movement claims, but with little influence from outside events and actions (sector A). Second, there are outcomes that are joint effects of movement actions and outside influences that do not bear on movement claims (sector B). Third, outcomes can also be effects of outside influences and bear directly on movement claims without being the effect of movement actions (sector C). Fourth, there are outcomes that are joint effects of movement actions and outside

**Figure 1: Social movement outcomes as products of movement claims, movement actions and outside events and actions (after Tilly, 1999, p. 269).**





influences and that also bear directly on movement claims (sector D). While Figure 1 visualises outcomes and determining factors, it does not provide a substantive conceptualisation of causal processes by which movements produce their effects. There is a broad range of effects that are produced by collective actions, not only goal-related impacts, but also broader consequences. The effects of collective actions may, for example, be in the form of cultural changes and the elaboration of new identities and norms. Collective actions do not necessarily have a political target, but may have identity-related goals and seek to change opinions or create awareness on a specific matter (Giugni, 1998). Moreover, studies of political impacts must take into account the joint effects of collective actions and outside influences. The goal of research in this field should thus be to unveil the dynamics that allow movements and organisations to make an impact and to establish a link between two broad phenomena: the emergence, development and decline of protests on one hand, and the political, institutional and cultural changes on the other hand (Tilly, 1999). The subsequent sections will draw on this general framework to examine the impacts of different CSOs – popular movements and NGOs – on the implementation of land titling in Peru.

### **Political context for land titling in Peru**

The politics of land titling in Peru is located within the context of persistent poverty and a problematic transition from authoritarianism. It is commonly observed that rural women are the most vulnerable among the 35 per cent of the population considered poor in Peru (INEI, 2009). Poverty is especially widespread in the highland, where development was hampered by revolutionary violent movements in the 1980–1990s. Regarding political changes, it is noticeable that Alberto Fujimori became president in 1990, promising to fight back terrorism and reign in the mismanaged economy riddled with hyperinflation. In this, he relied on authoritarian but popular means, e.g. an internal coup setting aside the congress in 1992 and formulating the new constitution in 1993 increasing the presidential power. Fujimori used corruption rather than violence to prevent criticism of given policies, as political parties were allowed to function, elections were held regularly and freedom of expression was theoretically upheld by the regime (Rousseau, 2006).

The transition to democracy created a new political space for civil society actors to mobilise. People were also less afraid of being politically active as the violence disappeared. During the 1990s, social leaders were murdered by both the Shining Path and government forces who took advantage of the situation to get rid of political opponents. A strong feminist movement in Peru was able to promote change and influence governmental decisions during the transitional government (Remy, 2005; NCSO-5<sup>1</sup>).

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<sup>1</sup>Informants are identified by their affiliation: PETT (The Special Rural Cadastre and Land Titling Project), NCSO (national civil society organisation) and LCSO (local civil society organisation). See the reference list for further information about the positionality of the informants.

According to Garay and Tanaka (2009), the intensity, geographical extension and diversity of social protest increased during the first years of Toledo's presidential period. CSOs worked at all levels, influencing the state, institutions and local government. Some organisations had also been able to influence the president and the bureaucracy during the Fujimori years of 'Direct Democracy' through contacts in the government apparatus rather than through democratic channels since the congress and politicians were side-lined and public debate nearly absent. In fact, the Fujimori government relied on social organisations like the Mother Clubs and Self-Defence Committees to implement their policies in this period, making civil society participation an integral part of policy implementation rather than a watchdog for democratic accountability.

In this situation with political changes amidst persistent rural poverty, aid-funded programmes were initiated to formalise land ownership and entail market-led agricultural development. The World Bank (WB) and the Inter-American Development Bank (IDB) funded land titling projects on the continent to increase market efficiency, i.e. improved security of investment, titles to be used as collateral for loans and transfer of land to the most productive farms through market transactions. President Fujimori launched the Special Rural Cadastre and Land Titling Project (PETT), as a special unit within the MINAG, to formalise rural land ownership in 1991. The mission was to promote the development of a transparent rural land market and promote investment in agriculture nationwide (Deere and León, 2001; Fuentes and Wiig, 2009).

In Peru, large land areas were taken from Hacienda owners during the comprehensive land reforms in the 1960–1970s and then fragmented into individual peasant holdings after a period of imposed and failed collective farming (Deere and León, 1998). However, there were no initiatives to issue individual titles and sales of land were still prohibited. This changed at the beginning of the 1990s with a consensus on formalising land titles among international institutions, the Peruvian state and CSOs. The Land Registry Law (Legislative Decree 667) and the Agrarian Investment Law (LD 653) removed constraints on property rights in 1991. Thereafter, agricultural land could be sold, rented or mortgaged. As titles became useful, demands for formalisation also increased (NCSO-1; Deere and León, 1998; Lastarria-Cornhiel, 1999).

The first operations of PETT took place on the coast of Peru as early as 1993, but activity rose sharply in 1996 when the IDB signed an agreement to finance the Land Titling and Register Project phase 1 (PTRT1), which involved PETT, the National Superintendence of Public Registry Office (SUNARP) and the National Institute of Natural Resources (INRENA) (NCSO-1). Registration was free of charge for the farmers in the mass titling process implemented by PETT. Decentralised organisation meant that the regional offices worked independently within central guidelines, giving rise to regional differences in the process. The first phase ended in 2000 with a disagreement between the institutions involved, and negotiations about the second phase began (PETT-1). However, important political changes took place at the same time, which affected both the Peruvian society and the formalisation project. Fujimori fled the

country after election fraud and his corruption practices became publicly known, and Alejandro Toledo was elected president in 2001. Toledo continued exercising free market policies and promoting foreign investments (Remy, 2005; Rousseau, 2006). The second phase of land titling (PTRT2), which was also financed by the IDB, was delayed due to political negotiations, but started in 2002.

PETT continued their work when Alan Garcia from the American Popular Revolutionary Alliance became president in 2006. The PTRT2 ended in the same year, and then PETT merged into the Commission for the Formalisation of Informal Property (COFOPRI), in 2007, an agency under The Ministry of Housing, Construction and Drainage which is now responsible for both the rural and the urban land titling projects (Fuentes and Wiig, 2009; PETT-1). There has been discussion over a third phase (PTRT3) to cover remaining parcels in the highland and the Amazon basin. The future of individual land titling is still unknown as the assumed less market-friendly new president Ollanta Humala took office in June 2011.

### *Implementation of land titling*

Deere and León (2001) observe that women are disadvantaged when it comes to land titling due to lack of legal documentation, illiteracy and the predominant gender division of labour. They find PETT, like most of the Latin-American land titling projects, to be gender neutral, with no specific attention to women's rights. However, increasing effort of joint titling implies a transfer of property rights from men to women as most land was originally owned by men. A survey of 1280 households, which constitutes another part of the PeruLandGender project, finds that 57 per cent of all parcels belonging to the household were inherited. Women also inherit land from their parents, but not to the same extent as men. Of these parcels, one-third was given to the women, and the men hence receive twice as much with two-thirds (Wiig, 2012). The LSMS<sup>2</sup> for 2000 shows that only 13 per cent of the plots were jointly owned, 12 per cent individually owned by women and as much as 75 per cent owned individually by men (Deere and León, 2001). In contrast, 57 per cent of the half a million parcels in PTRT2 have joint titles registered in the Cadastre. Furthermore, the figure rose from 44 per cent joint titling for the more than one million parcels in PTRT1 (COFOPRI 2011)<sup>3</sup>. GRADE (2007) made their own survey to evaluate the PTRT2 and found that 76 per cent of all households reported that a couple held joint titles for at least one parcel. Fuentes and Wiig (2009) find that 43

<sup>2</sup>The LSMS (Living Standards Measurement Surveys) has been carried out in a number of Latin American countries during the 1990s sponsored by the WB (Deere & León 2003).

<sup>3</sup>There are no pre-titling baseline surveys against which to measure the increase in joint ownership due to titling. However, different sources indicate a large increase. The property cadastre only records the sex of the owners, not familiar relationship between them. By imposing reasonable assumptions, we find that the rate of jointly titled land between man and women increases from 44 per cent in PTRT1 to 57 per cent in PTRT2.

|               | Number of titles | Number of joint titles | Number of titles | Number of joint titles | Per cent joint titles | Per cent joint titles |
|---------------|------------------|------------------------|------------------|------------------------|-----------------------|-----------------------|
|               | PTRT1            | PTRT1                  | PTRT2            | PTRT2                  | PTRT1 (%)             | PTRT2 (%)             |
| Cajamarca     | 259,271          | 81,392                 | 85,612           | 53,988                 | 31                    | 63                    |
| La Libertad   | 41,386           | 22,127                 | 66,222           | 37,216                 | 53                    | 56                    |
| Puro          | 58,858           | 41,784                 | 57,732           | 34,898                 | 71                    | 60                    |
| Junin         | 26,916           | 14,482                 | 32,777           | 18,708                 | 54                    | 57                    |
| Apurimac      | 38,225           | 23,878                 | 23,810           | 14,725                 | 62                    | 62                    |
| Huanuco       | 12,474           | 666                    | 23116            | 11,689                 | 5                     | 51                    |
| Ayacucho      | 75,947           | 38,780                 | 22110            | 11,336                 | 51                    | 51                    |
| Ancash        | 294,358          | 110,783                | 20,134           | 11,212                 | 38                    | 56                    |
| Cusco         | 25,446           | 14,943                 | 18,204           | 9371                   | 59                    | 51                    |
| Arequipa      | 56,004           | 31,673                 | 12,796           | 8713                   | 57                    | 68                    |
| Huancavelica  | 1290             | 158                    | 12,098           | 8134                   | 12                    | 67                    |
| Lambayeque    | 28,444           | 14,587                 | 11,167           | 4369                   | 51                    | 39                    |
| Amazonas      | 20,997           | 11,706                 | 10,426           | 5938                   | 56                    | 57                    |
| Ucayali       | 2                | 2                      | 10,057           | 5522                   | 100                   | 55                    |
| Plura         | 22,112           | 14,732                 | 9834             | 6221                   | 67                    | 63                    |
| Lima          | 14,060           | 4567                   | 7853             | 3542                   | 32                    | 45                    |
| San Martin    | 27,947           | 15,866                 | 7121             | 3975                   | 57                    | 56                    |
| Pasco         | 6080             | 3278                   | 6984             | 3417                   | 54                    | 49                    |
| Loreto        | 400              | 33                     | 3660             | 1024                   | 8                     | 28                    |
| Ica           | 25,081           | 12,240                 | 1589             | 721                    | 49                    | 45                    |
| Tumbes        | 4296             | 2313                   | 1582             | 783                    | 54                    | 49                    |
| Madre de Dios | 2108             | 1152                   | 1024             | 439                    | 55                    | 43                    |
| Moquegua      | 13,828           | 7736                   | 822              | 398                    | 56                    | 48                    |
| Tacna         | 6129             | 3321                   | 396              | 197                    | 54                    | 50                    |
| Callao        | 7                | 1                      | 25               | 6                      | 14                    | 24                    |
| Nationwide    | 1061,666         | 472,200                | 447,151          | 256,542                | 44                    | 57                    |

**Table 1: Regional variations in joint titling (Source: COFOPRI 2011, calculated by Oscar Madalengoitia, Institute for Peruvian Studies).**

per cent of all parcels are jointly owned analysing the same database, with 26 per cent individually held by men and 19 per cent by women, which implies a de facto transfer of land from men to women<sup>4</sup>. The Cadastre of COFORPI shows considerable regional differences in both level and change in joint titling (Table 1). Cajamarca, on the one hand, had 31 per cent joint titles in PTRT1 and an increase to 63 per cent in PTRT2. Cusco, on the other hand, started as high as 59 per cent in PTRT1 and came down to 51 per cent in the PTRT2.

<sup>4</sup>Fuentes and Wiig (2009) furthermore find that 57 per cent of titled land to household with a couple is jointly held, while the corresponding figure is 49 per cent for untitled households.

It is noticeable that joint titling became more common over time and especially in the second phase of the programme. This seems to have more to do with implementation than changes in the judicial basis for land titling. The Constitution of 1979 states that men and women have equal rights under the law, banning any discrimination based on gender, race or language. In 1984, congress approved the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and then revised the Civil Code accordingly. Women and men now have the same duties and responsibilities, and furthermore consensual unions are recognised as a legal union if lasting 2 years or longer (Article 326) (Deere and León, 1998; Macassi León, 1996; Republic of Peru, 1993). However, the overarching marriage principle in the Civil Code is ‘Participation in profits’ where property acquired before marriage or inherited afterwards is considered individual property, while property acquired during marriage is joint property. However, the profits or rents from these individual properties accrue to both spouses as long as they stay together.

The different laws and directives introduced as legal instruments for the titling process only refer to equal rights between men and women in a more general way.<sup>5</sup> Specific guidelines for joint titling appear, however, in the registration form that is used in the field. It says that the spouse/cohabitant’s name should also be included as a ‘solicitor of possession rights’ if the solicitor is married or is concubine without impediment to get married. If impediments exit, joint children who live on the premises should be included instead. This rule hence formulates explicit orders to the field agents of issuing joint titling even though there is no explicit law article to back this requirement. Only minor changes, like replacing the word ‘concubine’ with ‘cohabitant’, appear in later versions of the registration form (Republic of Peru 1995).

The implicit justification for joint ownership is probably that the government considered ‘possession’ different from ‘property’, something which neglects customary law and practices that are normally respected in land property formalisation processes. It hence implies that a son/daughter inheriting a piece of land would achieve individual ownership if his/her father had a title deed to the land but would have to share if no such document existed. In practice, most people did not care about achieving such document previously as rights and duties were set in customary law and practice. However, PETT would now consider both possessionaries as they lived on the land at this moment in time independent of the previous ‘possession’ history of the land. This explains why our informants define joint titling as a ‘non-discriminatory practice’ rather than redistribution from men who normally inherit land to women though joint ownership in the formalisation agenda.

PETT informants verify the idea that married women should receive joint titles from the beginning of PTRT1 ‘...in this aspect the law is clear; if a couple is married they should both receive the title (PETT-1)’. When PETT officers came to the parcel, the

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<sup>5</sup>The phrase ‘...credit the solicitors rights to the parcel and, in their cases, of the spouse or cohabitant’ in DL667 from 1991 is repeated but not further specified in any later law or directive.

owners had to prove that the land was purchased before the marriage. If they were not able to prove this, the title was given as joint property. The titling agency sought, at least officially, joint titling both for married and cohabitating couples from the very start, and we do not find any major changes in legal norms that might affect joint ownership over time.

### **Role of CSOs in the implementation of PETT**

Remy (2005) argues that civil society mobilisation is effective in Peru, and that protest has proven to be more effective than using institutional spaces for participation. CSOs, both at a national and a local level, sought to influence the implementation of PETT in the 1990s. Flora Tristán was one of the most active organisations among the national NGOs working for equal land rights. Their campaign was directed at the MINAG, PETT officials in Lima and in the regions, as well as rural women. Flora Tristán's main strategies were to provide information to rural women about their rights, organise interest groups and to work with the PETT employees to ensure that the land titling process was free of discrimination. Flora Tristán collaborated with other national organisations in their equal rights campaign, especially the Peruvian Centre for Social Studies (CEPES) and the Rural Education Service (SER). International NGOs from Spain, Canada and Great Britain were also involved in the process, but mostly by providing funding to the national and local CSOs (Deere and León, 2001; Fernández et al., 2000; NCSO-3).

The implementation process took place locally, and created opportunities for local campaigns. On a local scale, Flora Tristán collaborated with CSOs in Cajamarca, Cusco and Piura. The participation of local CSOs was especially evident in Cajamarca. The women's network for rural women in Cajamarca (REPRODEMUC) actually started their campaign for equal land rights before Flora Tristán started nationally. As early as 1996, a small-scale project (*Legal aspects, property rights in rural areas and women's situation*) was started together with the Peruvian Institute for Development Aid for Communities (IPADIC) and financed by the WB (LCSO-4). IPADIC collaborated with a network of more than 130 rural women leaders, campaigning for land titles in the name of both spouses and implemented the project in 35 districts in Cajamarca. The local CSOs in Cajamarca thus seemed to be well organised and had a strong sense of their common identity as women (Deere and León, 2001; Macassi León, 1996; LCSO-4). The CSOs in Cajamarca saw the importance of including gender in the formalisation process. Their primary goal was to promote information about the content of laws and decrees and to ensure that the rights of women were protected in the implementation process (LCSO-1, LCSO-4). In Cajamarca, the strategies were directed more towards the peasants than towards the government. CSOs provided information to the farmers about their rights and arranged role plays with technicians to create gender awareness (LCSO-1). According to the informants, one of the most important strategies was to go with the PETT officials into the field and give information to the peasants,

and in this way reach both the technicians and the peasants at the same time. The national NGO Flora Tristán assisted local organisations through courses, workshops and information dissemination. According to an evaluation of the project in Cajamarca, around 360 women and 800 men received detailed information about women's rights in the titling process (Fernández et al., 2000). The local organisations also claimed to have good communication with the leader of the local PETT office and with some of their team leaders (Macassi León, 1996; LCSO-4).

In Cusco, a local NGO, Bartolomé de las casas (CBC), worked with PETT from the beginning and was the first NGO to focus on land titling in this region, collaborating with local communities, NGOs and social movements in the Cusco area. The federation for rural women in Cusco (FEMOCARINA) also participated in the campaign for equal rights. These organisations created a network in Cusco, 'Mesa de Tierra', where they could discuss land issues and challenges. Flora Tristán also had a representative in Cusco working with the local organisations, organising workshops and meetings with PETT officials (LCSO-7). The CSOs in Cusco did, however, not seem as coordinated as the organisations in Cajamarca. CBC and the local peasant's movements were not feminist organisations: Their primary goal was to make sure the titling process was done correctly, not to promote gender interests. The campaign was first and foremost directed at the politicians, the MINAG and PETT officials. The local CSOs held workshops and meetings with the aim of raising awareness and place women's rights on the agenda of neutral CSOs (Fernández et al., 2000). Their campaign also included activities aimed at the public, especially dissemination of information to the peasants (LCSO-7). CSOs in both Cusco and Cajamarca worked primarily with communication rather than advocacy, trying to avoid conflicts and misunderstandings. According to our informants (LCSO-10), these CSO activities were essential for women in the rural areas to receive knowledge about their rights and strategies for realising rights.

Participants in national NGOs and local social movements expressed different motivations for wanting equal land rights for women. Whereas the larger NGOs focused on strategic gender interests, local community-based organisations often emphasised more practical gender needs. Informants from the NGOs described land title as a structural precondition for enhanced livelihood security for women and children, for women's empowerment in decision-making, for strengthening women's self-esteem and for giving them power to speak up for their rights. These informants also highlighted the importance of women understanding the political aspects of owning land and the livelihood security provided by land rights (NCSO-2, NCSO-4).

Some of the local CSOs and the women participating in the local networks, in contrast, prioritised practical gender needs: security and access to food for women and their children in everyday life were stressed as the most important reason for participation in the campaign (LCSO-1). To a certain degree, these women were also aware of strategic gender interests and had experienced that participation in meetings and workshops often leads to more gender awareness (LCSO-7). There was nevertheless marked

differences between an emphasis on concrete needs in local community-based organisations and more strategic interests in national organisations.

The national and local CSOs complemented each other, working on different scales and dividing responsibility. They collaborated through networks and used diverse strategies. The national NGOs worked more toward the state than the local organisations did. Flora Tristán sought to influence the decision-making institution: the MINAG and PETT. Flora Tristán had a relationship with state actors and it was easier for national organisations working on this level because of access to resources and networks. However, working with the state became difficult because of the high personnel turnover among PETT officials both nationally and locally and frequent changes in leadership, not the least due to charges of misconduct (NCSO-2). Flora Tristán works at different scales, combining campaigns to promote legal reforms with local monitoring of implementations in collaboration with other actors in local civil society. While Flora Tristán is based in Lima, their strategy is to collaborate with local organisations and movements, and this is seen as being very important for their success (LCSO-7). Informants especially emphasise that this collaboration ensures effective use of local knowledge and reduces tensions between local insiders and outside NGOs, while also empowering rural leaders to promote women's movements in the regions through the National Rural Women's Network (RNMR) (NCSO-2).

One example may illustrate the importance of this cross-scale collaboration and division of responsibility. During the campaign for equal land rights, several of the CSOs realised that one of the main obstacles that kept women from receiving their land title was the lack of identification documents (ID). To participate in the titling process and receive a land title, peasants must have civil capacity and legal documentation; access to an ID was therefore essential for women to receive their title. The lack of formal documents was especially a problem for women in remote rural areas. When they discovered the gravity of this problem, Flora Tristán initiated a campaign for women's rights to ID in collaboration with other organisations and institutions. Flora Tristán cooperated with the government, and had an important alliance with the National Registry of Identification and Civil Status (RENIEC) (Villanueva, 2005; NCSO-4, LCSO-7). The ID campaign started in 2003, and was executed on a much bigger scale and had more finances than the campaign for equal land rights. The goal was to place the subject on the political agenda, and make it easier for the poorest part of the population to obtain their papers and informing the women about their rights as citizens. Villanueva and Alva (2006) state that hundreds of thousands of Peruvians benefited from the subsequent national plan for documentation. In Cajamarca alone, 15,000 IDs were issued during the first year of this campaign.

### **Impact of civil society: two narratives**

The data from the interviews reveal two prominent narratives regarding the increase in joint titling in the second phase of PETT, and the role of civil society in this process.



Informants from national and local CSOs explained the increase as a direct result of the equal rights campaign by CSOs in the late 1990s. According to them, the work of civil society was of great importance. It changed the implementation process and created awareness on the importance of equal rights to land. Despite being a small NGO, Flora Tristán managed to mobilise a large network of organisations both nationally and regionally, and put the issue on the political agenda. According to most of the informants from the CSOs, there would not have been any changes in titling practices without the pressure from civil society. These informants characterised the Peruvian state as a bureaucratic system characterised by hierarchical authority and fixed procedures. Without the activism and influence of CSOs, bureaucratic resistance to change would have prevented any significant increase in joint titling (LCSO-1, NCSO-2, LCSO-4, LCSO-7).

National and regional CSOs had different opinions on which strategies were the most effective: those directed towards the government or the ones addressing peasants. NCSO-4, for example, states that CSO campaigning mattered most in Lima, and highlights the communication with the PETT office and the conversations with the IDB as the most effective strategies. Informants from local CSOs, in contrast, claim that the two most effective strategies were encouraging the women to obtain their identity papers and explaining the importance of land rights. Information dissemination combined with the collaboration with local governments in the ID campaign was of great importance for the outcome (LCSO-4, LCSO-7).

The ID campaign was also emphasised by civil society informants as especially important for the changing implementation of land titling. According to NCSO-2, the equal rights campaign revealed that women's lack of ID papers was a considerable hindrance for PETT technicians and Flora Tristán was instrumental in raising awareness on the importance of having ID papers. It was also important that this coincided with and probably reinforced on-going governmental programmes on the same issue. The ID campaign was successful, according to civil society informants, because it placed the importance of ID on the public agenda and contributed to making the process of obtaining the ID easier and faster.

The informants working in the MINAG and PETT, in contrast to the ones from civil society, explained the increase in joint titling with reference to changes within the state institutions. Changes in the formalisation process took place as a result of an institutional learning process. Many of the problems in the first period of implementation, they argue, were a consequence of the fact that the Legislative Decree 667 was implemented on a national scale without a concrete plan for local implementation. After seeing the reality in the field, the technicians discovered several issues that inhibited them in doing their job correctly (PETT-1, PETT-4, PETT-6). According to them, the increase in joint titles reflects better procedures and routines in the field, not due to political or judicial changes, but due to changes in bureaucratic practices following from learning about past mistakes and professional aspirations for improved performance (PETT-1).

In agreement with this general narrative, changing practices in registration of civil status and issuing of identity documents are also seen as outcomes of internal dynamics within PETT. In PTRT1, registration relied on the existing public registry and the given options for registering civil status. After discovering that a large percentage lived in consensual unions, PETT changed the registration form to better fit the reality in the field (PETT-1). According to the informants from PETT, these changes were not due to pressure from civil society, but an effect of learning in the field. Most of the informants in this group argued that CSOs had little, if any, influence on the implementation process. Informants at the national level could not recall being in contact with any organisations with respect to this subject, or having any conversations with CSOs. If civil society had an impact on the formalisation process, the informants from PETT agreed that it was through their work on the ID campaign and their contributions to changing the way of thinking in rural areas (PETT-10).

The two narratives comply when explaining that there were positive changes in the practice of implementation from the first phase to the second phase of PETT. Nevertheless, the parties have very different positions on the role of civil society in promoting these changes. They have opposing views of the bureaucracy's ability to change without pressure from other actors, and different understandings of the impact of CSOs on the implementation process. This illustrates the difficulties in analysing the impact of civil society mobilisation.

The two narratives provide an either/or understanding of the observed changes, but the reality seems to be more complex. Most of the informants downplay the interaction between civil society and state institutions, but a few of the informants voiced a more nuanced view. Informant LCSO-7, for example, believed the increase in joint titling to be a sum of various factors and agrees with the informants from PETT that the institution learned from its mistakes and made changes to improve the implementation process. However, she stresses that this alone does not explain the increase in joint titling. The pressure from civil society played a vital role, but the positive impact of civil society was itself dependent on political openness from above. Thus, there was interplay of factors that led to the changes in implementation (LCSO-7). Likewise, Informant PETT-3 and Informant PETT-4 acknowledge that Peru has a strong civil society that played an important role in improving political processes in Peru and in making politics more transparent. Informant PETT-3 claims that the CSOs had a certain influence in the late 1990s and that they played an important role both nationally and locally. According to PETT-3 and PETT-4, the NGOs worked to promote women's rights in the titling process, and the CSOs in Cajamarca were especially active. These informants claim that the work of the CSOs that was directly associated with influencing the implementation was probably of some importance for the changes in the use of joint titling. However, they do not think the campaign was essential for the results. They also point out that it is important to place the changes in PETT in a political context. While the Fujimori period made it difficult for civil society to engage in political advocacy, PETT was in the second phase of implementation, open to any kind of help and suggestions for

improvement, including from NGOs (PETT-4). In PTRT1, the focus was on the number of titles one could achieve in a short period of time, while in PTRT2, the process changed and PETT became more open to outside influence (PETT-3). These informants also acknowledge that the impact of CSO varied across space and scale. While Informant PETT-4 does not recall any interaction with Flora Tristán on a national level, it is noted that PETT collaborated with local CSOs, especially in areas where the people had little trust in the state. They claim that international NGOs also played a role, especially in information work, informing people about their rights.

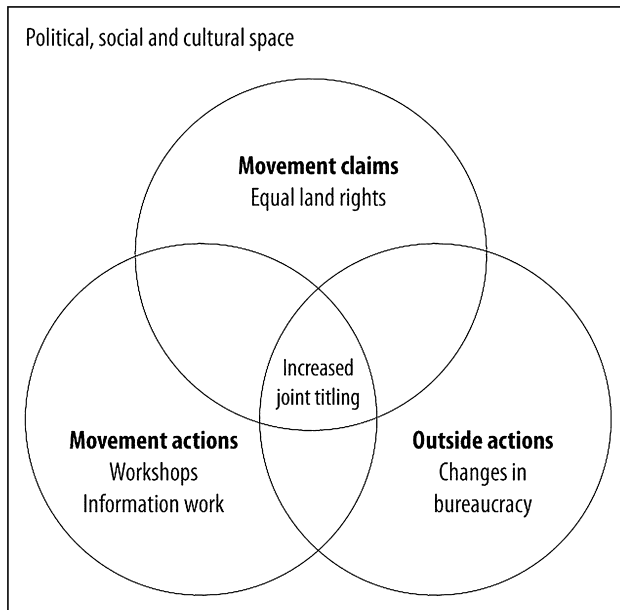
According to the supervisor for the implementation in the northern regions (PETT-3), Cajamarca had a strong civil society in the late 1990s. CSOs made PETT aware of aspects that needed to be changed, such as the fact that some of the technicians overlooked the civil status and gave the title to the man alone. According to Informant PETT-3, the influence the CSOs had on the implementation was more at a local than at a national scale, and there might have been the same type of civil society pressure as seen in Cajamarca in other areas as well. The general observation is thus that state–civil society relations are complex and contextual, displaying diverse forms and degrees of interaction across space, scales and issues.

### **Analysing the impact of mobilisation**

The main challenge when analysing impact is to establish a causal link between social movement action and observed change. Our analysis demonstrates that it is difficult to pinpoint which factors had an impact on joint titling and to assess the direct effects of the movement campaign.

Figure 2 summarises our main findings while also illustrating the complexity of analysing the impact of CSOs on women's land rights in Peru. The upper circle refers to the work CSOs did to put equal land rights on the political agenda, putting political pressure on the state and challenging the machismo mind-set. The lower left circle represents the practical part of the equal rights campaign, including workshops with the PETT officers, educating local women on their rights and distributing information to the rural women. The lower right circle highlights bureaucratic changes made by the PETT institution itself to improve the implementation process, based on experiences in the field. Our analysis points to the importance of all three factors in explaining the increase in the incidence of joint titling in Peru.

Our main finding, as indicated in Figure 2, is that the increase in joint titling seems to be a combined effect of movement actions and outside influence that bear directly on the movement claim. The analysis also shows that these interacting factors exist within a broader political and cultural context that frames the political space and influences the impact of civil society mobilisation. The political opportunity structures for CSOs in Peru in the beginning of the 1990s were influenced by the Fujimori regime, but also by the threat of the militant Shining Path movement. As the Fujimori regime ended in 2000, the threat of Shining Path also diminished. These and other changes radically

**Figure 2: Factors affecting the implementation of joint land titling in Peru.**

altered the political opportunity structures for CSOs, creating an environment that was more ‘civil society friendly’. In this context, land titling became a point of convergence between a market-friendly and populist president and rights-oriented CSOs. These contextual conclusions also point to a more general and conceptual lesson from our analysis, namely the need to examine the complex and contextual interplay between movement capacities and strategies and their political spaces in order to understand the political impacts of CSOs.

The combination of movement activism and outside actions is well demonstrated by the convergence around practical gender needs in land titling. A practical need that turned out to be decisive for the formalisation of women’s land rights was the issuing of identity documents. The solution to this problem started with the realisation of the gravity of the problem by both CSOs and government officials. A national ID campaign was launched in 2003 by Flora Tristán with support from international NGOs, while a registration drive by RENIEC was started the following year, in 2004 (Villanueva and Alva, 2006). This produced a practical collaboration between CSOs and the government institution. Using Schumaker’s (1975) terminology, the ID campaign led to both agenda responsiveness and policy responsiveness. This means that the movement’s concern was placed on the political agenda and civil society contributed to the formulation of new legislation to address the ID issue. It can also be described as output responsiveness in the sense that policies that civil society pushed through were actually implemented during RENIEC’s national campaign. By facilitating the steps to obtain the ID, a higher percentage of rural women

were able to obtain their documents, giving them the possibility to obtain their land title as well as access to other important resources.

The CSOs were not only interested in changing public policy implementation; they also aimed at changing values in society. As Gelb and Hart (1999) state, one key impact of women's movements is changes in consciousness and values. An important part of the campaign was thus to put women's rights on the agenda, and to change the 'machismo' mind-set. And most of the informants agreed that the most obvious impact of the equal rights campaign was agenda responsiveness, in that women's rights to land were placed on the political agenda. Their focus on women's land rights also contributed to issue awareness and gender conscientisation in local communities.

The CSOs also sought to change the attitude of the PETT officers through workshops and information work, making them more aware of the consequences of earlier mistakes. However, according to most of the informants, this was not a very successful strategy. There were only a few workshops around the country, while there were frequent changes in the PETT staff. Even if the workshops had any effect on the mind-set of PETT officers, it is still unlikely that this had any lasting impact on attitudes and practices within PETT. Likewise, the strategy of accompanying PETT staff into the field might have reduced problem of miscommunication and misunderstandings, but compared with the ID campaign and the awareness work, it seems to have had a limited impact.

Finally, it is important to note the geographical aspects in our analysis. The discursive work of CSOs to change public opinions came from national organisations, while also being influenced by international organisations. The practical work of CSOs was both national and local in scale and the capacity and influence of CSOs have varied from region to region. The large regional variations in joint titling that were identified in Table 1 are difficult to explain with reference to internal changes within PETT. Instead, it points to the impact of civil society and indicates that local CSO activities in places such as Cajamarca might have had a significant impact alongside the pressure put on PETT by NGOs at the national scale. Thus, it seems safe to conclude that CSOs did have a significant impact in the increase of joint titling, but also that the kind and degree of civil society influence was contextual and varied. This yields the overall lesson that uncovering the impacts of collective action requires close attention to the interaction between the capacities and strategies of CSOs and state institutions across geographical places and scales.

### **Notes on Contributor**

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- PETT-6 (25 May 2010, Cusco). Technician working in the field in Cusco PTRT1 & 2.
- PETT-10 (2 June 2010, Cajamarca). Technician working in the field in Cajamarca PTRT1 & 2.
- NCSO-1 (7 May 2010, Lima). Researcher and leader of a national NGO network.
- NCSO-2 (11 May 2010, Lima). Working for a feminist NGO.
- NCSO-3 (21 May 2010, Lima). Leader of a national NGO.
- NCSO-4 (15 June 2010, Lima). Working for a feminist NGO.
- NCSO-5 (6 May 2010, Lima). Researcher on the subject of civil society working for a national organisation.



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LCSO-7 (24 May 2010, Cusco). Working for a local women's organisation.

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