

LAND TITLING AS WOMEN'S EMPOWERMENT: CRITICAL OBSERVATIONS  
FROM RECIFE BRAZIL

BY

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THESIS

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## ABSTRACT

*This thesis critically highlights the promises and shortcomings of women's formal ownership of land (land titling) as a means towards women's empowerment. The literature extensively documents the costs and benefits of land titles for poor women and delineates the gendered impacts of property ownership. The literature lacks insight into two important questions. First, how do the cost and benefit of titles interact to (dis)empower women? Second, what role does the titling processes itself play in empowering women? These two gaps are explored in this thesis. I use Lukes' three-tiered concept of power as a framework for examining how titles and titling shift the relative power of the individual and embedded in interpersonal and institutional relationships. I use Lukes' to examine the Ponte do Maduro Project, in Recife, Brazil, where a strong landless women's movement gained legal recognition for the community and is engaged in co-constructing and carrying out their own titling process. Interviews with women in Ponte do Maduro reveal the complexities, contradictions and contingencies of titling. I find that titles are important but are not empowering. However, the titling process can be empowering because it has the potential to address the multiple sites where oppression occurs. Ultimately, it is awareness of the contingencies of (dis)empowerment embedded in the titling processes that can help those involved in conceptualizing and doing gender empowerment work to better serve the women they wish to empower.*

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## ***Chapter 1: Beyond the Ponte do Maduro Victory***

*“Over the centuries, the people of Pernambuco have faced and conquered innumerable challenges. Recife’s informal settlers have built this city on marshlands, under the constant threat of flooding. Today, our greatest challenge is poverty. We will overcome it, thanks to our ability to build consensus and unity, and to our belief that it is the people themselves, through their organizations who will lead the way.”*

*-Governor of the State of Pernambuco, Miguel Arraes,  
March 1996 “The Recife Declaration” at the Recife International Meeting on Urban  
Poverty*

***World Urban Forum 5, Rio de Janeiro, March 2010***

The fifty-year struggle to evade eviction and demolition was over. A surprise announcement interrupted a roundtable session packed full of land and housing activists, State officials, NGO representatives, slum dwellers, scholars such as myself and other attendees of World Urban Forum 5. The Brazilian State had repealed its plans to demolish the center city favela in Recife, Brazil, known as Ponte do Maduro. Instead the State was now promising to provide basic services and legal titles for the 55,000 residents.

Above the applause, the half-dozen ladies from Ponte do Maduro embraced each other, sobbed loudly and praised God yelling “*Gracas a deus! Obrigada!*” The women waded through the crowded aisles to the stage to hug Patricia Chaves, the executive director of Espaço Feminista, the Brazilian NGO that had championed their cause. The women and Patricia then moved through the audience to the governor’s representative who had made the announcement. They embraced him and thanked him through tears. One of the women sat down at the nearest microphone and stopped crying just long enough to tell the audience how grateful and important the governor’s announcement was for her and her community. The other women from Ponte do Maduro stood behind her and erupted in joyous



**1. Surprise announcement of World Urban Forum  
(Source: *Women and Human Settlements: A Global Exchange Space*, Posted by Dalhia Goldenberg)**

shouts. The audience looked on overwhelmed with emotion. Some embraced and others shed tears. Patricia walked with the women back to their seats where they all wept more, hugged more.

The moment felt like the conclusion to a story that had been unfolding during last week of the Forum but had been taking place during the last half-century in Recife. The women from Ponte do Maduro had dominated public comments during the sessions on land rights and urban development. They had confronted public officials and derided them for not providing services and tenure security to the community and for threatening residents with eviction and demolition. The women had spoken of how they had built their 100-year old community despite destruction and neglect by the municipality and developers. Their stories had complicated the utopian development plans the panelist had presented and exposed the dirty side of development. As the women had delivered their devastating testimonies one after another, the tension mounted. Behind the scenes, the governor of Pernambuco had worked out a deal with a branch of the federal government, Superintendência do Patrimônio da União, the owners of the land, to turn the land over the residents. The governor's efforts had been working parallel to the work of the community activist and Espaço Feminista to bring land regularization to Ponte do Maduro. The governor's promise and his representative embrace with the women of Ponte do Maduro seemed to release the valve of tension that had built up over the week in a single fortuitous moment. Ponte do Maduro's struggle for to evade demolition was over. However the larger struggle for services and secure tenure was not.

In this thesis, I follow the strong women's movement reinvigorated by Espaço Feminista in the fifteen months following the 2010 World Urban Forum. At the Forum, I met the handful of women representing Espaço Feminista. They were conspicuously loud and charismatic and I

found myself following them from session to session. I had been studying gender and land issues back in the United States as a first year masters student and had noticed that women's voices were often missing from the literature about them. At the Forum, I found the 'missing' voices—shouting, demanding, asserting, confronting, and explaining. I met with Patricia Chaves, Espaço Feminista's director and agreed to come to Recife at the end of the term and spend two months following their process on the ground. Espaço Feminista's work to open dialogue between the community and various governmental agencies positioned them as an established ally of the community and has privileged their role in the process allowing them access to both governmental and grassroots meetings. Over a year later, I am still following the progression of what has become known as the Ponte do Maduro Project.

### *Recife*

Before I met the women in Espaço Feminista I had known that I wanted to go to Recife because, in many ways, it is the Brazilian mecca of grassroots mobilization around land rights. Ponte do Maduro's struggle to evade demolition is set against a backdrop of rich history of protest that uses Recife, the state capital, as a stage to demand access to land, housing, basic services and protection of human rights. Historically the Catholic Church and more recently, NGOs, international organizations and donors have partnered to support landless movements (Fernandes 2001). The collage of activism contributes to the persistence and intensity of these movements though their scale and scope have varied. While some movements have organized around community-specific issues, others have been broad coalitions with regional, national and international organizations. The volatility of these movements has, at times, led the State to

respond to individual communities and to create inclusionary and progressive legislation for the municipality.

Ponte do Maudro refers to a region that contains four communities (Santo Amaro, Santa Teresinha, Chié and Ilha de Joaneiro). These communities emerged shortly after the turn of the 20<sup>th</sup> century and are the oldest informal settlements in the city of Recife. The area was little more than a mangrove when the first settlers arrived and built, *palaphitas*, or stilted houses above the water. An older resident recounted her

arrival to the area: *“Everything was a mangrove. Huts were made of straw. We lived in sheds made of cardboard, plastic and wood. Light was something we couldn’t even think of”* (Community Elder, July 9, 2010, conversation in front of her



house). Another resident recalls that Ponte do Maduro was called *“hell island...at*

**2. Example of palaphitas in Recife.**  
*Source: <http://acertodecontas.blog.br>*

*that time we had no streets. . . having a house was an impossible dream”* (Community Resident, July 9, 2010, conversation in the street). Residents had to draw buckets of water from the nearby rivers and they were vulnerable to water swells, mosquitoes and the elements.

Residents became vulnerable to eviction and parts of the community were demolished during the 1950’s slum clearance initiatives. One particularly violent eviction resulted in a major avenue that now divides the communities of Santa Teresinha and Santo Amaro from Chié and Ilha de Joaneiro.<sup>1</sup> Residents of the four communities in this era unified officially under the name

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<sup>1</sup> Many homes in Ponte do Maduro were cleared in order to construct Ave. Agamemnon. The avenue was constructed in order to connect the center cities of Recife and Olinda. Economic development was targeted for

Ponte do Maduro<sup>2</sup> in response to the threat of evictions. Their name was homage to the bridge and area destroyed by the State to make room for an administrative office building.

The movement for land regularization waxed and waned over half a century. In the 1960's the movement fomented and attracted the attention of socialist governor, Miguel Arraes de Alencar for the state of Pernambuco. Arraes promised to give titles to the four communities and ensure access to water, sanitation, electricity, cement buildings and street widening in the year before the military coup of 1964. During the 21 years of dictatorship from 1964-1985, Arraes was forced into exile and his promise was stifled. The movements for land regularization



**3. Gov. Arraes tours the conditions in Ponte do Maduro.**  
*Source: Screen Shot of GLTN Youtube Ponte do Maduro*

were forced to go underground though they continued to exist in this period of dictatorship. In Ponte do Maduro, residents continued to meet at times with the help of the Catholic Church in clandestine locations. Residents continued to develop basic infrastructure and improve their homes and businesses on their own—purchasing materials and constructing infrastructure

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expansion along the thoroughfare. Collectively, the four communities protested the slum clearing efforts of the city. The municipality and developers pressured residents through incentives and force to leave the area. Many residents conceded. Hostility boiled between the residents who chose to stay and those that chose to leave and threatened the stability of the unified front among the four communities. Those residents that remained in the settlement continued the struggle; they focused on creating an agenda that laid out their need for security of tenure, paved streets, water, sanitation and electricity. The Tacaruna Mall, the convention center, a government office building and various residential developments all resulted in further displacement.

<sup>2</sup> A bridge called Ponte do Maduro, literally translated to mean “bridge of wood” connected the people to the mainland and to the patch of trees that supplied the wood residents used to build their homes during this era.

for water, electricity and sewage. One handyman said, “*We built this* [points to a tap on the outside of the house]. *We had to pay for it. The materials. We worked for it for ourselves,*” (Handyman, July 9, 2010, conversation outside of his house).

Arreas was elected back to power through Brazil’s first democratic elections after the fall of the dictatorship. In Ponte do Maduro, hopes rose that Arreas would fulfill the promise of 1963. One resident recalled, “*When he [Miguel Arreas] came back from exile in 1986 we got together and asked him to resurrect the Ponte do Maduro Project.*” However he was only able to complete part of this vision.<sup>3</sup> Subsequent elected officials after Arreas never fulfilled the promise of 1963. Instead the community was repeatedly slated for eviction and demolition.

Nevertheless, progressive and participatory forms of governance emerged during the fall of the dictatorship in 1983. Two reforms made during this era are relevant to Ponte do Maduro. The first was the creation of Zeis (Zonas Especiais de Interesse Social or Zones of Special Social Interest). Zeis is a designation that an area receives that promises them basic services and titles for land and housing. Zeis exempts the community from zoning, building and constructing codes outlined in the city code. Instead, Zeis areas are entitled to an alternative criterion of zoning and building that both allows them to slowly upgrade the quality of structures and services and makes integration into the rest of the city manageable. The details of this alternative criterion are worked out in a process known as Prezeis (Plano de Regularização e Urbanização das Zonas Especiais de Interesse Social, or Plan for Regularizing Zeis); it is the second important reform. The goal of Prezeis is to collaboratively address, with the community, the unique challenges and strengths facing each community. The announcement at the World Urban Forum awarded Ponte

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<sup>3</sup> During Arreas time in office he brought water to the remaining areas of Ponte Maduro community that did not have access. He was unable to fulfill his other promises to the communities.

do Maduro a Zeis designation, but they would still need to go through the Prezeis process in order to realize its benefits.

### ***The characters***

This thesis follows Espaço Feminista’s journey as they navigate the legal, political, bureaucratic, and cultural landscape of the titling and regularization process. Espaço Feminista is a campaign-style, umbrella organization for both urban and rural landless women in the state of Pernambuco. The director of Espaço Feminista, Patricia Chaves described it as a *“civil organization that works to empower women and our focus is on the land*



**4. Espaço Feminista’s resident activist at the opening of the Sto. Amaro branch office.**  
*Source: Patricia Chaves*

*question...our role is not to start new groups. We identify and support existing social movements that already exist. We enable and support them to make them stronger and connect them to others in the same struggle. In doing this, they become part of a larger movement”* (Patricia Chaves 2010). The organization itself is comprised of paid staff, volunteers and resident activists within the communities it serves.

Women leaders from each of the respective communities make up Espaço Feminista’s ‘street team’ and carry out the majority of the work that occurs within the communities. The women in the street team do Espaço Feministas work both in their official leadership capacities within the community and separately with other members of Espaço Feminista. The community

leaders throughout the region periodically convene for peer-to-peer exchanges to strategize collective actions.

Espaço Feminista strength comes from relationships with various local, national and international agencies. Espaço Feminista links grassroots women in one community to another community, to actors in various Brazilian governmental agencies such as (Prefeitura do Recife, Companhia Estadual de Habitação e Obras (CEHAB), Fundação Joaquim Nabuco (FUNDAJ), Superintendência do Patrimônio da União (SPU) and Casa Civil) and to international actors such as the Huairou Commission, the Gender and Land Tool Network (GLTN) of the United Nations and the national donor agencies. In the years leading up to the decision to regularize Ponte do Maduro, Espaço Feminista had coordinated meetings between these various actors. When the governors announcement to regularize was announced, it put Espaço Feminista in a privileged position of having already arbitrated discussions between the various parties. Today they continue to serve in this linking and enabling capacity. Engaging with Espaço Feminista provides a window into the interactions with the actors from below—the women from Ponte do Maduro—and with the actors from above—the state and federal agencies, GLTN, the Huairou Commission and the foreign financiers. Also, because Espaço Feminista serves as a bridge and as a mediator they often are aware of and responsible for responding to the shared and competing interest of that arise through out the process. Their centrality to the story of Ponte do Maduro however is more so in the degree of connections rather than of absolute importance. Therefore, in telling the story of Espaço Feminista's relationship with the Ponte do Maduro community, the stories of residents, of land laws, of urban planning and of governance in Recife are also told and the larger story of Ponte do Maduro is finally woven together.

### *Case study and contribution*

My research follows the residents of Ponte do Maduro in the first eighteen months of their Prezeis process. I contribute a critical view of titling from below, focusing on the role that the titling process in addition to the titles themselves, have on women's empowerment. To this aim I provide a critical criterion for both understanding and realizing women's empowerment. I stress that women's empowerment is not the degree to which they are beneficiaries but rather the process of women gaining power over and in relation to their surroundings. In this light, formal titling is not a panacea. The titling process provides multiple spaces of opportunity that must be hard-fought and won. The process is fraught with conflict, contradiction and complexity. My objective is to make contingencies of (dis)empowerment legible to those working for women's empowerment. The Ponte do Maduro Project provides an example of the shortcomings, challenges and opportunities, of formal titling for women's empowerment.

Though my connection to Espaço Feminista spans over a year, my field work on the ground took place during June and July of 2010. It was my first time in Recife, though it was the latest in a series of trips I had taken to Brazil. I attended Espaço Feminista's weekly meetings, performed site visits and attended a conference with community representatives from each of Espaço Feminista's urban and rural communities. The most fruitful interactions however occurred on walks the women and I took, over lunches we ate, while sitting at the bus stop, or

while waiting for the arrival of the perpetually-late-women who kept the key to the church where we met. In these unplanned moments, I learned about life in Ponte do Maduro in the limited extent one can as a visitor. The women's stories and explanations provided key insights into the importance of the Ponte do Maduro Project to the broader community. I spoke with at least a dozen residents, half a dozen staff members at Espaço Feminista and several people working in the municipality. I reviewed various documents and reports about Ponte do Maduro produced by Espaço Feminista as well as the city. I tape recorded only four of my interviews—I felt uncomfortable filming, photographing or recording the women having met many of the people for the first time. I wrote down as much as I could without being a distraction and jotted down key quotes and ideas that struck me and detailed my accounts with the women after meeting with them in my journal.

The thesis aims to answer two broad questions: What has happened in Ponte do Maduro since the World Urban Forum in 2010 as a result of the promise to regularize and provide legal titles to residents? And what are ways to understand what is happening in Ponte do Maduro that might contribute to constructing titling processes that are empowering for women? In chapter 2, I start with a review of the development literature to frame the gender and land debates and to situate my case study in the literature. In chapter 3, I offer a collage of experiences—those of the women I met as well as my own. I offer what I saw, felt, experienced and was told through narratives, vignettes and quotes while trying to be transparent in my writing about who authored them. Patsy Healy in her forthcoming work suggests that transnational learning is best done through case studies that offer rich stories rather than 'best practices' (Healy forthcoming). With this in mind, I use stories to capture the complex tapestry of experiences during the initial phases of land regularization and titling in Ponte do Maduro. In chapter 4, I analyze Espaço Feminista's

experiences and my own in light of the existing debates on gender empowerment and legal titling. Ultimately, I find that the existing literature lacks a critical definition of empowerment and often equates it with benefits. I use Lukes' three-dimensional concept of power to re-analyze the Ponte do Maduro Project. Lukes defines power as both coercive and non-coercive methods of constraining action and he identifies three dimensions of power, which are summarized here as individual, interpersonal and institutional dimensions (Lukes 1974). Empowerment for the purposes of this thesis is to gain control over all three dimensions of power. The capacity to behave according to one's own will remains constrained short of controlling Lukes' three dimensions. Applying Lukes' concept of power to the Ponte do Maduro Project, I highlight the contingencies on which empowerment is hinged that are often complex and contradictory. In chapter 5, I offer conclusions and interventions for future research and activism.

Because of the short time frame in which this project was conducted, I only saw the very beginning of what will be a long and dynamic process. I therefore offer my reflections as preliminary points of consideration for those concerned with gender empowerment and land titling. It is my hope to capture the moment transpiring in Ponte do Maduro as fairly as possible though I am sure my presentation is not without flaw or controversy. For this, and any other errors I take full responsibility.

## ***Chapter 2: Land Titles as a Tool for Women's Empowerment***

*"If you don't have a fixed address then you aren't a citizen. You don't have a right to other rights...to housing...to education."*

*-Member of Espaço Feminista*

The bodies of literature on land titling, women's empowerment and slum upgrading are vast. Here I engage mainly in the last two decades of development literature written by scholars, activist and practitioners on land titling specifically in relation to women's empowerment. This literature focuses on praxis and is concerned with land titling as a development intervention for the feminization of poverty around the globe. Most of what is written about gender titling comprises of case studies that compare life for women before and after they receive titles. It is also this body of literature that those implementing the work of land titling for women's empowerment most readily draw from to support, justify and use to inform their work. For all of these reasons, I mainly engage this literature knowing that it has implications—positive or negative—that are targeted at shaping the practice of titling. Following this discussion I move from global to local and offer a brief discussion about the trajectory and characteristics of Brazilian land law and land reform to give context to how the gendered variety of land titling might fit into Brazil's larger socio-political and historical narratives. My objective is to use the literature to ground my understanding of the Ponte do Maduro Project as well as to push the discussion and practice to be more critical of the of titling so that it might better realize its goals of women's empowerment.

### ***Gender and land titles in the development literature***

Starting in the 1990's the feminist development literature written by scholars, practitioners and activist converges around land titling for women as the critical gendered intervention to address the feminization of poverty and insecurity globally. Land titling earns distinction that separates it from other interventions-*du jour* because it addresses the multifaceted

nature of oppression that homeless and landless that women face (Agarwal 2003 and Baruah 2007). Power asymmetries along gendered and economic lines contribute to a host of violences perpetrated against women: rape, abuse, unpaid or underpaid labor extraction, and silencing.

The literature documents the gendered implications (costs and benefits) of titling women. Literature in favor of titling women is diverse but there are essentially two, but not mutually exclusive, categories of arguments—economic incorporation as empowerment and altering gender relations as women’s empowerment. A third body of development literature critiques the previous two and illustrates that titling is not always beneficial and can come with costs that are too high for the poorest women. Both camps of literature essentially list costs and benefits of land titles for women and in doing so delineate the gendered aspects of the land, housing and formal ownership.

Nevertheless, two key gaps exist in the existing literature. First, the literature on women’s titling does not focus on the process and mechanism of title distribution. Instead it mainly focuses on what happens to women as a result of getting titles. In this literature, titling is a word that describes many different processes resulting in the distribution of titles. Thus, a methodical look at the contingencies of empowerment that are embedded in the processes of titling rather than the titles themselves is missing. Moreover, a framework is missing to make sense of the contingencies of the titling process, the titles themselves and what they mean towards empowerment. Without this framework, gains economically, legally, politically or socially relative to costs are falsely used as a proxy for observing empowerment. Instead, empowerment should describe the transformation of power relations such that women have more power over themselves, their lives as well as relative to other people and institutions. Towards addressing these gaps, I use Lukes’ three-tiered concept of power to analyze the promises,

shortcomings and opportunities of the Ponte do Maduro Project to empower women within the community. Lukes' framework is briefly introduced here and used in chapter 4 to highlight the contingencies in the titling process on which empowerment is hinged.

### **Land titling as a development intervention for women's empowerment**

The practice of targeting titling at women is a direct response to previous titling efforts originating in the 1970's that excluded women through discriminatory laws and practices<sup>4</sup> and often resulted in land grabs. Bernstein argues in his article on land reform around the globe that the 1970's mark a transition period into a new form of land titling under neo-liberalism. He correlates the end of the development state with both the end of redistributive land reform and the rise of the neoliberal state that emphasizes private property rights. He cautions against what he calls this 'new wave' agrarian reform that he says is not likely to address productivity and poverty and serve a social function, as they had in the immediate post-colonial era of independence. Instead, as they had in the colonial era, these 'new era' titles are a means for privatization, a justification for dispossession and a mechanism for accumulation of wealth in many places in the world. The new rhetoric of land reform is used to assert the State's legitimacy and curry political favor from the masses while at the same time assert the dominance of profit and efficiency (Bernstein 2002). Through Bernstein does not take a gendered approach, women's discrimination and dispossession through laws and customary practices during this era is well documented (Arun 1999; Berik, Dong and Summerfield 2007; Casolo 2007; FAO report 2005; Hare, Yang and Englander 2007; ICRW 2007; ICRW 2007; ICRW 2007; ICRW 2007;

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<sup>4</sup> In Brazil, women were not allowed to own land until the 1985 Constitution was passed. Discriminatory laws in other laws continued to prevent women from owning land until they were systematically expunged from other laws in 2003.

Jacobs 1998; Judd 2007; Kevane and Gray 1999; Lastarria-Cornheil 1997; Mhago and Samson 1998; Mwangi 1998; Ogana and Seaforth 1995; Razavi 2007; Reddy 1999, Sabimbona 1998; Tekle 1998; Waterhouse and Vijfhuizen 1999; Waterhouse 2001 and Werlin 1999). A movement to title women emerged in the 1990's mainly as a reaction to women's exclusion from the land debates during the previous decades.

Women's ability to access property through the family, the State or the market<sup>5</sup> underwent significant changes in the decades of neoliberal land titling—a dwindling welfare state, declining real wages, industrialization and urbanization, all impacted family life and gender roles. Not starting with but certainly exacerbated by neoliberal restructuring and structural adjustment policies, gender inequity worsened. New economic policies explicitly and implicitly favored men and male heads of household (Brondo 2007, Baruah 2007, Casolo 2009 and Razvi 2007). The benefits of policies directed at men did not 'trickle down' through the rest of the household. Policies directed money at using arable land for cash-cropping favored men and took land away from women who used it for subsistence farming. In addition to having less land to grow food on for the family, women also found that the cost of food had risen, making feeding the family, typically a woman's responsibility, much harder. Many of the structural adjustment policies resulted in increases in unemployment that cut women first because they occupied the most vulnerable jobs. In other cases, where wages were cut, women, already paid less than men, also suffered to a greater degree as they saw their incomes shrink. Overall, the shrinking welfare state resulted in cuts on spending for social services such as health, education

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<sup>5</sup> For an in depth discussion of these various methods of access masterfully laid out, see Agarwals discussion in *Gender and Land Rights Revisited: Exploring Prospects via the State, Family and Market*. Her she also lays out the difference between ownership and use rights for women in the Indian context. Bipasha Baruah also offers an example of how these mediating actors exclude women in the Indian context in his paper: *Gender Realities: Exploring Property Ownership and Tenancy Relationships in Urban India*.

and welfare. These services fell on the shoulders of women who now worked harder, received less while trying to maintain their families well being. The structural adjustment policies in many ways worsened not only the condition of women but also worsened the inequity between men and women. Biases in governance continue to perpetuate gender inequity long after gender blind laws, or anti-discrimination laws are granted (Agarwal 2003 and Baruah 2007).

The move towards legal titling, a precursor to cash cropping and urbanization, worsened the asymmetry of power in the relationships between women and propertied men and made women dependent. Women's primary access to property has historically been mediated through their relationships to men for a host of cultural and political reasons. As result of economic restructuring, family life and gender roles also are restructured. One family member may migrate or emigrate to capitalize on an employment opportunity, while the rest of the family is left behind and must restructure familial responsibilities. The disjuncture's that result in the social/familial networks women traditionally use to access land make it increasingly difficult to validate women's claims to land in a system that demands formal proof of ownership. In addition to the traditional methods of accessing land, women face exclusion in the market. Women typically face discrimination from lending institutions or have insecure employment in the informal sector and are unable to verify the ability to payback loans (Agarwal 2003, Brondo 2007 and Razavi 2007). Events such as economic restructuring, natural disaster, epidemic and war compound women's vulnerability and their chances of property dispossession, and of ending up in poverty.

Recent statistics reveal the legacy of patriarchal policies and practice compounded with a gender-blind era that ignored gender inequity and largely contributed to its persistence. In the new millennium, women own 1% of the land worldwide (UNDP 2008 & UNICEF 2007). They

make up 70% of the 1.3 billion people living in poverty globally (HABITAT 2011) and 60% of the working poor (International Labor Organization 2004). Additionally, women perform 66% of the working hours, produce 50% of the food and they receive just 10% of the income (UNICEF 2007). Additionally, low pay and economic insecurity are often related to women's over-representation in informal sector employment (Department of Economic and Social Affairs 2005). These factors combine to contribute to women's insecurity and inability to provide for themselves and their families.

In Brazil, poverty and propertylessness is also a highly gendered and increasingly urban phenomenon. Roughly 40% of the national wealth is controlled by .01% of the population or just 5,000 families (Friends of MST 2011). Large landholders or *latifundos* 1.6% of the total landholders own 46% of the land. Women in Brazil own only 11% of property. On the other hand, women are 75% of the homeless working poor population (Emanuelli 2004). Reflective of the high degree of urbanization in Brazil,<sup>6</sup> most of Brazil's poor are urban—well over 64% or 18 million people (IBGE 2000). Urban gender analysis is therefore an essential dimension of understanding poverty and propertylessness in Brazil yet one that lacking.

In response to the worsening condition of women, activist, practitioners and scholars erupted in dialogue over the importance of land and formal ownership to the well-being of women around the world. A wealth of case studies were done to document the qualitative difference formal ownership for women made for them. The body of work grew and collectively made a strong case that land is a highly gendered asset and land titling has deeply gendered impacts. Land titles were asserted to be important for women because of they empowered them

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<sup>6</sup> Brazil is the fourth most urbanized country in the world. Urban areas made up 15% in 1940, 36% in 1950 and 82% in 2006 (Brazilian Census 2000)

through giving women control over an important economic resources and because they consequently altered gender relations. These two arguments and their critiques follow.

### **Land titles as economic empowerment**

The economic argument essentially follows that land titling can be the economic “bootstraps” that individual women can use to pull themselves up out of poverty because capital ownership opens doors to new economic opportunities. This economic argument emerges as a direct response to the “feminization of poverty” delineated in the development literature on the socioeconomic status of women. Economist, Bina Agarwal, argues in her seminal work “A Field of One’s Own” that land and housing provide security and access to a broader variety of resources in ways that increase in incomes alone cannot (Agarwal 1994). As a productive resource property generates income; food grown is sold, vacant rooms are rented, goods are sold. Women gain power in their homes and communities through control of economic resources. As a reproductive resource property provides security for family life; shelter from elements and a place to bond. Having control over the home can give women more decision making power in home and at work.

The literature links women’s landlessness and poverty to their relative powerlessness to those who have access to capital. This camp is particularly adept at providing a gendered lens to the ways in which global economic growth and gains during the 70’s and 80’s largely excluded women in the global south. Their analysis reveals the gendered nature of markets and land law institutions. Towards mitigating gender equity, many scholars, practitioners and activists seek to remove the barriers towards land ownership to help incorporate women into the market (Arun

1999; ICRW 2007; Jacobs 1998 ; Kevane & Gray 1999; Lastarria-Cornheil 1997; Mhago and Samson 1998; Ogana and Seaforth 1995; Reddy 1999, Waterhouse and Vijfhuizen 1999; Sabimbona 1998; Tekle 1998; and Mwangi 1998). In this way they can compete fairly in the free market.

### **Relationships as the sites of empowerment**

The relationship as a site of empowerment approach builds on the economic argument and looks at the other domains—in the home, at work, in the community, etc—in which women have relatively less power and argues that titling is an intervention to alter power relations in these domains as well. This argument highlights that power is relational. In other words, one has power relative to something or someone else and the relationship itself is the site where power is negotiated. Relationships are thus the site of intervention to restructure asymmetrical power relations and property ownership becomes the tool to do it.

Baruah argues that property is the mechanism through which women are empowered to challenge a bevy of oppressors: the state, developers, employers, landlords, husbands and relatives (Baruah 2007). Women's property ownership formalizes their relationship to the state through a legal relationship, to the market through capital control and to their families through control over a shared resource (Agarwal 1994, Agarwal 2002 and Baruah 2007). Agarwal offers several convincing case studies of women that gain property titles and in turn end physically abusive relationships and gain status within their communities (Agarwal 1994). Baruah and Kabeer notes that property creates the opportunity for women to assert their right to rights—right to be safe, right to control what happens to their bodies, right to make decisions, etc. Land and

housing are also associated with membership to the community and belonging to a place (Baruah 2007 and Kabeer 1994). This body of work is critically important for delineating social and political implications of formal property ownership for women and exposing that property ownership is not gender neutral.

### **Land titles as an incomplete intervention; the critics**

These arguments are not without criticism; titling women can also be disempowering and legal gender equity does not necessitate broader gender equity. While legal titling is clearly important, the fetishization of the law as a tool for empowerment ignores the other arenas in which power is negotiated. Families and communities can further prevent women from obtaining titles even after they are legally available for women through enforcing cultural norms that prohibit women's ownership, threats, physical violence and social isolation. The cost of ownership may therefore be too high (Tripp 2004). Jenifer Casolo wrote that "the right to land gave women the right to 'have a say' and vice versa, but rights alone did not necessarily alter the power relations in the home or community" (Casolo 2007). In other words, titles give women legal rights to enforce their right to ownership. However, titles do not guarantee that their right to own property, or any other rights are not violated.

Barriers in the State and market also remain laden with obstacles for women. Ambert (1999) offers a practical points on how formalization requires credit, identification, payment of fees and taxes, literacy and dealing with sometimes-unhelpful bureaucrats. In addition to these systemic obstacles, poor women are less likely to be literate, to have access to disposable income, be in possession of formal documentation such as birth, death and marriage certificates

and have the spare time to navigate each of the bureaucratic structures necessary to get legal titles. Ambert further argues that for the poorest, legal titling may simply not be affordable (Ambert Ibid.). Moreover Baruah (2007) concedes using land and housing, as the dominant intervention to address gender inequity is a way for the State to avoid addressing the gender inequity directly. Seeking gender equity through legal equity ignores the other ways in which gender inequity is perpetuated (Baruah Ibid.) Reading widely in the literature reveals that titling is rife with complexities, contradictions and contingencies.

These contingencies remain unclear however because the literature often does not include a description of the titling process. Bernstein offers an important discussion that illustrates how titles have been used to carry out very divergent political projects from wealth consolidation to redistribution (Bernstein 2002). The titling and women's empowerment literature on the other hand, uses titling generically to describe a range of processes. The details of the process are obfuscated and the so are the mechanics of what makes some titling processes more successful than others.

Also missing from the literature is a methodology for making sense of the costs and benefits of titling in terms of empowerment. The literature lacks a critical definition or criterion of empowerment and appears to equate gains (legal rights, income, access to credit) with empowerment. The example of women gaining legal rights to own property but not exercising their rights because of social barriers makes it clear that gains are not equivalent to empowerment. Relative to the people and institutions around them, women still lack power.

## **Lukes' three-dimensional power concept**

Lukes' three-tiered concept of power provides a process of methodically analyzing the nuances of what is gained, what is not and what is lost. In a *Radical View of Power*, Lukes defines power as both coercive and non-coercive methods of constraining action. He identifies three dimensions of power, which are summarized here as individual, interpersonal and institutional dimensions. The individual dimension focuses on observable behavior. The interpersonal dimension focuses on covert control of the norms, discussion or agenda in ways that limit behavior. These are the two dimensions that the existing literature on gender empowerment focuses on. Lukes' concept of power contains a third and latent dimension of power, what is called here the institutional dimension or the power. The institutional dimension of power is the ability for A to shape B's preferences and ideas without B's knowledge. In turn, B acts in accordance with A's preferences without A's interaction with B (Lukes 1974). I use Lukes' conception of power as a criterion for empowerment. Empowerment is therefore a woman's control over herself and in relation to other individuals and to institutions; it requires transformation of power relations at all three levels.

Application of Lukes' three-tiered concept of power deconstructs the titling process into a series of opportunities where power can be gained or lost yet the concept maintains the integrity of the contradictions and complexities that exist. Using Lukes' power concept as a criterion for empowerment demands that discussions and practice around titling move beyond equating gains with empowerment. Instead, the concept demands both critical inspections of power politics within gender relations as well as a new level of accountability for those doing the work and study of empowerment.

## **Point of intervention**

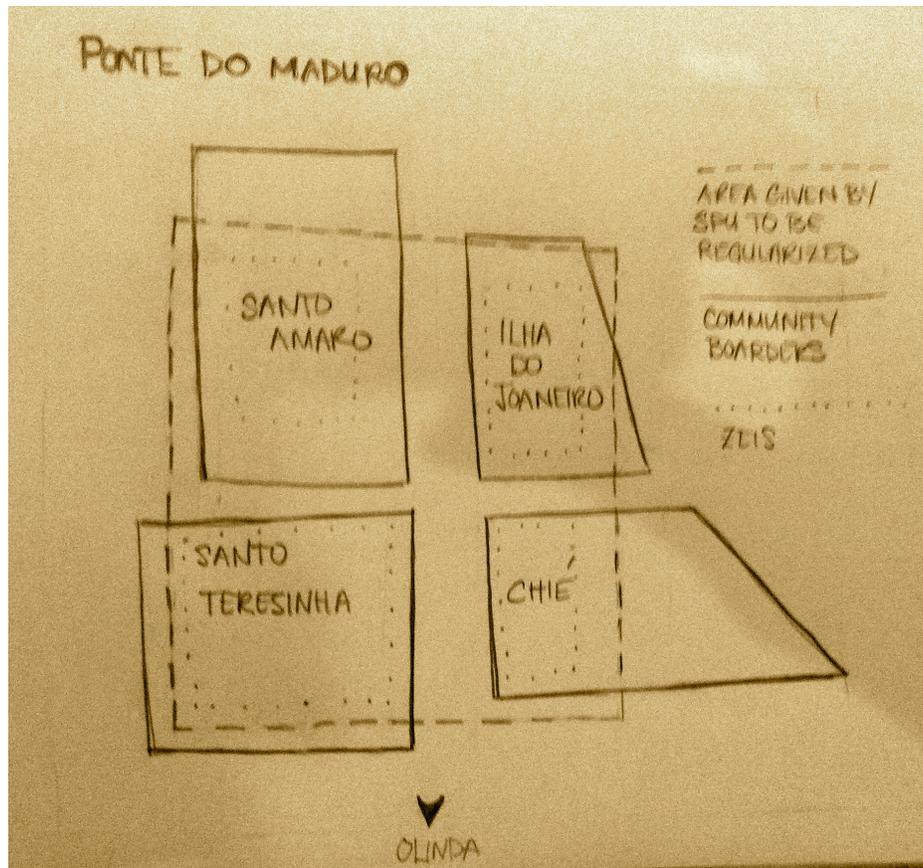
I use Lukes' three-tiered concept of power to identify the opportunities, shortcomings and pitfalls embedded in the process of land titling for the women of Ponte do Maduro. Building on the existing literature, I use relationships as the site of analysis and at Lukes' recommendation categorically looks at women's relationship to themselves, to others in the community and to State institutions. My case study focuses on the beginning of the titling process in Ponte do Maduro in the eighteen months following the World Urban Forum. I look at what changes the titling process is bringing to women in Ponte do Maduro through inspection the women's own experiences with the initial phases of the titling process. I reflect on their experiences using Lukes' concept of power as a criterion for empowerment to organize what is gained and lost during the process of titling and how this effects women in Ponte do Maduro.

## Chapter 3: Ponte do Maduro Constructs a Gender-centered Land Titling Process

World Urban Forum 5, Rio de Janeiro, 2010

“We are WOMEN. Well. Organized. Men. WO-MEN. That’s why we get it done. That’s why we will win”

-Slum Dweller & Housing Activist



5. Map of Ponte do Maduro.

Source: Field Notes, August 17, 2011

In this chapter I layout several vignettes of my experiences with the women of Ponte do Maduro and Espaço Feminista. These vignettes are meant to illustrate the key challenges and critical points of transition that I was privy to. In the first section I lay out composite sketches of two characters, Marcia and Yara. Marcia's character is representative of the resident activist, Espaço Feminista's street team, while Yara's character is representative of the paid staff members in Espaço Feminista. All of the dialogues, events and characteristics of these two women are real though they represent a compilation of many different women that I met and stories women told me during my time in Ponte do Maduro. Through my composite characters I illustrate the complexity of roles and relationships that are involved in the Ponte do Maduro Project. The subsequent sections are organized chronologically and thematically. I have tried in all sections to make my inclinations, feelings, observations and thoughts transparent without making my experiences center stage. I have also tried to include the voices of the women I met whenever appropriate and as often as possible. In an attempt to practice transparent scholarship, I hope I have succeeded in distinguishing the events, my interpretations and the women's experiences.

### **Introductions to people and places in Ponte do Maduro**

I arrived in Ponte do Maduro three months after the World Urban Forum. I rode the crosstown bus to the center city Recife and eventually the skyscrapers gave way to one and two story self-constructed structures. I had arrived in Santo Amaro (one of the four communities in the Ponte do Maduro Region). The bus driver and I were unsure where I should get off. There were no street signs and my only instruction was to get off the bus after the viaduct. The bus attendant was reluctant to let me get off because he said it was a dangerous area and asked if

someone was meeting me. When I got off the bus he told me “*vai com deus*” or *go with God*. There was no one there. The bus stop had dirt sidewalks and a horse was tied to a tree under the shade. Soon after, a short woman emerged with rolled up jeans, a loose fitting shirt and a ponytail that was unable to contain all of her curly hair. It was Marcia, a member of Espaço Feminista and the neighborhood council president of the Santo Amaro. She had agreed to show me the community a few days after my arrival.

She led me through the matrix of winding streets between the collages of self-built structures that were sitting shoulder-to-shoulder. Marcia occasionally shouted greetings through a cast iron screen door and was met with excited shouts back from deep in the house. Marcia and I stopped to greet elders as they sat in plastic chairs soaking up the few rays of Brazilian winter sun that managed to find their way between the densely packed houses. The noise of road construction echoed off the walls of the houses. The roars of laughter and screams from kids playing in the schoolyard chimed in as well. Marcia introduced me to her neighbors and showed me the community’s amenities—a health clinic, an auto repair shop, various snack bars and food



**6. Residents constructing their homes in early decades of Ponte do Maduro. Source: Screen Shot of GLTN Youtube Ponte do Maduro**

markets, schools, community centers, churches and parks. As we walked and talked, she told me: “*we have been here for 100 years,*” she said. “*In fact over 100 years... something like that. We’ve built all of this. We put in all of this, the roads, the electricity, the pipes— had to build all of it ourselves. We*

*have been fighting a long time for this land. Some people who were born here have always been fighting for the right to be here. We still have work to do [points to open sewage next to a row of homes]. But now it's ours.*" (Marcia (Resident) June 10<sup>th</sup>, 2010, Site Visit) Marcia recalled the various struggles to help residents get electricity, basic sanitation and systems of trash removal. Their current campaign was to cover an open sewage canal that divided the community, smelled badly in the heat, and attracted mosquitoes and rats.

As we walked and talked, the landscape became more legible to me. There were parts of the community that were entirely comprised of two and even three story structures with nicely painted exteriors—these were the older parts of the community. In the newer parts of the community, the houses were predominantly single story structures but the houses and roads had definite measures and equal spacing. Marcia explained that a community planning board had been established decades prior to both plan new growth and resolve disputes over existing spaces and uses. Additionally the community had an innumerable number of community associations that governed the schools, religious organizations, community's development, health care organizations and represented interest such as youth and mothers. Marcia sits at the top of this hierarchy in her position as the president of the neighborhood association.



**7. Newer section of homes**

*Source: Screen Shot of GLTN Youtube Ponte do Maduro*

Espaço Feminista targeted Marcia and others like her because of their roles in the community. Marcia and the other resident leaders comprise the ‘street team’. Marcia was one of the first organizers to join Espaço Feminista in 2008. This was the year when the Espaço Feminista began work in Santo Amaro and Santa Terezinha to reinvigorate the efforts<sup>7</sup> to pressure elected officials to follow through on a process to regularize the Ponte do Maduro region. Espaço Feminista distributes information to these community leaders who in turn pass along the information to their constituents. Women like Marcia pass on information about upcoming meetings, disseminate legal and technical knowledge they learn in their training sessions facilitated by Espaço Feminista and provide assistance to residents more generally.

Marcia makes her living selling beer to crowds outside a busy local sports and concert stadium. She spent a short time being a domestic servant but appreciates the flexible hours of selling beer. Additionally, she is able to work more when she needs extra income and less when she can get by. The flexibility of her job allows her to also attend meetings and do work for Espaço Feminista.

In addition to serving as the neighborhood association president, her role in Espaço Feminista and selling beer, Marcia has two teenage children who live with her. Marcia has no husband. She has been divorced for over a decade. As we walked past her house, she told me “*I had my children when I was young...he [her husband] drank a lot and drank up the money. He wouldn’t come home most nights and I was always alone. But I stayed because I was young. I didn’t know where to go or have support. I thought I had to endure it. Eventually he left*

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<sup>7</sup> Women have been at the forefront of the century long struggle for land regularization in the four communities that make up the case study site, *Ponto de Maduro*. The women leaders in these communities vary in age from 17 to 70. While some are students, others are retired. A large number of the women however held multiple roles in the community in addition to working 40-60 hour work weeks and caring for their homes and children. For instance a woman may be involved and hold leadership roles in the Associations of Mothers, The Evangelical Society, The Neighborhood Association and also be involved with *Espaço Feminista*.

*completely. But we are better without him. I am much stronger now...I wish he would come back just so I could kick him out,” she slaps her knee and doubles over in laughter.*

As we walk on, a short plump woman wearing trendy sunglasses runs up behind us with a large purse and notebooks in tow. Her large colorful bangles clink with each of her clunky strides. *“Oi, Regina. Tudo bem? Tudo joia ne?”* She greets me and kisses each cheek before doing the same to Marcia. Yara is an upper middle class woman who lives in a gated high-rise apartment building in a chic urban neighborhood close by. She has been educated at the prestigious state university and speaks decent English though she uses only Portuguese with me. She is speaking very fast and asking me about my visit to Santo Amaro thus far. Before I can respond, she tells me to never come here alone because it can be very dangerous. And while I am in mid nod she tells me she wants to show Marcia and me the new office. As we walk she begins to tell me more about Espaço Feminista’s role in the community and the process of land regularization and titling.

Espaço Feminista began to champion the existing movements in the Ponte do Maduro communities in 2007. The organization began to pressure the current governor of Pernambuco to make good on the promise of 1963 to bring land regularization and titles to Ponte Maduro—his grandfather’s promise, former governor Miguel Arraes de Alencar. At that time they also began meeting with many other organizations as well as state and federal agencies and began to facilitate discussions between each of them and community. Yara explains that the land question is important for everyone here, but it is particularly important for women. She tells me *“if he beats her, if he rapes her, if he drinks all of their money or plays the lottery with all of it, she cannot leave. Where will she go? The title [for the house] is in his name. But if her name is on the title she can make him leave. In this way home ownership is a form of intervention,*

*protection and prevention from violence against women.” (Member of Espaço Feminista, June 10<sup>th</sup>, 2010, Site Visit)* She goes on to tell me that a real residence—formal property with a legal address—is important for the people here in Ponte do Maduro to become full citizens of the city that can make claims to the right to health care, education, credit and access to employment in the formal sector.

We eventually stop in front of a building that will soon be the Espaço Feminista community branch office. After several minutes a small, frail old woman comes outside. “*Oi Dona Lucia,*” Marcia says. Yara also greets her and hugs her. Dona Lucia asks when the office will be ready. Yara tells her soon, but that we would like to take a look at it now. The old woman turns and yells back into the house. A younger man emerges from a back room. The old woman instructs him to fetch the repairman who has the key to the office. He sets off down the street and she disappears in the back. After several minutes the old woman emerges again from the house dragging plastic chairs behind her. She tells us to sit while we wait. After everyone thanks her she goes back into the house and the metal door slams behind her.

Yara digs in her purse for a piece of gum and begins to tell me that she is hopeful about the process occurring in Ponte do Maduro because this process is different than the ones that have come before it because so many people locally and internationally are behind it. “*We are aware of the significance in terms of legal advance in Brazil, that this is. We are here fighting for Santo Amaro...but we recognize the meaning this fight will have for women fighting in other places. We are constructing a fundamentally different process of land regularization for women,*” Yara tells me proudly (*Member of Espaço Feminista, June 10<sup>th</sup>, 2010, Site Visit*).

At the state and municipal levels, the current Governor and Mayor publically supported the project during their reelection campaigns. State agencies such as CEHAB, Casa Civil and

federal agencies such as FUNDAJ and SPU also supported moving forward with land regularization for Ponte do Maduro. Internationally, Espaço Feminista receives support from several entities. Espaço Feminista became part of a global network of grassroots women activist in the struggle for land through their membership with Huairou Commission<sup>8</sup>, a New York NGO that links grassroots women together from over 50 countries. A few years earlier, the Huairou Commission invited Yara to attend a conference held by the Gender and Land Tool Network (GLTN)<sup>9</sup> in Nairobi, Kenya. At the conference Espaço Feminista was asked to pilot one of GLTN's projects; trying to create a tool to measure gender equity. Yara agreed on Espaço Feminista's behalf. Through their involvement with the Huairou Commission and GLTN, Espaço Feminista emerged onto an international stage. Since this time, their relationship to the Huairou Commission and GLTN has attracted other international partnerships and financiers.

As we continue to wait, Yara invites me to a meeting in a couple days. She will be meeting with the State Company for Building and Housing (CEHAB or Companhia Estadual de Habitação e Obras). CEHAB has been charged with facilitating the Prezeis titling process. They will meet to discuss the baseline study to evaluate the existing physical and social characteristics of the neighborhood. She is concerned because there are no gender sensitive measures in the present survey and wants to see them included. However, Yara mentions that Espaço Feminista has allies in CEHAB office but she is still approaching the meeting with caution. She also wants a significant number of women to be able to participate in the oversight of the Prezeis process to ensure that gender remains a key focus of the process. She will ask for those two things when

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<sup>8</sup> Huairou Commission, a New York-based NGO that links grassroots women globally to each other in an effort to increase their capacity. Through the Huairou commission, they became part of a global network of grassroots women activist in the struggle for land.

<sup>9</sup> GLTN is a watchdog branch of the United Nations charged with pushing for gender equity in UN efforts to help national governments create formal land title for their land supply. GLTN emerged as feminist from within the UN concerned with the potential of this process for worsening of women's conditions—namely growing the gender gaps in access to land and property.

they meet. I agree to meet her at the CEHAB office. She unwraps a piece of gum and takes out another piece to hand to me. *“The irony of the CEHAB office Yara begins, is that it sits on land that used to be part of the community. That’s during the time when they were trying to bulldoze the whole thing, get rid of the whole community. But today they (CEHAB) are trying to save it.”* (Member of Espaço Feminista, June 10<sup>th</sup>, 2010, Site Visit) She smiles and leans back into her chair.

## The Recife context

Ponte do Maduro is one of the oldest settlements in one of the oldest cities in Brazil: Recife, the state capital of Pernambuco. Recife is

8. Map of the Federal State of Pernambuco and the Capital City of Recife



a coastal city of towering skyscraper residences, hotels, open air markets, historic architecture sites and informal settlements that are transected by the two main rivers that run through the city. Informal settlements cover expansive patches of the center city, line the riverbanks and exist in the shadows of the gated high rises. The sprawl like patchwork throughout the whole city. Informal markets selling *churrasca*, hair and nail services, dishes and pots, shoes and clothing sprawl adjacent to mega-malls, grocery stores and gas stations. More recently, migrants have

made homes along the suburban periphery of the city where land is unregulated and/or more affordable. The landscape of Recife is one of inequity and informality.

Irregularity is more the rule than the exception and is arguably the dominant mode by which the cities' residents are housed. Recife is home to the highest proportion of informal residents in Brazil. Of the 3.7 million residents living in Recife, estimates of the percentage of the population living informally range from 40% (World Bank 2003) to 62% (Cohen 1996 and Sobreira de Moura 1987). Recife's is only surpassed by Brazil's two megacities: São Paulo and Rio de Janeiro in terms of the absolute number of residents living in slums (World Bank 2003).

The informalization of urban living is a result of Recife's governance, land policies and markets that have not kept up with housing and employment for a growing majority of its residents. The city's geography has restricted the possibility of expansion; it sits in a basin with coast on one side and. In the 1920's, plans to expand the urban core of Recife created the impetuosity to remove urban slums. The informal settlers who originally settled outside of the city quickly found themselves the target of urban development. From 1930-1970 mass evictions and slum clearance projects forced poor residents out of the city center. Urbanization was also coupled with rural policies that ensured the mechanization of rural agriculture in Brazil. Landless workers living inland were out of work and subsequently homeless. These rural migrants flooded Recife in search of new jobs. In the 1960's a State housing program attempted to create social housing and support infrastructure investments on the periphery of the city in order to lure poor out of the city center (Filho and Monteiro n.d). The stipulations of the housing however were financially out of reach for about 85% of Recife's poor, limiting the success of the program. Another wave of migrants arrived as environmental refugees during the historic droughts in the dry northeast *sertão* in 1979-81. The newcomers were unable to afford housing

and quickly outnumbered the available housing units. Over 60% of the one million people who were newly arrived to the city were unable to find homes in the formal market and 65% of the new homes constructed in Recife were built in the informal market (Serra, Dowall, Motta and Donovan 2004 p11).

Inequity and informality often occurs along gendered lines in Recife. Historically women were excluded from owning property in the formal sector through discriminatory laws in place until 2003. Today, discriminatory-practices, within a larger culture that celebrates *machismo*, continues to make property ownership hard for women. A patriarchal model of a male head of household predominates Brazilian society. Historically, women accessed property through their husbands or their fathers willed it to them. This historical trend has created a culture of dependency for women. Some women in Ponte do Maduro complained that men would kick women out after finding younger girlfriends and could do so because women had no way of making a legal claim to the house. In the informal sector poor women are denied formal lines of credit needed to purchase property because of unstable employment in the informal sector or because they have insecure jobs with few workers' rights. Many women are limited to renting in the informal rental market. Consequently without a formal address women are essentially limited to jobs with little security and low pay. As a result of their insecure incomes, single women are susceptible to coerced sex or rape by landlords for non or late payment. The link between secure tenure and women's security is therefore a strong one.

## **Reforming land law and planning processes**

Inequity and insecurity in Recife incited decades of oppositional movements led by community members, members of the religious community and NGOs. Eventually the political tides changed when the public found slum clearance socially unpalatable and local government found it financially burdensome (Herbert 1999). The collage of activism led to a proposal: the federal, state or local government would identify established informal settlements, formally recognize their right to settle and engage in a collaborative process with the residents to decide how regularization and titling would occur in the community. In 1983, Recife's populist government approved the proposal in the municipality's land use plan and it became known as the Prezeis process (Fernandes 2001). First, the processes would designate areas of favelas "zones of special social interest" or Zeis. Second, the community along with local government agencies and NGO's would perform a participatory planning process, Prezeis or the "Plan to regularize Zeis". The Prezeis process enlists the urban poor to co-construct (with the city and other agencies) a process for doing urban planning in favelas.

In Ponte do Maduro, there are actually four separate Zeis; one in each community (see map). The area within the boundary to be regularized but outside of the four Zeis zones will be planned by the planning department of the Prefeitura, or Local government. It will be planned according to the master plan. This is the major and exclusive role of the City. Their role is mainly to integrate the community into the fabric of the city and to make sure the development that occurs in Ponte do Maduro works in concert with the development of the city. These areas

are not yet demarcated. The image at the start of the chapter illustrates the relationship between the boundary of land regularization, the community boundaries and the Zeis areas.

Though Prezeis processes vary to accommodate the specific profiles of different communities, they do three things for squatters and favelas. First, they legalize informality. This is to say that, the residents and their land receive legal rights and protections but not the same, or a full set of rights and protections that other residents receive that are considered to be legal. I will return to this discussion in the following chapter because it is an important feature of the Brazilian legal culture. Second, Prezeis work to integrate the settlement into the broader city political structure and network of services. This includes both the integration of citizens and places. Third, Prezeis include residents in decision-making and in implementation regularization and titling. Participation of residents is both to ensure the success of the implementation and to share the expense and responsibility of the outcomes. Prezeis change the rules of development such that residents have access to a new set of rules, resources and challenges.

In Ponte do Maduro the Prezeis process is already under way. Immediately following the World Urban Forum a local committee was formed to carry out the technical functions of regularization and titles and is comprised of a local NGO, Espaço Feminista, one state agency, CEHAB and three federal agencies FUNDAJ, SPU and Casa Civil. Unfortunately complicated legal statutes that require different filing periods and actions in conjunction with inefficient bureaucratic redundancies failures have delayed the start of the processes. Though the community has participated in various meetings held by the local committee since the beginning of the process, a Commission of the Community will be created containing roughly fifteen members from the four communities and will be charged discussing, elaborating and executing the plans agreed upon through the Prezeis process.

There are three components to the Ponte do Maduro Project. The first component will be to perform both a socioeconomic survey and to map the topography of the area. The survey will establish the physical and social conditions of the neighborhood, roughly 9000 homes, before the titles are awarded. The state has contracted a private company to oversee the process, though the actual surveyors will be residents hired from the community. Espaço Feminista will track a subset of this population as well as control group of community members who will not receive regularization<sup>10</sup>. Espaço Feminista will re-administer the same survey and track how women and gender inequity change over time in year 1 and 3 after the tiles are awarded. The analysis will be published in a final publication and used to create advocacy materials. The second component of the Ponte do Maduro Project will be to continue to politicize and educate women to capitalize on their right to own property. Espaço Feminista is carrying out the work of mobilizing women to participate in the bureaucratic process of planning and to apply for land titles when they become available. The third component will be the regularization and titling. The regularization process will be collaboratively designed in the Prezeis processes and carried out by the Prefeitura in accordance with the cities master plan. The titling process will be overseen by the local committee who have promised to ensure gender equity at every step of the process.

The outcomes of Prezeis in other communities over its thirty-year history has varied significantly (Cohen 1996, Fernandes 2001, Maia 1995 and De Souza 2000). As of 2011, there were 66 areas with the promise of Prezeis that encompass about 80% of the areas containing favelas (Prefeitura do Recife Website 2011). An assessment of Prezeis in 2001 found that much of the work was still to be done. Roughly half of the areas had access to partial drainage and

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<sup>10</sup> The boundaries of the community extend beyond the boundaries of the land that was donated by SPU to be regularized. Therefore, some community members will not receive regularization and land titles because they live on land that is owned by a different owner—their situation is still precarious. A portion of these community members will make up part of the control group and any of their geographic differences will be controlled for after the survey is completed using information about the land they live on.

paved streets, a little over third had sewage systems and another third were partially legalized. Only one of the communities can be considered fully legalized (Fernandes 2001). Prezeis are long processes that require continual engagement with diverse groups of actors and bureaucratic institutions. From the community member's perspectives, the technocratic meetings can be hard to follow and the slow nature of bureaucracy can dampen energy needed sustain engagement and progress.

Slow change is inherent to participatory processes but community member's disengagement raises concerns about how the process can ensure their long-term participation. The fact that decades have passed however and only one community has been legalized raises questions about the ability of the Prezeis process address the question of legal titles for residents and bring about tangible changes to residents in favelas. The opportunities towards resident empowerment and progressive change that Prezeis offer must be hard fought and won and are not inherent to the process. Faults, challenges and limitations considering, Prezeis are important because they create new opportunities to change power dynamics around the process of upgrading. Prezeis' adoption with Zeis and other pro-poor strategies in Recife represents a critical departure from a legacy of slum clearing and violence against those living in favelas.

### **Spaces of opportunity**



**9. Guardian of the Church Key.**

*Source: Screen Shot of GLTN Youtube Ponte do Maduro*

I returned to Ponte do Maduro later that week for the weekly gathering of women in Espaço Feminista. We stood outside a locked church, chatting outside for a half an hour. The women slowly arrived. When the critical mass of 7 or 8 had arrived, one woman knocked on the door of the woman who lived across the street from the church.

She was the caretaker for the church and kept the key to open it for Espaço Feminista. She came outside and we all followed behind her. She too was a member of Espaço Feminista. Once inside, we moved the plastic chairs from the sanctuary into a circle and more women trickled in and added their chairs to the circle. As each woman arrived she kissed each woman's cheeks twice and her greetings echoed off the church walls and seemed to amplify their excitement. The woman who had opened the church and lived across the street had disappeared and returned with a tray of mismatched water glasses with cool water. Another woman opened a bag of fruit and *biscoitos* and passed them around to share. The sound of chatting and laughter filled the church for almost an hour before the meeting began.

Patricia began to give updates. However, at the mention of a community meeting from a week earlier, the women interrupted—half in jest and half with real concern. The meeting Patricia was referring to, had been to describe the Prezeis process and options to the community. Towards the end of this meeting, the facilitators and delegates from the municipality discussed the possibility of creating a provision that prioritizes women in the titling process. The men were significantly outnumbered by the women probably by 1 to 5 and had been previously quiet.

At the mention of titling women, the men had erupted in disagreement and dominated the rest of the meeting with objections. The women joked about how the men had acted in the meeting a week prior, and said that men would not let them have the titles. Patricia encouraged them but the women's doubts were apparent and they started almost every sentence with "*Mas como vamos fazer...?*" ("but how are we going to...?") and "*Não tenho certeza que...?*" ("I am not sure about...?"). These same women, who had yelled, opposed and demanded titles from the Mayor and Brazilian delegates in Rio were back in Recife, quiet against much more intimate opposition—their husbands and their neighbors.

There were other concerns. The process itself was complicated and convoluted. They were not clear on what the process would involve or what role they would play in it, partly because Prezeis allows for this to be tailored to the community and partly because none of them had engaged in the Prezeis process before. Much of their success seemed contingent upon their ability to navigate the bureaucracies of agencies that had never worked with them before. Some community members were opposed to Prezeis because they had heard (untrue) rumors that they would now pay taxes and utilities for what had been free up to that point; they preferred to continue living informally fearing they could not afford legalization<sup>11</sup>. Other residents were concerned about the titling process because formalization meant that one family or person would own the home, yet in many cases more than one family was living in each of the homes. Deciding which family will get the title is problematic and will cause tension. A year into the process and it is not clear how these problems will be resolved. For many people living in Ponte do Maduro there are real fears that legal titles will be out of reach and that the development and the formalization processes might displace them. From Rio to Recife, I could feel the shift in women's energy.

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<sup>11</sup> Communities demarcated as Zeis remain free from paying property taxes.

Espaço Feminista and the women leaders' relationship to the state and the nature of their work changed almost overnight with the promise of security for the Ponte do Maduro community. Patricia and the paid team of staff had always played an advocacy role, networking on behalf of the women from the communities. The women from the community had historically had an oppositional stance to the state and local governments, which had performed slum clearance to erect its own buildings and to foster private sector development on a significant part of what had been part of the Ponte, do Maduro community. Whereas the community women had once been known to shout, point fingers and cause ruckus in meetings of the state and local officials, now they were being asked to sit quietly, listen and follow the unstated culture of non-confrontational negotiating. They were expected to work with the various governmental agencies, not against them. This resulted in a degree of disorientation. In essence, winning one struggle had birthed a whole new set of struggles. It was as though with the promise of Prezeis, they had crossed the finished line only to have the finished line pushed back.

However Patricia cut through the confusion—she had a plan. Espaço Feminista was going to move ahead on three fronts. First, the 'street team' would be trained to engage in the process at several levels. The street team would receive training on how to serve as mediators to resolve conflicts in the community over titling and help other women through the process of obtaining titles for themselves. As mediators the women from each community will mediate conflict within homes, between landlords and tenants and between the community and the new presence of the government (laws, institutions and civil servants). The role of mediation is to “pacify” residents who will be confronted for the first time with presence of government and teach them the laws as well as their rights. Additionally, female lawyers would partner with Espaço Feminista and help the women understand the legalese necessary to obtain land titles

through the Prezeis process. This legal knowledge would be useful during the street team's work as mediators and facilitators but would also prepare them to take the jobs as surveyors when they would become available. (The requirements to be eligible to be a paid community surveyor are that one must reside in the community, have some high school completed, have knowledge of the land regularization processes and it is preferred that the candidate have had some previous participation in the political structure of the community. An independent committee will select the surveyors—no one from the Local Committee can also serve on this committee. The surveyors will have to submit a CV, interview and perform a practice exercise. Espaço Feminista members will be in a unique position having received training on both the content needed to be qualified and the process itself.) Towards these aims Espaço Feminista would continue to exploit the current historical moment to achieve these goals. They would begin training in the new office building that was being renovated in Santo Amaro. The slow nature of the process would allow them the time to prepare themselves and other women for when the titles would become available.

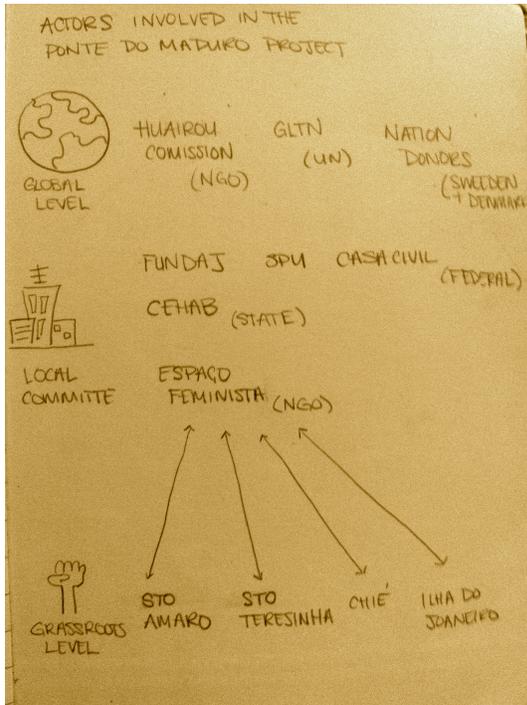
Second, Espaço Feminista will document the process of regularization through research, film clips and archives. This aspect keeps focused energy on every step of the processes and the results are useful to their sister organizations who are still in the struggle for land. Espaço Feminista will also capitalize on the surge of activism-scholarship around women's empowerment and land titling by accepting and encouraging researchers like myself to analyze and document the process. Additionally they are calling upon me and these other scholars to move beyond the baseline survey and contribute to a gender analysis. In doing so, Espaço Feminista hopes to document its struggle and hopes that the success of Ponte do Maduro will energize and be an example for other women around the world in the same struggle. They also

hope to effect the institution of titling and show how a titling process can be constructed with gender equity as one of its core missions throughout the process.

Third, Espaço Feminista as an organization would push the issue of gender equity in each part of the Ponte do Maduro Project. Espaço Feminista is working to ensure that women and men are equal in what they receive, more than just opportunities to participate, they want titles for women; they want equity in the processes and in the outcomes. Espaço Feminista would also use the flexible framework of Prezeis and the political backing of their foreign partners (The UN and its national donors) to continue to push the gender equity issue at every turn. The organization would continue to insist that the women from Ponte do Maduro are able to make their voices heard and are a part of decision-making process by closely following the flow of bureaucracy and preparing them to attend meetings. Beyond the flexibility of Prezeis, the State itself is limited in its ability to target services at women by gender equity laws meant to help women. Therefore Espaço Feminista will target its services and energy towards mobilizing women to occupy these seats at the table and to apply for titles in order to achieve the same effect.

### **The role of partnerships**

Ponte do Maduro however, is not merely a series of strategic power plays by Espaço Feminista and its supporters. The complex web of partnerships is held together by mutual self interest and intersecting desires to improve the lives of women in Ponte do Maduro. Espaço Feminista mediates the interactions of grassroots, local, and international actors and often



**10. My field notes from orientation meeting with Espaço Feminista. June 3, 2010**

identifies the spaces of opportunity for each of them. Espaço Feminista is entrusted with this role because of their relationship with the women in Ponte do Maduro.

The awarding of tenure security is a significant accomplishment on the political records of the politicians whose names are attached to the project. Regularization of favelas, or the promise of it, is an important source of political capital for politicians and undoubtedly provided the largest

incentive for the Governor to authorize the regularization of land tenure in Ponte do

Maduro. Among the general public, regularization is seen as a way of addressing the “favela problem” and is generally supported. Governor Eduardo Campos, was up for re-election for governor in September 2010 and won by the largest margin in history with 80% of the popular support after fulfilling his grandfathers promise to bring regularization to Ponte do Maduro. Many of the Ponte do Maduro residents were involved in supporting the campaign of Eduardo Campos—donning his campaign buttons, stickers and carrying signs to rallies.

Governor Campos was able to realize this transfer of land to the people by having the federal governmental agency, SPU, secede the land to him for the purposes of land regularization. SPU was unable to use the land occupied by residents because of laws that protect the rights of citizens to occupy land and recognize usufruct ownership even while it they may be breaking other laws related to private property. Currently the federal, state and local

government are part of the same party, Partido dos Trabalhadores, which facilitates the brokering of deals between each level of government. FUNDAJ, another federal agency, has partnered with this project because of its mission to promote research and development in the northeast of Brazil. Lastly, Casa Civil, the Brazilian equivalent of the secretary of state is supporting the processes through its role as chief litigator. These federal agencies however mainly channel their work through their state partner, CEHAB who is overseeing this processes because are the state-level agency charged with regularizing land.

At the local level, the city recaptures land, infrastructure, and taxable residents in addition to addressing the “favela problem” through land regularization. One representative of CEHAB noted that, *“at the same time we are regularizing the land we are capturing resources and reurbanizing this area. There is no point regularizing an area lacking basic resources”* (GLTN-UN Youtube 2011). His statements illustrate that the Prezeis process is not simply a benevolent act but also a means of acquiring land with infrastructure that has already been invested into it by the residents. Also in the way of resources, they are incorporating more citizens into the tax structure. These citizens will continue to invest their sweat equity into the upgrading process and share the cost of development. The city gains the land, taxes and labor. This act of trying to reincorporate residents and land into the governmental structure and consolidate territory under a governmental structure is a feature of Brazilian land laws that repeatedly reincarnates into different legal mechanisms since Portuguese colonization. In James Holston's book, *Insurgent Citizenship*, he outlines how land laws have been consistently throughout Brazilian history to consolidate the Brazilian territories that were never successfully under the control of the State and to maintain a cheap, land-less labor supply (Holston 2008).<sup>12</sup> I

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<sup>12</sup> See Holston's book for a more thorough discussion of Brazilian land law history.

return to this discussion about the history of Brazilian land laws in the following chapter when I discuss how Zeis and Prezeis fit into a larger context of legalization in Recife.

Community members are also no doubt invested in realizing the change they fought hard for. The promise of services and security is unparalleled. Full city citizenship makes them eligible for city services and jobs that they did not have access to. *“An address gives a right to get healthcare, education and other basic rights,” said Patricia.* The women in particular had their own reasons for wanting this Prezeis process that I learned about at Espaço’s winter forum



**11. Meeting of Espaço Feminista at the Santo Amaro Branch office. Source: Patricia Chaves**

held in August: pervasive domestic violence. The 2-day workshop hosted roughly 20 women from all Espaço Feminista member organizations. The women from Ponte do Maduro were joined by their rural sisters. Among them were women from Movimento dos Trabalhadores Ruais Sem Terra (MST) and from the Quilombos. Here the women leaders

engaged in peer-to-peer learning exchanges about the issues facing their communities. They shared many similar experiences of asymmetrical power relations in their homes, of physical abuse, of forced sex from their husbands and of husbands who drank or gambled the family income. But they also spoke of the many roles they had in their communities as heads of the evangelical society, the mothers association, the neighborhood associations and the older women shared stories about eventually leaving one or two abusive and unsupportive husbands.

Domestic violence is a major concern that the women addressed at workshop and that continued to be echoed throughout the process. Members of Espaço Feminista presented

information about domestic violence and gave information and statistics regarding the inequalities facing the women. They also addressed the legal definitions of abuse and discrimination and the Brazilian laws that protected them. A large majority, if not most of the women had been the object of domestic violence in their homes. During the workshop and later during informal conversations and interviews, many of the women suggested that legal title of their land could help them address their problem of domestic violence. If they had the title to their house, they asserted, they could make their husbands leave or stand up to them. But leaving their husbands was often too big of an obstacle due to their financial dependency, lack of ownership of property and their many children. Patricia and many of the women firmly believed land titles could empower them as women to make better decisions for themselves and their families and to make their husbands leave if the need should arise. This bond between the women from different communities grew as they testified and bore witness to each other's stories. They shared similar experiences as women and it created the sense of a shared struggle across space. For the women in Espaço Feminista, participation in the process of upgrading and titling represents an opportunity for change not only for the community but also for them personally.

## ***Chapter 4: Locating (Dis)empowerment in the Titling Process***

*“Our job is to get an understanding and stay—to not leave. When the government enters a space, they do a project and leave. Our process will continue permanently because they [the women leaders] are part of the organization,”*

*-Espaço Feminista Member*

This chapter systematically examines the opportunities, challenges and limitations of the land regularization and land titling process for Ponte do Maduro. I highlight what might be the latent tensions in the road ahead for the women of Ponte do Maduro and Espaço Feminista with the intention of unpacking these tensions so that activist and practitioners might approach these tensions with greater sensitivity. Towards this aim, I have broken this chapter into three sections. In the first section I discuss Espaço Feminista's strategy for navigating the Prezeis process. In the next section, I ground the Ponte do Maduro Project in the existing land titling and women's empowerment literature. In the last section, I use Lukes' framework to address the gaps in the existing literature, provide greater insight into the case study and also delineate the contributions of Ponte do Maduro to the broader study and practice of land titling for women's empowerment.

### **Espaço Feminista's strategy**

Espaco Feminista is reorienting the shape and scope of the gender component of Prezeis in the Ponte do Maduro Project. Espaço Feminista has been successful in moving the gender goals of Prezeis beyond integration of women into the process towards gender equity in each part of the project—the premise, the processes and the product. Decisions about the premise, process and product are the spaces of opportunity where various interests are negotiated. Espaço Feminista's ability to capitalize on these spaces of opportunity will significantly impact the degree to which the process is ultimately successful at addressing gender inequity and empowering women in Ponte do Maduro.

### *Women's Empowerment as a Premise*

The gendered premise of the Ponte do Maduro Project differs from other land regularization and titling processes and even other Prezeis processes that have come before it; it is explicitly gender articulation that seems to be shaping the rest of the process. Historically, gender has not been a prominent guiding goal of past Prezeis projects, even if it was part of the process. Gender has typically been a consideration of the Prezeis processes to the degree that Prezeis usually reiterate that gender equity does not exist, should and the process should consider ways to intentionally seek their involvement. However, latent tension existed between the stated goals of Prezeis and those of the women's movement and Espaço Feminista. At a discursive level, both the women's movement and Prezeis are working towards greater gender equity. However in practice, Prezeis are about integration of citizens (their labor, votes and other contributions) into the larger city (economic and political structure), whereas the women's movement is about transforming gender relations for the purposes of achieving gender equity. In other words, Prezeis, even with a focus on gender is looking to integrate citizens (female citizens in this case), and the women's movement is looking to make sure these citizens are not only integrated but receive equitable outcomes.

To date, those involved with the Ponte do Maduro Project have state gender equity as one of the intended outcomes of this project. This development was no doubt negotiated through the involvement of several actors. Aside from the conviction of the women in the communities and Espaço Feminista's advocacy, the UN and national donors contribution of political and financial support for the gender component of the project lent additional support for taking gender equity seriously. Because Prezeis's are authored and constructed by all the parties in the development

process, it is possible to create various gender components that shape the rest of the development process. In turn, Espaço Feminist's research, mobilization and organization around gender equity as a goal and a measure of success for the entire project is pushing their partners (CEHAB, FUNDAJ, SPU and Casa Civil) to focus on the ways in which gender differences are ignored, inhibiting or exploited at each part of the process.

### *Women's Empowerment as a Process*

The process in Ponte do Maduro stands out from other processes because of the degree of partnerships that are involved in supporting the women-led contributions that are inserting themselves into the larger Prezeis process. Espaço Feminista is adept at finding feminist spaces—or spaces of opportunity to transform gender relations. The flexibility of Prezeis is intended to allow for community specific planning but the flexibility also allows for specific interest within the community—like women—to address their issues in the planning process. For groups like Espaço Feminista, the process is a series of opportunities to continually shape the process and address their needs.

Espaço Feminista is mobilizing the women in the communities to capitalize on the space made for the community to participate. The street team is involved in mobilizing community members and participating in the bureaucratic processes of land regularization. Community mobilization includes two types of activities outlined in the previous chapter: education and mediation. These processes are described as empowering and pacifying in the same discussion—though both are seen as desired outcomes. The 'street team' receives training in the law which and bureaucratic processes. This group of women is given some additional power by

being the source of knowledge and understanding in the communities. They are charged with sharing with this power with other through information sharing. Collectively, the community is supposed to be more powerful because they know the laws, their rights and how to n this way, Espaço Feminista has opened a space for women to participate and is also helping to train them in how to read the new decision-making landscape and participate in shaping the discussions that take place in these new spaces. On the other hand, this mediation is supposed to be pacify any potential conflicts that arise. This mediation serves both to mitigate disputes over property it also serves as a way of address the confusion and dampen the conflicts that arise as the city tries to reincorporate land back into its control. Maybe people for the first time will come into contact with local authorities for the first time. To a large degree community life in Ponte do Maduro has been governed by the community itself and by drug lords within the communities. This will change with land regularization. Mediation will help both the community and the local authorities navigate these first interactions.

Past efforts to affect gender relations through Preszeis processes were incomplete, laden with disjuncture's and not comprehensive. Women in particular may also not have had the support of organization like an Espaço Feminista to provide them with legal support and training on how to access titles or participate effectively in the Prezeis process. Additionally, previous Prezeis processes lacked the cohesive cast of characters, the degree of participation and the wide array of international supporters providing additional eyes to the process and ensuring their interest were met that are seen in todays Ponte do Maduro process.

### *Women's Empowerment as a Product*

Beyond focusing on an inclusive and empowering process, Espaço Feminista is equally focused on measuring the outcomes of the Ponte do Maduro Project. They intend to measure how gender equity and women are affected by land regularization and titling over time. Espaço Feminista hopes to be able to show that titling is an important process with measurable outcomes towards women's empowerment. The shortcomings they also hope will point the way for further gender empowerment work. Espaço Feminista keeps a spotlight of focused attention on gender and women's empowerment by performing research throughout the duration of the project. Teams of foreign and domestic researchers, as well as international development agencies will aid in the construction and implementation of gendered research to measure the impacts of this process on gender relations. In the long run, the organization intends to publish its findings and use the information to create advocacy materials for future processes. In this way, Espaço Feminista hopes to help not just itself, but other women in the same struggle for land titles around the world and in the future.

### **Grounding Ponte do Maduro in the literature**

Reexamining Ponte do Maduro in light of the land titling and women's empowerment literature reveals that the project is rife with possibility. From the literatures stand point we should expect that these women would be empowered once the titles are distributed. However the view from the ground appears more complex. Empowerment seems contingent upon women's participation in the processes as well as the titles, and both seem contingent upon their

own continued support and involvement at every step of the processes. I categorized the women's empowerment and land titling literature in to two veins that are both relevant to the case study.

The women who get titled have much to gain economically—tenure security, a place to produce work or rent out space if it is available and access to better credit options (Agarwal 1994, 2003 and 2004). As discussed in chapter 2, tenure security is particularly important for poor women who are more likely to work in volatile and vulnerable work (Department of Economic and Social Affairs 2005, Emanuelli 2004, International Labor Organization 2004, UNICEF 2007). Having ownership of the home means that job loss or having a “bad month” no longer leads to eviction and homelessness or sexual extortion for unpaid or late rent. Also discussed in chapter 2, as homeowners, women, many of whom currently rent, will have opportunities to use their homes to generate income (Agarwal 1994). All of these gains will be measured in the survey distributed in the community and are a key focus of the research. To some degree the women are also economically protected by the specific design of Prezeis which requires small plot sizes and limits each person to two plots maximum (one residence and one commercial plot). The size of the plots and dispersed ownership deters land speculation. However it also keeps the price of land low since it is not developable from a commercial standpoint. Because of this, women are not expected to increase their access to formal credit options but are expected to have more informal options. The rise in economic status, or improving the ability of women to economically help themselves and their families, translates into women's empowerment according to the literature.

The women who get titled are expected to change their relationships with family and community members, developers and the state (Baruah 2007). To a lot of women in the

community, the titles represent the power to protect themselves and their children from abusive husbands. The titles will enable them to take a stand against their husbands without the fear of being kicked out and/or even the right to kick their husbands out (Agarwal 1994). The titles also legitimize their right to the city and enable them to access the full range of city services, which are dependent on a legal address within the city (Baruah 2007). As the literature suggests, the women stand to formalize their relationship and their rights through titling (Agarwal 1994 Baruah 2007) but their ability to realize their rights is dependent on more than the availability of legal titles or even affirmative action provisions (Casolo 2007, Tripp 2004).

The literature also suggests there are remaining obstacles that stand between women and property ownership. Men and other community members who are against women's ownership of property still needs to be addressed otherwise it will prevent many women from seeking titles. The fear of abuse, social isolation or of being ostracized is real (Casolo 2007, Tripp 2004). Without education campaigns and organizing on the ground to directly address patriarchal cultural attitudes, only making the titles available, will leave these structural barriers intact (Casolo 2007). Towards this aim, Espaço Feminista's campaign to inform women and provide them with support in accessing titles is very important. Work aimed at men is similarly needed. Baruah suggested that the States fear addressing gender inequity directly because of the controversial political nature of the addressing culturally embedded gender roles (Baruah 2007). Combined with gender equity laws that require that men and women be treated equally, State intervention is in many ways, constricted. It is not surprising therefore to see this work carried out by nonprofits. This example of State collaboration with a nonprofit to carry out specific interest is important to illustrate the way governments can work around the controversy and legal barriers of gender empowerment work.

Other obstacles more broadly related to the Prezeis processes exist. First, the titles cause inter-household conflicts. In many cases multiple families may live in one dwelling. Only one person or family will be titled. This is a major concern for many people living in Ponte do Maduro. Additionally, tensions may arise between those who informally “own” the land now and the tenants they have illegally leased land and housing. Many landlords have multiple properties in Ponte do Maduro and have profited from illegally renting homes to the poor. Under Prezeis, landlord’s rights to land are not recognized. Titles are given based on use of property, not ownership. In the two years before land titles are distributed, renters can face threats of eviction from property owners who may try to reestablish residency and safe guards against the financial loss to them, which may also cause tension. To the degree that landlords are aware that under Prezeis, each person can receive two titles maximum, some of this pressure may be relieved. The answers to these questions have gone unanswered for a year. Rumors run rampant in their absence. As a result, conflict and tension is already building. Thirdly, participation can be silencing. Participation in the processes makes the community complicit in the outcomes of the process of titling and regularization whether they succeed or fail. Where as before they were likely to see the system as flawed, they now see their actions as flawed—responsibility is internalized. The likelihood of public and direct dissent may be stifled. The increased sharing of responsibility could either be motivational or demeaning. Lastly, the creation of new legal mechanism such as Zeis is nothing new. Brazil has a long history of using land and land law to consolidate territories. Holston describes many of these legal attempts to consolidate land holdings in his book. He also illustrates that many of these attempts to consolidate land have failed throughout time (Holston 2008). Land consolidation has been one of the primary national projects since colonization. Land consolidation has been as much about setting the stage for

production based on cheap labor as it has been about political control. Additionally, mechanisms meant to redistribute land in the absence of comprehensive land reform are slow, hard to navigate and rarely provide land. Prezeis in Recife are situated in this context. However, in a way never before seen, women and their allies are pushing for land titling and regularization in unprecedented ways.

Overall the literature helps to identify multiple spaces of opportunity for women to gain (or not gain) throughout the process. The Prezeis process in particular allows an unprecedented amount of participation and involvement by women in designing and implementing the titling processes. As a result, the women's voices will be part of the planning process in Ponte do Maduro and have the chance to significantly shape it. As Santos and Garavito (2005) suggest, it is the non-legal and/or illegal—those actions which exist outside the dominant legal framework which stand to benefit the women of Ponte do Maduro the most. Put otherwise, the law requires equal treatment under the law but does not make provisions for how gender equity will be realized. Prezeis as an alternative legal framework is an example of legalizing illegality that stands to help women. Espaço Feminista's work to politicize, organize and mobilize women stands to help women even more.

The literature, however, does not help make sense of the titling process itself. We do not get for instance an understanding of what makes a successful process. Bernstein's discussion of the divergent political projects that titling helps serve, however, is ample warning that we should look at the premise and process of titling in order to see what products we should expect. The literature also lacks a critical definition of empowerment that can be used to ask questions of the Ponte do Maduro process to see if is empowering or not.

## **Using Lukes to understand Ponte do Maduro's contribution to the literature**

Lukes contribution to this reading of titling processes reveals latent tensions as well as a way of organizing possible outcomes of these tensions. Using Lukes' three-dimensional concept of power discussed in chapter 2, I demonstrate that while individual women stand to gain from the titling process, women as a whole do not. In order to show this I reconsider the Ponte do Maduro Project and look at what contingencies exist on an individual, interpersonal and institutional level. I further assess what it will take to accomplish women's empowerment, or gains on all three levels, to be made. The details and complexities of gains and losses on each level follow in this section.

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Individual women stand to gain in a variety of ways. Namely, those that receive titles will have a home of their own; a place to live in, even in the event of un(der)employment. With a formal address, women will have access to more types of credit, and are able to apply for services and employment in the formal sector to jobs with greater benefits. Additionally they may be able to improve their own homes or purchase better quality housing.

Some challenges remain at this level. The Prezeis process itself is slow and titling is not expected to happen until late 2012. To date, eighteen months later, many of the details are not clear—the defined area that will receive regularization, who will be eligible for titles and what provisions will be made to avoid mass displacement. Because some will gain and others will be excluded, as a result of titling, conflict between the will haves and wont haves causes interpersonal conflict. Women whose names are on titles alone or are coupled their husbands will have more say, in their homes and in the community. Titles for women may deter violence

from husbands who are inclined to abuse. However, titles do not prevent all violence against women and a title may not shift power relations between some couples. Titles may even become a source of tension between women who want titles and husbands and families who are against it. Conflict is also likely to occur in homes with multiple families when only one family is titled. The process of formalization that comes with Prezeis deeply disenfranchises this untitled class of residents. This tension stands to be wide spread and have implications that are longer lasting for those who are excluded. A look before and after titling reveals that titles incite and exacerbate tensions particularly at the interpersonal level. While the community fought collectively for tenure security, they will try to access titles individually. A sense of collective struggle is jeopardized because the process only rewards individuals.

Bernstein's historical analysis of titling is a reminder that the premise of titling is directly related to the outcomes of titling and suggest that careful attention must be paid to the political climate. He reveals that titling is used both to consolidate and redistribute land holdings and wealth (Bernstein 2002). To some degree, the shifting meaning of land titles is converging now in this historical moment unfolding in Ponte do Maduro. The discourse of Prezeis titling encompasses elements of both redistribution and consolidation of wealth. On the one hand, Prezeis titling would facilitate land ownership by the poor and hence be an equalizing force for them and for women in particular. On the other hand, Prezeis titling could function as a means to incorporate the poor into the capitalist system, giving them the small step up the ladder they need in order to participate in the formal economy.

Before the Prezeis process was approved, the governing institutions and actors within them were in question. After Prezeis, the community wants a seat at the table of these same institutions. The opportunity for the community to take part in collectively planning the future of

the community is important. However, the community trades its autonomy of governance for shared governance with the Prezeis committee and municipality in exchange for a promise of resources and legitimization through titling. Through this seat at the table, residents may be able to direct greater resources and services towards the community. However decision-making and implementation becomes limited to the degree to which this mixed actor committee can work within the current bureaucratic and political structure. In this case, the State actually gains power where it previously did not.

Participatory processes can also be silencing. In the case study presented in chapter 3, I outline how the women of Espaço Feminista shift their sights from protesting the State to having to work within the frameworks laid out by the State and subsequently the women are disoriented and reluctant to act. As a result the women are potentially silenced in three ways. First, the tensions over land rights increasingly are removed from the public realm to behind closed doors of meetings. Social action moves from protesting to participation. Second, entering these new spaces women are constrained by the bureaucratic policies and actors they must work with. This alone can be anticlimactic and dissipate the impassioned request made by community members who first struggle to get organized and then must be cognizant of following up. Thirdly, it becomes increasingly hard to blame the State for lack of progress and not fulfilling its promises. The Prezeis process of collaboration between the State, non-governmental organizations, private sector actors and community members creates a shared governance process. The responsibility for achieving the stated outcomes also becomes a shared burden. The community's participation makes them in part responsible for the outcomes of Prezeis and this could make it hard for them to hold the State or its policies accountable for what it sees as their own failures. Furthermore, this makes dissent less likely. Because they become incorporated into the State system, they in

many ways lose their ability to challenge the State, capitalism and patriarchy, as they may increasingly see themselves as incorporated into these processes. Additionally, because Zeis represents a promise not yet fulfilled of services and titles, the women enter into a relationship where they must be wary to “not bite the hand that feeds them.” At the moment, it appears that the state has already promised to give the land, residents need to do their part. The new system promises to reward compliance not civil disobedience or those who wait and follow instructions that are not yet entirely clear. In many ways they concede much of their power in exchange for the potential gains that could be gained at the individual level. This risks losing the kind of transformative change that Lukes argues requires change at all three levels of power constitution.

Miraftab in her study of the anti-eviction movement in South Africa articulates this shift from public realm to private board rooms behind closed doors, as a move from “invented spaces” of asserting rights and citizenship to “invited spaces” of participation and inclusion (Miraftab 2009, 2006). While neoliberal strategies to govern urban populations open spaces of participation to poor communities, they also reduce risk of radical citizens actions by moving the terrain of their action from invented spaces and forms of action to invited spaces and forms of action much more predictable by the State if not controlled by it.

Espaço Feminista’s work to politicize and prepare the women for participation is critical towards helping the women push their own interest. To a large degree all of the efforts to address gender issues are targeted at women. Unaddressed, is the role that men within the community need to play towards realizing gender equity. Subsequently women will likely continue to experience discrimination, gender violence and the other manifestations of gender inequity even if they have better tools to cope with it.

Prezeis shifts what has typically been the responsibility of the State onto the poor—providing housing and basic services. It requires that residents of Ponte do Maduro make time to attend meetings, to learn legalese, to navigate bureaucracy and to make countless other sacrifices—ones that are not asked of other residents who are not poor. To this point, Prezeis appear to be part and parcel of the neoliberal erosion of the State that increasingly shifts responsibility onto people and typically onto women. Whether Prezeis is experienced by residents who have gone through it as a manageable process that empowers them, as a burden or both, needs to be examined through collecting the narratives of residents throughout the process.

Ultimately what Lukes' three-dimensional concept of power reveals is that individual women might stand to gain but collectively they are not necessarily to be empowered as women within the community. Additionally, a collective problem, tenure insecurity resulting from failed land markets and governance, becomes an interpersonal problem between men and women and between families cohabitating as they may fight over a limited number of titles. This redirection of tension from the institutional to the community level should be eyed with caution.

Far more latent is the minimal gains for women that stand to be made at the institutional level. Institutionally women can incorporate into the system while not gaining power over the system. On the whole, Prezeis incorporates residents into the city governance process but it fails to address the institutional barriers in land markets that make property ownership nearly impossible for poor women in their absence. Intact institutional and cultural barriers continue to derail women's empowerment for women with or without titles. Titling cannot make all of these barriers surmountable. In this way the Prezeis processes is neither inherently pro-poor or empowering.

Despite these threats to its success, the tiling process however in Recife leaves room for optimism. Paulo Freire in his book *Pedagogy of the Oppressed* offers that through praxis—reflection and action—the oppressed can be liberated. He further asserts that, the oppressed cannot be liberated by their oppressors (Freire 1970). In this light, Prezeis might offer the perfect balance of struggle and opportunity. The Prezeis process opens the door for women to engage in dialog about how they want to construct their communities and community life. With the support of NGO's like Espaço Feminista and other agencies, they women will learn their rights and how to navigate the bureaucratic matrix that has kept others from titling in the past. In turn they will be equipped to take collective action give them the tools they need to face their oppressors—those men, women, developers, and state agents that might stand in their way. The struggle that remains may very well be the education in liberation praxis that is necessary for real change.

## ***Chapter 5: Lessons from Ponte do Maduro***

*“Everything we do now --voice, engage, dialogue, hold authorities to account-- connects to the changes we are seeing in women and the men of our community. It is not just the result of a house, understanding what is ours, but attitudes are changing from men and how they work with women.”*

-Patrcia Chaves, Director of Espaço Feminista, 2010  
in Huairou Comission Online Publication

In this thesis I highlight the contingencies of gender empowerment embedded in the premise, process and product phases of the Prezeis process. I situate Ponte do Maduro among a wealth of existing case studies that examine the relationship between women obtaining land titles and their empowerment. Previous studies look at the impact of titles on women and ask how have women's lives changed as a result of receiving titles. I focus on the time period between the "before" and "after" of titles—the titling process. I highlight the "before" only to give context to the present. I ask how can women engage in processes that disrupt and transform gender relations in ways that are empowering. I see titles as the goal or product of titling, though during the titling processes much more than legal tenure is negotiated. For this reason I ultimately believe that the titles themselves are not empowering, however, the titling processes has the potential to be. While they formalize a legal relationship between women and several actors and institutions they fall short of addressing all the ways, other than through a legal relationship, women interact with these actors and institutions.

The Ponte do Maduro case study illustrates the need to focus attention on the titling processes as a critical part of where the struggle over empowerment is won or lost. Prescribing titling without careful awareness of the socio-political and cultural context of how the titles will be distributed and under what conditions is irresponsible—all titling is not equal. As Bernstein suggests more broadly of titles, they fulfill a wide array of divergent political projects (Bernstein 2002). The agenda of these projects is inscribed in the titling processes itself. Further research should collect the women's experiences and eyes from the ground in order to delineate how women themselves experience the titling process and the changes that titling brings them. Further activism should be targeted at pushing for transformation of gender relations.

Interviews with women and a review of the literature delineate the complexity and contradictions of the titling process. Women face many obstacles to get titled and to assert their right to other rights after they are titled. Past case studies reveal that titled-women get access to new economic opportunities that give them “a say” in the best case scenarios, though whether their status as title-holders represents a meaningful shift in power relations relative to men and institutions is highly context dependent. Regardless, giving titles to individual women does not address gender issues or empower women more broadly. Change in the law or economic status of certain individuals is not indicative of societal transformation and end of structural oppression that is at the core of the activist agenda. Instead, titles may incorporate some women into a titled class of residents.

Espaço Feminista’s is capitalizing on the flexibility of Prezeis to construct a uniquely gendered process of titling that will lead to lasting empowerment for women in Ponte do Maduro. The Prezeis titling process, happening now in Recife, is capitalizing on the opportunity to confront gender inequity by including gender components and advocates in the processes. Espaço Feminista pushes the Prezeis processes towards its gender equity goals by educating and training women community leaders who will in turn work with community members, specifically women, to access the titles when they become available. Espaço Feminista’s street team of women leaders is empowered both with critical information regarding the Prezeis process and with status as mediators and educators within the community. The Ponte do Maduro titling process moves beyond a historical trend of legal empowerment towards broader transformation of women’s roles within the home, community and society. The necessity of Espaço Feminista’s contributions to women in Ponte do Maduro illustrates that empowerment is won or lost in a series of struggles that start with—rather than being resolved by—legal equity or

titles. The organizations work to document the process through research attempts to institutionalize a process of titling for gender empowerment that can be used to help other women fight for land tenure and their own empowerment.

The Prezeis process represents an important departure from State led development because it democratizes that landscape of decision-making. However, the Prezeis process can be seen as the State sharing power with residents or shifting its responsibilities onto the public in line with neoliberal trends. The process therefore has the potential to be empowering or silencing. It is merely a vehicle directed by those driving it. To a large degree Espaço Feminista and its international collaborators have been driving the gender focus at all three tiers of power suggested by Lukes. A majority of Espaço Feminista's work takes place in conjunction with or outside of the work done by the State emphasizing that Prezeis serve women best when there are advocates who work in solidarity with the community to realize the community's goals—Prezeis alone is neither progressive nor oppressive. The process of struggling to make sense of, navigate and exploit the new socio-political and legal structures may be part of the political education necessary to empower women.

The issue of men and man's role within the community needs further attention. Dealing with constructions of masculinity is beyond the current scope of work for Espaço Feminista and not currently being addressed within the Prezeis process. However, dismantling patriarchy and machismo depends on, not only strengthening women to endure obstacles but also, demanding that men not continue to be the authors of, or are complicit in, women's oppression. Redefining men's roles in relation to women's newly defined roles is important for resolving tensions that will arise in departing from traditional gender roles. This is the next frontier of gender empowerment work that needs to be done in Ponte do Maduro.

Ultimately, gender empowerment work should not be the work giving women tools to better cope with oppression, but of fundamentally undoing the structures that govern women and men's relationships that are unequal.



12. Espaço Feminista in front of Santo Amaro branch office. *Source: Patricia Chaves*

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