Tenure Facility Pilot in Peru

Before Tenure Facility Support

- Peru has made significant progress in recognizing the land and forest rights of Indigenous Peoples through laws—but limited progress implementing the titling of collective rights on the ground. Throughout Peru, indigenous communities have insecure land tenure and their lands and forests are threatened by tourism, mining, illegal logging, and infrastructure projects. These threats have resulted in decades of violent conflict.

- According to the Interethnic Association for the Development of the Peruvian Rainforest (AIDESEP), more than 20 million hectares of the Peruvian Amazon claimed by Indigenous Peoples remain untitled. The government has not met its legal commitments to recognize new territorial and communal reserves, title indigenous territories at the village level, and complete the demarcation and cadastral updating of more than 1,000 indigenous communities.

- The lack of clear rights over their territories puts these communities at risk of losing the lands that sustain them, and weakens their position in contending with illegal logging and other threats to their lands. It also increases the risk of deforestation and the loss of their forests, which provide vital carbon storage and are key to combating climate change.

- Fifty-seven percent of Peru’s territory is forest, and much of that land is indigenous territory. Indigenous Peoples and local communities are the proven best stewards of the Amazon rainforest. Peer-reviewed research shows that titling community lands in the Peruvian Amazon led to an immediate and significant reduction in deforestation. Titling indigenous territories therefore represents a tremendous opportunity to contribute to the fight against climate change. Securing tenure will also reduce the conflicts that have plagued Peru, while setting the stage for sustainable and equitable development.

- International donors have been and are preparing to support Indigenous Peoples and the government of Peru in addressing these problems. However, there are longstanding challenges to overcome. The land rights of Indigenous Peoples have not been a political priority, particularly where they collide with expansion plans for tourism, extractive industries, and infrastructure. A lack of skills and resources within regional government institutions, indigenous organizations, and communities is also an obstacle to progress.

- Madre de Dios is a relatively small region of the Peruvian Amazon where the complex situation with respect to community titling is emblematic of much of Peru. In Madre de Dios there are seven Indigenous Peoples living in 33 communities, with a total population of about 890 people. Many of these communities require legal and physical clarification of their territorial claims before they can secure their titles in the public record. Here, some communities have been granted title without the necessary geo-referencing, which determines the geographic coordinates of indigenous territories; others have georeferenced titles, but they are not yet inscribed in the public record; while others have incomplete or defective titles. Until titles are geo-referenced and recorded in the national register, they remain insecure and communities remain vulnerable to land grabs in the name of industry or conservation.
• Madre de Dios is also home to Indigenous Peoples in Voluntary Isolation or Initial Contact (PIACVI) whose lives and lands are threatened by incursions from illegal loggers and miners, despite protections mandated by international law. They are vulnerable to common diseases and contact with the outside world can be fatal.

• Decades of struggle by Peru’s Indigenous Peoples to secure their rights, and the support of USAID, other donors, and many NGOs, set the stage for the Tenure Facility’s intervention in the country.

**Tenure Facility Success**

• The Tenure Facility pilot tested approaches for overcoming the challenges to titling in the region of Madre de Dios, where the land rights of indigenous and local communities are not a political priority, particularly when they collide with expansion plans for tourism, extractive industries, illegal small-scale mining, and infrastructure projects.

• With financial assistance from the Tenure Facility, the Native Federation of the River Madre de Dios and Tributaries (FENAMAD) focused on accelerating tenure security for indigenous communities, defending the rights of PIACVI, resolving land conflicts, and fostering good forest management in partnership with the Peruvian Society for Environmental Law (SPDA) and the Regional Government of Madre de Dios (GOREMAD).

• **FENAMAD, SPDA, and GOREMAD** tested a unique partnership between an indigenous federation, an NGO, and a regional government that can be scaled to resolve longstanding conflicts over land tenure and implementation problems throughout the country. In a departure from other projects in Peru, the Tenure Facility supported a collaboration between a Peruvian national NGO, and FENAMAD, at the request of FENAMAD. This unique partnership and support for an indigenous-led process allowed the Tenure Facility project to avoid bureaucracy and achieve success in a short period of time.

• **FENAMAD and partners** secured title and consolidated land-use plans for five indigenous communities covering 60,000 hectares and home to a population of 890 people in five communities, working together with the regional government of Madre de Dios.

• In addition, FENAMAD helped to protect the rights of Indigenous Peoples living in voluntary isolation by signing an agreement with the Ministry of Culture to carry out joint actions in favor of Indigenous Peoples in Madre de Dios. The agreement includes measures to strengthen systems for protecting PIACVI in the Madre de Dios Territorial Reserve, which covers more than 800,000 hectares. This progress built on previous work by the Peruvian RRI Coalition, which improved the legal framework for protecting PIACVI and initiated the procedure for categorizing three indigenous reserves.

**Scaling-up**

• International recognition of the importance of securing the land and forest tenure of indigenous and local communities to the global development and climate change agendas is increasing momentum for change in Peru, in large part due to the work of AIDESEP, the RRI Coalition, and
other organizations.

- FENAMAD and partners pioneered an innovative partnership between a regional government, indigenous federation, and NGO in Peru that can be a model for joint work between regional governments and Indigenous Peoples.

- The pilot built momentum for completing the titling process of all Indigenous Peoples’ communities in Madre de Dios, and positioned Indigenous Peoples in Madre de Dios to better protect their lands, forests, and waters, and improve their livelihoods.

**Spotlight on Boca Pariamanu**

- Boca Pariamanu is a community of 22 families, with a population of 85. They are members of the Arahuaca ethnic group. The community could not receive official title to their lands without determining the geographic coordinates of its land and resolving overlapping rights with two chestnut concessions and mines.

- With technical support from FENAMAD, the residents established the boundaries of their territory using modern technology. Their map was adopted by the community’s General Assembly as well as by the government.

- The community has not yet received official collective title. However, with its territorial boundaries clearly defined, it was able to resolve the land conflicts with the mines and one chestnut concession.

- The community is currently negotiating with the second chestnut concession, and expects a favorable outcome soon. When this conflict is resolved, the government will be able to process Poca Pariamanu’s title. Although this process will take time, the residents of Boca Pariamanu are already better equipped to protect their land rights and their forestland, and negotiate with miners and others who threaten the territory they depend on for their livelihoods.

**Spotlight on Indigenous peoples in voluntary isolation and initial contact (PIACVI)**

- FENAMAD worked with the Ministry of Culture to strengthen a system for monitoring and defending the land and forest tenure rights of Indigenous Peoples living in voluntary isolation in the in the Madre de Dios Territorial Reserve, which covers more than 800,000 hectares. Incursions from illegal loggers and miners, drug traffickers, and tourists are pushing PIAVCIs to the limits of their territories and sometimes forcing them into contact, which can result in fatal epidemics, and sometimes violence. This new monitoring system includes a protocol for responding to emergencies that could threaten the lives of PIAVCI, who are vulnerable to common diseases, and other Indigenous Peoples. The system also trains forest rangers in indigenous communities to monitor the forest, record contacts, and enact the emergency protocol when needed. It builds on previous work by the RRI Coalition in Peru, which contributed to improved legal protections for PIACVI.
Spotlight on mapping: Indigenous territories are no longer invisible

The project created Peru’s first indigenous territorial map platform. Visit:
http://52.10.177.50/#map=1403.2767609548812/368364.59/8704624.05/0

Resources

Indigenous land rights in Peru
Book by Silvana Baldovino, Program Director SPDA, “A first look: Legal situation of rural land tenure in Peru”
http://www.spda.org.pe/wpfb-file/tenencia-de-tierras-silvana-baldovino-libro-completo-pdf/

About Indigenous Peoples in Voluntary Isolation or Initial Contact (PIACVI) in the region of Madre de Dios
Publication by anthropologist, Beatriz Huertas:
Video by FENAMAD:
https://www.youtube.com/watch?v=dJ0BQJ-C7YI

About FENAMAD
Video by FENAMAD:
https://www.youtube.com/watch?v=n0jetFNVaWc