



An Ear to the Ground

**Tenure Changes and Challenges for Forest
Communities in Latin America**

THE RIGHTS AND RESOURCES INITIATIVE

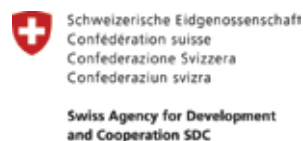
The Rights and Resources Initiative is a global coalition to advance forest tenure, policy, and market reforms. It is composed of international, regional, and community organizations engaged in conservation, research, and development.

The mission of the Rights and Resources Initiative is to promote greater global action on forest policy and market reforms to increase household and community ownership, control, and benefits from forests and trees. The initiative is coordinated by the Rights and Resources Group, a nonprofit organization based in Washington, D.C. For more information, visit www.rightsandresources.org.

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Tenure Changes and Challenges for Forest Communities in Latin America

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Children play on Mayan ruins in Ocho Piedras, Uaxactun, a community concession for forest resource extraction in Petén, Guatemala. Photo by Peter Leigh Taylor.

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ABSTRACT

The Rights and Resources Initiative (RRI) “Listening, Learning and Sharing Launch” (LLSL) was designed as an “ear to the ground” for hearing the assessments and concerns of NGOs, community organizations, politicians, scholars, and governments in lowland tropical forest countries around the world. With limited financial and human resources dedicated to this, the exercise attempted to gather these inputs, concerns and perspectives to help shape the unique effort ‘under construction’ in RRI to bring the voices, experiences and current issues of communities and social movements to planning ways to break the logjam that is impeding progress in improving management of the world’s forests. We realize the sense of urgency, as we are at a time when the world is faced with global climate change and needs to maintain and expand forest coverage while protecting the local livelihoods that also contribute to protecting global ones.

In the Latin America LLSL, information, analyses and interpretations were gathered regarding trends and issues through desktop research, case studies, interviews, field visits, and researchers’ participation in regional events. Given the significant forest area now under indigenous peoples’ claims and/or control, special emphasis was given to gathering perspectives on tenure and poverty issues among indigenous communities.

Latin America differs from the Asia and African regions in several major ways that are relevant for our discussion. One in particular is its singular history. In the year 1600, some estimates claim that only 5% of the original native population remained after being decimated by post-Conquest epidemics. As a consequence, the region’s indigenous institutions and customary laws were severely damaged and destroyed. Another is that Europeans took over political control, concentrated on resource extraction, and transferred some 9 million Africans to the Latin American region as labor to replace those natives lost to epidemics. Many of these Africans lost their lives, languages and institutions in slavery or intermarried with native peoples to form new, Afro-caribbean identities. Spanish and Portuguese became the *lengua franca*, largely replacing local languages, and forests reclaimed the landscape, providing cover for reconstituted, refugee indigenous and ex-slave groups. By the mid 1850s, most customary rights were extinguished, or sent ‘underground’ and the state and/or private enterprises (*latifundios*) controlled forests and agricultural lands, and rural communities were largely held in debt peonage. In subsequent Revolutions from the 1860s onward, debt peonage was slowly reduced and tenurial rights were haltingly redistributed, reconstructing collective tenure for rural communities in limited areas, largely outside the forest. Different scenarios unfolded in each sub-region. In some areas the rubber industry penetrated the forests in the late 1800s and later the oil and mining industry from the early 1900s to the present, encountering and bringing a new cycle of destruction to the remaining indigenous communities of South American forests. Indigo, cochinitilla and coffee plantations expanded over forest lands in Meso-America provoking similar consequences. Subsequently, cattle ranching and industrialized agriculture, particularly crops such as sugar cane, cotton and soy beans began to drive the ‘agricultural frontier’ into the lowland tropical forests of all of Latin America.

During the past decade (1995-2005), there have been significant changes in tenurial regimes in forested areas in Latin America in response to several drivers, such as decentralization, the expansion of conservation areas and most importantly the continued and new self-identification of native peoples and exclaves as autonomous peoples. Indigenous rights have been incorporated into national Constitutions with Inter-American Court decisions encouraging countries to uphold indigenous rights to territory and self-determination. As a consequence, today some 65% of the world’s forests held under some kind of community tenure (recognizing customary tenure rights or transferring management and administration rights to community

entities)—both indigenous and non-indigenous (“peasant”), are found in Latin America, accounting for approximately 20% of the world’s standing forests in the lowland tropics.

Given the dimensions of this structural reform and the significant shift in the resource base in favor of local communities, RRI is concerned with whether and how such trends can bring real, measurable and sustained benefits to local peoples, while providing stewardship to the forests. Some of the key questions guiding the LLSL were: Do forest-dwelling people with titles and other tenurial instruments registered in their names feel that they have tenurial security? Are they positioned to and capable of asserting their rights and know how to use the political system to work for them? Why has deforestation in the forests continued? Has the social activism to gain tenure transformed into a capacity to maintain and benefit from it? How do the goals of forest dwelling peoples differ from other rural property holders with more individual rights and identity?

Forested regions are also identified as areas with high poverty incidence. The concerns of RRI were to better understand: Is the forest a poverty trap? Or are poverty measures inadequate for measuring livelihoods and well-being in forests? Even further, what are the local perceptions of the definitions and meanings of poverty? What limits the emergence and growth of forest-based enterprises as means for improving rural livelihoods?

This synthesis report summarizes key findings regarding recent trends, issues and opportunities in the tropical forests of the Amazon Basin and Central America, formulated mostly from the perspective of those groups and communities who are experiencing tenurial reforms and struggling to reap the potential, implied benefits of forest ownership.

Opportunities for RRI and its Partners to help assist deepen and expand local rights may lie in countries where substantial forest areas are already in the hands of communities. These are places where RRI’s goals could include helping to increase the security of tenure regimes in collaboration with civil society. Or opportunities may alternatively lie in focusing on countries where tenure reforms and anti-poverty programs remain weak. In both of these contexts, there is a need to shift the frame of the discourse by supporting processes that enable local indigenous, traditional peoples and *campesino* communities to use alternative forest management approaches that build on traditional values and practices, and exploit the forest’s multiple livelihood values, as well as opportunities for strengthening initiatives for expanding community forest enterprises (CFEs) as a means for reducing poverty.

EXECUTIVE SUMMARY

BACKGROUND

From 2005 to 2007, the Rights and Resources Initiative (RRI) conducted a scoping process called the Listening, Learning and Sharing Launch (LLSL) of the RRI coalition. The LLSL was implemented through collaboration with global, regional and local partners, and focused on selected tropical, lowland forest countries within three regions – Latin America, Asia and Africa.

The LLSL is a unique effort to bring the voices, experiences and current concerns of communities and social movements to break the logjam that impedes progress in improving management of the world's forests at a time when global climate change creates an urgent need to maintain and expand forest cover while protecting local livelihoods.

In Latin America, with Ford Foundation support, CIFOR led RRI in this endeavor, building on CIFOR's previous work on Forestry Decentralization and Social Movements to implement a series of scoping exercises on current trends of reform and change in community and indigenous forest tenure. ICRAF played the lead role for RRI in the Asian region, and IUCN led the RRI effort in Africa.

This report is a synthesis of the outcomes and insights from the LLSL scoping process in Latin America. Methods used in Latin American LLSL included: limited desktop research, interviews, field visits, analysis of meeting reports and strategic participation in regional events, by a group of about 10 people. Background papers commissioned included: a review paper (Taylor et al 2006) which analyzed existing literature and nine country-level case studies, and assessments of indigenous peoples' concerns and insights in Peru, Ecuador, and Venezuela (Cerdeña 2007, Kostishak 2007).

More in-depth case studies focused on: Colombia, Venezuela, Brazil (states of Acre, Amazonas and Pará), Peru, and Bolivia in the Amazon Basin; and Guatemala, Honduras, Nicaragua, and Panama in Central America. In addition, seven other countries were very superficially scoped as desktop surveys for limited data (Mexico, Ecuador, Surinam, Guyana, Argentina, Chile, and Paraguay). These background papers will all be available on the RRI website at www.rightsandresources.org.

The Latin American component of the RRI took a flexible approach looking for the opportune moments to listen in on multiple gatherings and meetings on related issues, interviewed relevant parties when they passed through Washington DC on other business, and participating in workshops organized by partners and others, or commissioning 'emissaries' attending these meetings to report back. The lead researcher for RRI in Latin America (D. Barry) gathered information during various international events. Three workshops were held in the region: one was an international workshop on community forestry held in April 2007, in Bolivia. That meeting brought together over 180 people – 69 representatives of Bolivian indigenous and *campesino* organizations, 54 representatives of Bolivian support organizations, 17 international participants (including community leaders and "experts"), and 18 people from Bolivian government agencies related to community-based forestry, and produced an agenda of issues to be addressed. A group of 14 participants from Mexico and Central America were invited through RRI, mostly community forestry leaders. A smaller meeting of key grassroots, academic and NGO leaders along with Nicaraguan officials was held in Granada, Nicaragua to discuss these issues, a smaller meeting with indigenous leaders from CIDOB, Bolivia helped to contribute to this exercise, and finally consultations with a range of NGOs or coalitions such as Amazon Alliance, Via Campesina/CLOC, CIEL and FPP contributed to this effort. An RRI co-sponsored international conference on community forest enterprises in July 2007 in Acre, Brazil provided another op-

portunity for inputs and discussion. In addition, CIFOR hosted meetings to review progress at global level, and a meeting in Brazil in 2006 to review regional progress.

Latin America contains diverse situations and trends at country levels. Nonetheless, as a whole the region differs from Asia and African lowland forest regions due to its singular history as a region where the majority of indigenous institutions and customary law were significantly transformed, severely damaged or destroyed, and replaced by European state-based administration systems 400 years ago. Post-Conquest epidemics killed 95% of the population in less than 100 years, between 1500 and 1600. Europeans quickly took over political control, concentrated on resource extraction, and transferred some 9 million Africans to the region as substitute labor to that of the decimated native population. Many Africans also lost their lives, languages and many cultural traditions in slavery, but some retained their identity or intermarried with native peoples assuming a new Afro-caribbean identity. Descendants form a significant part of today's population, particularly in Brazil.

From 1500 to 1800, Spanish and Portuguese effectively replaced the myriad of local languages, and forests reclaimed the managed forests, pasture and settled landscape, providing cover for reconstituted, refugee indigenous groups. By the mid 1850s, most customary rights were extinguished, and the state and/or private business (*latifundios*) controlled forests and agricultural lands, and rural communities were largely held in debt peonage. In subsequent Revolutions from the 1860s onward, debt peonage was slowly reduced and tenurial rights were haltingly redistributed, reconstructing collective tenure for rural communities in limited areas, largely outside the forest. The Mexican revolution was somewhat unique in that indigenous identity played a major role in the politics of the land tenure system which emerged. The rubber industry penetrated the forests in the late 1800s and the oil industry penetrated the area from the early 1900s to the present, encountering and bringing a new cycle of destruction to the remaining indigenous communities in South American forests.

During the past decade (1995-2005), there have been significant changes in tenurial regimes in forested areas. Certainly the largest forested areas have been affected, through reforms recognizing indigenous ancestral rights and incorporated into national Constitutions. Inter-American Court decisions further encouraged countries to uphold indigenous rights to territory and self-determination. Some 65% of the world's forests under some kind of community title are found in Latin America, accounting for approximately 20% of the world's standing forests in the lowland tropics. There have also been forest tenure reforms in non-indigenous lands involving traditional peoples and assimilated *campesinos* who derive their livelihoods primarily from forest resources, recognizing community forest administration rights or local government jurisdiction over public forest areas.

While the issues related to tenure, poverty and forests are well-known to grassroots groups who, based on their experiences, believe the issues share significant similarities across the region, the literature research revealed different definitions of tenure categories, gaps and uneven information in official data for forest tenure and poverty across Latin America. Official and unofficial data vary further by institution, classification system and time period.

Data collection for the analysis of forest resource tenure is constrained by varying definitions of tenure, a wide range of tenure types, disputes over ownership, and outdated and contradictory data. In addition, varying statistical categories devised to gather and analyze forest tenure data for management or regulatory purposes make it difficult to create a synthesis that shows the extent of poverty, community and indigenous resource tenure, community-based management or contested claims to forests. The spotty documentation also does not lend itself to assessment of the economic and ecological impacts of community-based forest management at a regional level. Conceptual issues about what differentiates a forest reform from an agrarian reform (access to resources vs. land) also emerged as a critical issue. It is therefore difficult to get a full and accurate picture across the region for any given time period. Nonetheless, using the above-mentioned mixture of methods, regional trends were identified while country-level cases illustrate the regional variation.

FINDINGS

Overall, the LLSL exercise found that while Latin America is noteworthy for the significant advances that have been made with transference of statutory or legal rights over forest lands (for community ownership or access), and the recognition and demarcation of indigenous territories including forests, the region faces a serious threat from incomplete reforms, overlapping legal frameworks and government jurisdictions, and new pressures on land and forests. The findings fall into the following five categories:

1. Significant but incomplete tenure reforms leave indigenous peoples and peasant communities in precarious circumstances exposing them to counter claims and excluding them from green and regular markets and other investment opportunities related to their control over forests;
2. Forest tenure reform processes have been chaotic, involving overlapping legal frameworks and administrative responsibilities. These obscure the nature of the reform and raise the costs of securing tenure rights and enable corrupt leaders and outsiders to exploit the discrepancies at the cost of local communities;
3. The regulatory and legal framework of the forestry-environmental management sector applied to natural forest areas has a high cost of compliance and can stand in the way of supporting traditional agro-ecological systems and systems of community forest management that are both conservation friendly and adaptive to climate change, as well as more suited to local livelihoods;
4. Many indigenous organizations propose the demarcation and titling of large multi-community territories as a strategy to defend their ancestral lands against incursion, and protect livelihoods and cultural identity. Such a scale of single title implies/requires the need for the creation of overarching or supra-community governance structures at the larger landscape level, that normally do not exist. The outcomes and success of this strategy vary considerably.
5. The region has some exemplary community-based forest enterprises in the wood, non-wood, tourism, and environmental services but these are poorly understood and appropriate lessons are insufficiently disseminated;
6. Internal constraints also limit local communities' ability to conserve and effectively utilize their forest resources, including poorly equipped social organizations, difficulty in building alliances between indigenous and non-indigenous groups, and increasing pressures to employ land or timber sales as a short term survival strategy.

SIGNIFICANT BUT INCOMPLETE TENURE REFORMS IN THE FOREST SECTOR

Over the past two decades, significant efforts have been made in many Latin American countries, with strong international support, to reform land and forest tenure both to recognize rights as well as to serve as a precondition for development and reduced social conflict. The World Bank alone invested \$960 million from 1996 to 2006 in land and forest administrative modernization and tenure reforms. Indigenous *comarcas* in Panama, indigenous lands and sustainable-use conservation areas in Brazil, indigenous and Afro-Colombian *resguardos* in Colombia, Nicaraguan indigenous territories and Bolivian "TCOs" (lands of original communities) are examples of legal regimes granting significant rights. Nonetheless, despite the high investment aimed at improving the clarity of rights, progress is uneven and supposed rightholders (communities) have taken actions that indicate they have insufficient long term tenurial security to resist pressures for short-term exploitation of their forests.

In almost all cases, alienation rights are also not transferred in the tenure package, leaving the 'ultimate' right to sell the land (or take back the above rights) with the state and creating a fundamental dilemma for tenure security, particularly for indigenous lands.³ How secure are the rights once transferred?

How much do incomplete legal reforms, undermined by faulty or contentious procedures for land titling and registry, create insecurity? What are the impacts of the State's alienation rights, and how do actors construct and defend the legitimacy of their rights? Finally, what does it mean to have secure forest tenure, if subsoil rights are granted beneath your very land and can supersede surface rights?

ENVIRONMENTAL, LEGAL AND REGULATORY FRAMEWORKS CREATE A BARRIER FOR TENURED COMMUNITIES TO ASSUME MANAGEMENT CONTROL AND DEVELOP SUSTAINABLE AND SOCIALLY GROUNDED ENTERPRISES

The forest policy and tenure reforms that are unfolding are not characteristic of the agrarian reforms of earlier years, where forest and cleared lands were transferred to peasants for agricultural purposes, in keeping with the dominant rural development paradigms of the time (Delgado 1965; Thiesenhusen 1995). This process, which we label a 'forest reform', aims to either recognize existing or transfer new land and forest tenure rights to smallholders and local communities, differing from previous agrarian reforms in several fundamental ways. For example, land titles or rights are granted with the understanding that the forest resource should be maintained, in many cases the rights gained are to manage and use forest resources, not the land *per se*. In most cases alienation rights to the land are still held by the state, thus, land does not become a market commodity. Most of the reformed forestlands are being demarcated and titled as collective or communal properties—with and without commons—and an important portion of these lands represent claims that have been won by indigenous and ethnic groups, based on cultural identity and ancestral possession. Forest reforms, however, are also reshaping the recognition of property rights to smallholder colonists, since new tenure models tend to embrace them as well.

However, the underlying objective of conserving the forest emerges through cumbersome regulatory frameworks. Thus, the management rights are rarely fully transferred, as environmental regulations usually put external restrictions on decision-making for resource use. Second, forest agencies define jurisdiction by defining land vocation or use as 'forest' failing to recognize agricultural or other land uses within an area designated as 'forest' or the multi-dimensional livelihoods attached.

While different forms of Community Based Forestry (CBF) offer an alternative for poverty alleviation, there is a clear disproportion between the discourse and advance of tenure reforms relative to national plans for expansion of the corollary investments needed to make the CBF model work. Most efforts are aimed at direct projects, pilots or demonstrations without the enabling environment to allow them to prosper and 'take off' at a significant scale. Lack of plans for expansion of credit opportunities and financial services, physical infrastructure and communications for market linkages, extension services (technical assistance, training, etc.) plague most countries' plans for either forest sector development or the inclusion of forest interventions in the larger goals of rural development. Issues related to 'doing business' work against CBF: permits, management plans, taxation, administrative and bureaucratic processes and corruption.

PERSISTENT OVERLAP OF LEGAL FRAMEWORKS AND ADMINISTRATIVE RESPONSIBILITIES RAISE THE COSTS OF SECURING TENURE RIGHTS AND FOSTER CORRUPTION AND ELITE CAPTURE OF RESOURCES

Key threats to the significant gains made in resource rights include fragile tenure and access frameworks. In some cases, this insecurity is related to insufficient state administrative and financial support; significant national and/or international opposition to expansion of natural resource rights; and complex and ambiguous or contradictory sets of overlapping tenure regimes, legislation, and regulatory institutions;

and in some cases the lack of physically-mapped land rights.² For example, in most countries, the origin of the indigenous land/forest claims is found at the level of the constitution and the country's signature of international accords. However, in only a handful of countries is there a government agency that deals with indigenous affairs. Implementation of demarcation and titling is therefore conducted by ministries, agencies or land boards that 'belong' to the agricultural sector. Then, in most cases the implementation is subject to the rules and regulations of public protected areas, and subsoil resource concessions creating significant instability for communities and indigenous groups seeking greater control over their territories. At the same time, in most cases, forest land and resource tenure reforms are taking place within a larger framework of administrative decentralization. There is a wide variation in the philosophical and practical commitment to community consultation and participation in these processes.

The tenurial frameworks vary by country, with states retaining more or less control over a range of resource management decisions. States may maintain ownership of the land, almost always continue to control subsurface resource rights, and in practice, areas formally granted to communities and indigenous groups are often sites of contention among multiple groups of actors, all with overlapping administrative or legal sanction.

Forest agencies and environmental agencies are mainly located under the authority of line ministries such as agriculture or ministries that also promote extractive industries. Thus, these weak forest and environmental agencies often end up in conflict with each other in national dialogues and in the field despite potential benefits of synergies. Government and donor visions and corresponding livelihood models also seem to be focused heavily on timber extraction by industry, missing the multiple local and global valuation of the resources.

INDIGENOUS STRATEGIES FOR LARGE LAND AND FOREST AREAS MEET WITH DIFFERING RESPONSES AND OUTCOMES

Many indigenous organizations propose the demarcation and titling of large multi-community territories as a strategy to defend their ancestral lands against incursion, and protect livelihoods and cultural identity. In many cases the proposal is to have as much contiguous land areas and largest scale possible, as historically ancestral lands were usually even larger. The internal perception is that grouping multiple communities across a larger territory will help to 'close out' the access of third party incursion and hopefully accelerate the titling process. While this may be true in some cases, multiple challenges emerge in response to this strategy. For example, some (mostly government, but also other sectors of society) express the concern that it is 'too much [land] for too few.' Such large scale single units titled implies/requires the need for the creation of overarching or supra-community governance structure at the larger landscape level. In most cases, traditional governance structures exist at the community level (some at the level of 'pueblos') and the process of creating this new entity requires time, experimentation and flexibility. This runs counter to the need of government agencies to deliver the title to a collective entity in the short term. In some cases, where large indigenous territories near agricultural frontiers have been demarcated and titling has begun, and where governance structures are weak, it has unleashed an increase in third party incursions for rent seeking activities (open access behavior).

INCREASING PRESSURES COME FROM WITHIN AS WELL AS FROM WITHOUT

The communities and indigenous groups exercising increasing control over the region's forest resources tend to be impoverished. Overall, some 43% of Latin America's population is reported to live in poverty. The indigenous population represents between 10-30% of Latin America's total population, depending

on the statistics used. Indigenous peoples also account for the highest and most intractable poverty rates. Severe rural poverty and remaining natural forests tend to share overlapping space, but concentrations of severe poverty occur outside forests and in cities as well.

In many countries and cases, conservation organizations and interests were imposed in opposition to community strategies to access forestlands. However, over the course of time, rethinking and negotiations led to new kinds of agreements built upon underlying shared concerns for maintaining forest cover, and strategies to advance livelihood options.

The near universal reluctance of states to give up rights over subsoil resources results in significant tensions and conflicts among groups with overlapping claims to forest areas and creates insecurity about the future. Communities have little or no recourse for indemnification for damages caused by industry on water, land or forest resources. Ongoing problems with corruption and rural violence, racism and gender inequities represent additional threats. Globalization's focus on privatization and attracting foreign investment also threatens to undermine community and indigenous group gains, balanced by the advantages new global networks bring in the form of organizational and information resources that community based organizations and movements are employing to their advantage.

Competing claims for forest are in many ways different from competing claims for agricultural land, although both may pit powerful national and global interests against local communities' interests. Increasing market demand for soy, palm oil and the rapidly expanding infrastructure for transporting commodities across Central and South America are pushing more poor farmers into the forest. In addition, to meet demands for adapting to and mitigating global climate change, governments are increasing the restrictions on forested lands to qualify for various payment schemes for carbon sequestration, payments that rarely reach those communities who protect forests. Many grassroots organizations are echoing their members' fears that these trends could 'roll back' rights they have gained or had recognized legally.

NEW ALLIANCES CREATE NEW PRESSURES FOR INDIGENOUS PEOPLES AND COMMUNITIES

The relationship between forest conservation and poverty is more complex than once assumed. The relationship may vary by type of forest-human interface and by poverty rates or poverty densities. People in forests tend to be poor because of geographical remoteness, histories of colonization and struggle to control and benefit from the extraction of resources. At the same time, they tend to employ diversified livelihood strategies in which timber and nontimber forest products and services are sources of supplemental income and serve as safety nets. Many quantitative measures of poverty - based mostly on income - do not fully capture the cultural and social values, aspirations and practices of indigenous, as well as non-indigenous rural peoples.

There is increasing suspicion and evidence that the interests of the international organizations for biodiversity conservation are shifting, beginning to ally themselves with industrial interests across the region (e.g., timber industry, mining/oil industry, tourism industry) rather than allying with indigenous and non-indigenous people, who are trying to assert their rights gained from tenure reforms. Some government policies and programs in the region recognize the connections between poverty and natural resources. However, most official programs have very weak presence in rural areas, particularly in isolated forest regions. And in general, with some exceptions (such as in Central America and Brazil), the links between natural resource and poverty alleviation policies tend to be poorly developed in practice. International donors and agencies support initiatives to marry conservation and poverty reduction goals, experimenting with a range of private/public partnerships, market-based activities and civil society efforts to influence policy. With the advent of climate change initiatives (mitigation and adaptation)

the scenario becomes even more complicated. Social movements pursue different and uneven strategies that seek to increase civil society's engagement with government decision-making; sometimes linking concerns about illegal logging and mining/oil damage with these larger movements for peace and justice.

THERE ARE SUCCESSFUL EXPERIENCES IN COMMUNITY-BASED FORESTRY AND FOREST-BASED ENTERPRISES WELL LINKED TO THE MARKET BUT THESE ARE POORLY DISSEMINATED

Latin America has successful community-based forestry (CBF) approaches and results, but they are few and not well disseminated. Mexico provides a wealth of varied and successful approaches to CBF at scale, brought about through forest and land tenure reforms at independence, responding to local social struggles. Guatemala, Panama, Peru and Bolivia have selected cases where significant gains have been made. However, this body of living evidence of alternatives is little understood and poorly disseminated by forest sector policy makers, academics, conservationists, and even community leaders themselves (both forest and agrarian). More research, dissemination, and horizontal learning are needed to offer insights and models to inform and inspire more broadly.

We found that even the most independent and successful community-based enterprises (CBEs) have some relation to the larger timber industry and certainly commercial actors. Yet, there appears to be lack of knowledge or understanding of both how the larger timber sector operates and the linkages between them and small producers. Recent research suggests two possible trends in the strategies of these actors:

- The existence of a significant web of informal actors and linkages toward communities from concessions, mills, and market agents. *Proveedores* and *habilitadores* serve as sources of credit, fronting funds for field/production costs to direct small-scale loggers, truncating community opportunities for development. These issues are different in domestic and international export markets.
- Indications that the timber industry in some countries may be moving away from *directly* owning or controlling land/forest resources to ensure supply to structuring their control over the 'sector' through innovations/modifications from the market side. This could actually provide opportunities or threats for smallholders/communities, but it is not clear which will happen under what conditions.

There is a lack of knowledge about timber concessions and the timber industry and their impact on the forests or their linkages with other sectors of rural investment—cattle ranching, large-scale agriculture (bio-fuels, etc.).

The recent trend of focusing on market linkages for CBF communities are more often than not built on seriously flawed assumptions, and thus run the risk of setting up doomed interventions. Consequences of participating in these can be devastating to local communities and forests. Some major concerns include:

- Enterprise models are extracted from large industry experience and not tailor-made to the needs of emerging community enterprises, which are fundamentally different.
- Types of market and enterprise models promoted by governments and development agents do not reflect the interests or social and cultural conditions of communities
- Certification as a forest management standard raises the bar for entry into timber production, creating high costs and unrealistic expectations for local communities, limiting options prematurely and inhibiting the evolution of other kinds of enterprises that could ultimately lend to more sustainable management over the longer term.
- Sometimes, NGO's promoting certification end up with strategies that are more aligned with industry, in possible detriment to communities. (For example, an overly-strong focus on supplying certified board-foot to meet program quotas.)

INTERNAL CONSTRAINTS ALSO LIMIT LOCAL COMMUNITIES' ABILITY TO CONSERVE AND EFFECTIVELY UTILIZE THEIR FOREST RESOURCES

- Not all forest dwellers want strong market ties, nor agree on how to build organizations to manage enterprises. Some have seen that the dominance of the market logic clashes with their social structures and cultural values, creating stratifications that undermine their collective goals.
- Others have adopted this route because they see it as a defensive maneuver; hoping that if they have management plans, the government or others cannot take the forest from them. (*produccion defensiva*)
- Still others have embraced the enterprise models being promoted for communities struggling with the uneven benefit sharing within the community and high social price of capitalization.
- Community/grassroots organizations differ with respect to the 'new' markets being developed for environmental services. Indigenous communities are split on whether or not to seek this opportunity, due to notoriously bad experiences or because they are opposed to them ideologically. Other forest groups do not see that the reward (payment/compensation) will ever cover their transaction costs.
- Awareness is increasing about the complexity of the institutional arrangements that are needed to even attempt to develop enterprises and forest management models, and much of the discussion is around how to assure no 'harm is done.'

1

INTRODUCTION

From 2005 to 2007, the Rights and Resources Initiative (RRI) conducted a scoping process called the Listening, Learning and Sharing Launch (LLSL) of the RRI coalition. The LLSL was implemented through collaboration with global, regional and local partners, and focused on selected tropical, lowland forest countries within three regions – Latin America, Asia and Africa.

The LLSL is a unique effort to bring together the voices, experiences and current issues of communities and social movements to overcome the obstacles that are impeding progress in improving management of the world's forests, at a time when responses to global climate change mandate the maintenance and expansion of forests while protecting local livelihoods.

In Latin America, with Ford Foundation support, CIFOR built on its previous work on Decentralization and Social Movements to assist RRI in performing a series of scoping exercises on the current trends of reform and change in community and indigenous forest tenure. ICRAF assisted RRI in the Asian region, and IUCN assisted RRI in Africa.

This report is a synthesis of the outcomes and insights from the LLSL process in Latin America. Methods used in Latin American LLSL included: desktop research, interviews, field visits, and participation in regional events. Background papers commissioned included: a review paper (Taylor et al 2006) which analyzed existing literature and nine country-level case studies, and assessments of indigenous peoples' concerns and insights in Peru, Ecuador, and Venezuela (Johnson 2007, Kostishak

2007). The nine in-depth case studies focused on: Colombia, Venezuela, Brazil (states of Acre, Amazonas and Pará), Peru, and Bolivia in the Amazon Basin; and Guatemala, Honduras, Nicaragua, and Panama in Central America. In addition, seven other countries were very superficially scoped as desktop survey for limited data (Mexico, Ecuador, Surinam, Guyana, Argentina, Chile, and Paraguay).

The Latin American component of the RRI took advantage of ongoing activities, and used an opportunistic approach, interviewing relevant parties when they passed through Washington DC on other business, and participating in workshops organized by partners and others, or commissioning others who were attending these meetings to report back. The lead researcher for RRI in Latin America (D. Barry) gathered information during various international events. Three workshops were held in the region: one was an international workshop on community forestry held in April 2007, in Bolivia. That meeting brought together over 180 people – 69 representatives of Bolivian indigenous and campesino organizations, 54 representatives of Bolivian support organizations, 17 international participants (including community leaders and experts), and 18 people from Bolivian government agencies related to community-based forestry. The dialogue shared in these events produced an agenda of salient issues to be addressed. A group of 14 participants from Mexico and Central America were invited through RRI, mostly community forestry leaders. A smaller meeting of key grassroots, academic and NGO leaders along with Nicaraguan

officials was held in Granada, Nicaragua to discuss these issues, while another small meeting with indigenous leaders from CIDOB, Bolivia helped to contribute to this exercise. In addition, consultations with a range of NGO's or coalitions such as Amazon Alliance, Via Campesina/CLOC, CIEL and FPP contributed to the overall effort. Finally, CIFOR hosted meetings to review progress at a global level, and held a meeting in Brazil in 2006 to review regional progress.

While the issues related to tenure, poverty and forests are well-known to grassroots groups who, based on their experiences, believe the issues share significant similarities across the region, the literature research revealed official information gaps and uneven information on forest tenure and poverty across Latin America. Official and unofficial data vary by institution, classification system and time period.

Analysis of forest resource tenure is constrained by varying definitions of tenure, a wide range of tenure types, disputes over ownership, and outdated and contradictory data. In addition, varying statistical categories devised to gather

and analyze forest tenure data make it difficult to create a synthesis that shows the extent of poverty, community and indigenous resource control, or contested claims over forests in the region. The spotty documentation also does not lend itself to assess the economic and ecological impacts of community-based forest management at a regional level. This situation made it difficult to capture a full and accurate picture across the region at any given time. Nonetheless the mixture of methods used help to identify regional trends while country-level cases illustrate the level of regional variation. As we mentioned, conceptual issues about what differentiates a forest reform from an agrarian reform (access to resources vs. land) was found to be emerging as a critical issue as well.

In addition, by including the expert opinions from communities and social movements, based on their lived experiences in the forests, this report taps another source of critical information and highlights the constraints and opportunities that can guide RRI and its Partners in their efforts to improve the environmental and economic conditions of the world's forests.

2

FOREST TENURE AND ACCESS IN LATIN AMERICA**2.1 TENURE DISTRIBUTION IN THE REGION**

Latin America contains diverse situations and trends at country levels. Nonetheless, as a whole the region generally differs from Asia and African lowland forest regions due to its singular history as a region where indigenous institutions and customary law were severely damaged and destroyed by the post-Conquest epidemics which killed 95% of the population in less than 100 years, between 1500 and 1600. Europeans quickly took over political control and transferred some nine million Africans to the region, many of whom also lost their lives, languages and many cultural traditions in slavery, but whose descendents form a significant part of today's population, particularly in Brazil. At the same time, from 1500 to 1800, forests reclaimed vast areas of the landscape. By the mid 1850s, most customary rights were extinguished, and the state and/or private business controlled the forests and agricultural lands, although small bands of uncontacted peoples (people in voluntary isolation) continued to live in remote forested areas. In subsequent Revolutions from the 1860s onward, tenurial rights were slowly redistributed, reconstructing collective regimes for peasant communities in limited areas outside the forest in most countries. During the past decade, there have been significant changes in tenurial regimes in forested areas. Indigenous rights have been incorporated into national Constitutions and Inter-American Court decisions

have encouraged countries to uphold indigenous rights to territory and self-determination. Nevertheless, deforestation has continued apace.

As a result of the tenure reforms in recent decades, approximately 57% of the area of the global forest estate under statutory community forest title (including both access rights and ownership rights) is in Latin America.³ The area of Latin America's forests under community title is large, and leads Africa and Asia in its area of forest under statutory community title. This is true in absolute terms (Latin America has 245 million ha in community forests, whereas Africa has 8.15 million ha and Asia has 164 million ha) and also in relative terms (Latin America has 78%, Africa has 1%, and Asia has 28%).⁴

Nevertheless, despite land and forest reforms, agricultural land distribution in Latin America remains highly skewed (see table 1).

Reliable information on the official distribution of forest tenure is difficult to find. Even in the countries that provide statistics specifically on forest tenure, data may vary among official institutions, classification systems may vary or overlap, and/or the numbers provided may only be estimates. For example, Brazil has a highly complex set of land classifications, with six categories of private lands (four pertaining to private agrarian reform settlement projects), and multiple categories and

TABLE 1. GINI COEFFICIENTS
FOR LAND IN LATIN AMERICA

Country	Gini Coefficient for land (1990)
Mexico	.58+
Guatemala	.84*
Honduras	.66
Nicaragua	.71**
Panama	.87
Argentina	.83
Bolivia	.76++
Brazil	.85
Chile	n.d.
Colombia	.79
Ecuador	.81
Guyana	n.d.
Paraguay	.93
Peru	.86
Suriname	n.d.
Venezuela	.88#

Source: <http://www.fao.org/es/ess/census/gini/table1.asp> for all countries unless otherwise noted. Data is very varied from different sources, though relative coefficients from the same source follow more or less the same pattern (see Jazairy, Alamgir, and Panuccio, 1992, cited in Herrera 2005)

+ From Jazairy, Alamgir, and Panuccio (1992)

* From CNOC/CONGCOOP (2004)

++ From Deininger and Olinto (2000) cited in World Bank (2004)

** From Bandiera (2004)

From FAO (2006)

subcategories of public lands (seven sustainable use conservation areas which may be formed at the federal, state or municipal level, three types of agrarian reform sustainable use settlement projects and collective indigenous lands). Data is often only available for some categories or sub-categories, and not all categories necessarily coincide with the defined forested areas.

Table 2 presents forest ownership in Latin America's 16 most forested countries, and demonstrates the general lack of consistent data on forest tenure. The two sets of data highlight show how

diverse research and analysis methodologies may alternatively reveal or obscure key dimensions of forest tenure. Both sources draw heavily on government sources for their forest ownership and tenure statistics, and employ ownership data from the late nineties and early 2000s.

A key difference between the two studies' methodologies involves the categories each utilizes to classify ownership. Both divide ownership categories into public and private forests. However, the public/private categorization masks the actual complexity of tenure arrangements and their rules. What individual or collective actors are involved in ownership? Is there common property or not within the context of the collective? What rights does ownership confer to use and exploit land and resources? What type and degree of government oversight is involved? What degree of alienability of land and resources to third parties is permitted, for example, inheritance? How secure are ownership rights in legal and political terms? Community and indigenous group control of resources is found both in public and privately held forests. There are many combinations of such rights, but they can be grouped into the following large categories:

- Use rights, such as the right to:
 - access the resource (for example, to walk across a field)
 - withdraw from a resource (pick some wild plants)
 - exploit a resource for economic benefit
- Control or decision making rights, such as the rights to
 - manage (plant a crop, decide what tree to cut, where to graze)
 - exclude (prevent others from accessing the field or forest)
- Alienation, the right to
 - rent out
 - sell, or transfer the rights to others.

"Ownership" is often thought of as holding the complete bundle of rights over a particular resource, such as land. Accordingly, Figure 1 illustrates an "ideal type" of distribution of the bundle in public, common, and private ownership regimes. Note

TABLE 2. FOREST AREA AND OWNERSHIP IN SELECTED LATIN AMERICAN COUNTRIES. MILLIONS OF HECTARES (PERCENT OF COUNTRY TOTAL)

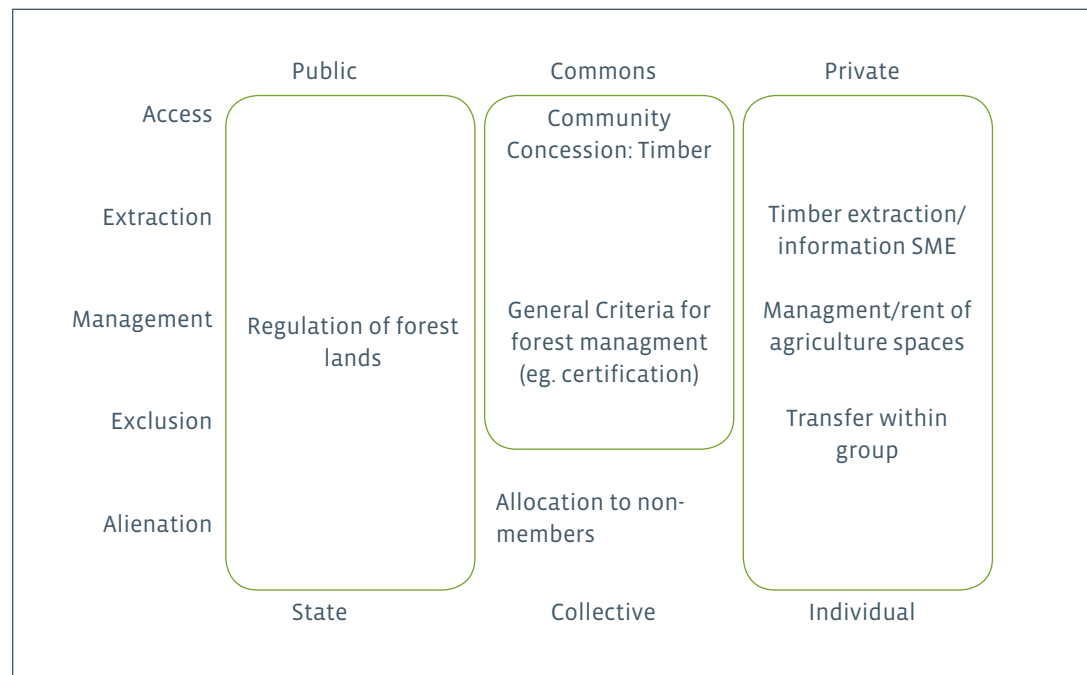
Country	Public						Private			
	Total forest (FAO 2006)*	Percent forest cover (FAO 2006)*	Total (FAO 2006)*	Administered by government (Sunderlin et al 2008)	Designated for use by communities and indigenous peoples (Sunderlin et al 2008)	Total (FAO 2006)*	Owned by communities and indigenous peoples (Sunderlin et al 2008)	Owned by individuals and firms (Sunderlin et al 2008)	Other (FAO 2006)*	
Mexico	64.2	(33.7)	(58.8)	n.d.	0.0 (0.0)	(0.0)	38.71	n.d.	(41.2)	
Guatemala	3.9	(36.3)	(42.2)	n.d.	n.d.	(52.5)	n.d.	n.d.	(5.3)	
Honduras	4.6	(41.5)	(75.0)	n.d.	n.d.	(25.0)	n.d.	n.d.	n.d.	
Nicaragua	5.2	(42.7)	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.	
Panama	4.3	(57.7)	(9.6)	n.d.	n.d.	(90.4)	n.d.	n.d.	n.d.	
Argentina	33.0	(12.1)	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.	
Bolivia	58.7	(54.2)	n.d.	22.88	19.52	n.d.	9.04	1.10	n.d.	
Brazil	477.7	(57.2)	n.d.	88.56	25.62	n.d.	109.13	198.00	n.d.	
Chile	16.1	(21.5)	(24.9)	n.d.	n.d.	(73.1)	n.d.	n.d.	(2.0)	
Colombia	60.7	(58.5)	n.d.	33.23	0.00	n.d.	27.50	0.00	n.d.	
Ecuador	10.9	(39.2)	(77.1)	n.d.	n.d.	n.d.	n.d.	n.d.	(22.9)	
Guyana	15.1	(76.7)	(66.3)	n.d.	n.d.	(33.7)	n.d.	n.d.	n.d.	
Paraguay	18.5	(46.5)	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.	
Peru	68.7	(53.7)	(83.1)	42.34	2.86	(15.7)	12.62	5.29	(1.7)	
Suriname	14.8	(94.7)	(99.7)	n.d.	n.d.	(0.3)	n.d.	n.d.	n.d.	
Venezuela	47.7	(54.1)	n.d.	47.70	0.00	n.d.	0.00	0.00	n.d.	
Latin America Total (all cases)				234.71	48		197	204.39		
Total: 30 most forested countries globally (all cases)				2467.78	78.82		349.10	466.13		

* Total forest and percent forest cover from FAO (2006) are based on 2005 data, but ownership percentages are based on 2000 data.

+ Calculated based on the areas and percentages presented.

** FAO (2006) includes data on wooded lands as well. This is not included here, but it is worthy of note that this is substantial in some countries: Mexico, 20.2 million hectares; Argentina, 60.7 million; Chile, 13.8 million; Colombia, 18.2 million; Peru, 22.1 million; Venezuela, 7.4 million.

FIGURE 1. THE COMPLEX DIMENSIONS OF TENURE



that, in public and private property, the state or individual is assumed to hold a complete bundle of rights, including alienation rights, but in most common property, the collective do not have alienation rights. (Barry and Meinzen-Dick, 2008 forthcoming)

Sunderlin et al (2008) reflect these ownership categories that aim to deal more effectively with the complexity of forest tenure. The public category is subdivided into forest land administered by governments and that is reserved for local communities and indigenous groups on a semi-permanent but conditional basis, or that is reserved for industrial concessions. The private category is subdivided into forestlands owned collectively by communities or indigenous groups or owned by individuals. The FAO has also recognized the need to better define the ownership and tenure related data to be collected at a global level; it is currently undertaking a pilot study of 17 Asian countries to collect detailed data on types of forest ownership and different levels of control of and access to forest resources. The goal is to identify a methodology that would permit the more complete and nuanced inclusion of tenure data at the global level for integration into the 2010 Forest Resources Assessment (FAO 2006).

Specific data on community forest tenure, or forest ownership by poor rural actors, is often only readily available with regard to indigenous land tenure over their lands/territories. And although more data are available on indigenous land tenure, which frequently overlaps with important natural forest areas, not all communities or individuals who have statutory ownership rights to or live in forests are indigenous, and not all indigenous communities have statutory or official recognition of customary tenure rights. Well-documented non-indigenous forest rights to administer forest areas for long periods of time include the community concessions in Guatemala's Petén, the sustainable use areas in Brazil, and the Local Social Associations (ASLs) in Bolivia.

A final concern is that forest agencies and environmental agencies are often subsumed under ministries that also promote extractive industries. Weak forest agencies and weak environment agencies often work at cross purposes in the national dialogues despite the potential benefits of working together. And indigenous territories have no line ministry or institutions which attend to their interests.

2.2 RECENT TENURE REFORM TRENDS IN THE REGION

In Latin America, the most common land reform has been agrarian reform programs focusing mainly on smallholder agricultural production. These reforms have not generally been favorable toward collective community rights, but oriented more towards individual land titling, although there are exceptions. In the case of the current forestland reforms, there appears to be a generalized weakness in terms of the landholders' recourse for excluding outsiders, particularly a problem as the state grants overlapping concessions to logging, hydrocarbon or mining companies.

It can be helpful, for the case of Latin America to distinguish between: 1) neo-liberal reforms (market-based land reform) designed to increase the amount of land that can be bought and sold as commodities; 2) forest and conservation reforms, designed to protect and manage forest and biodiversity resources and 3) demarcation of indigenous territories in response to human rights concerns. One of the central problems is that in most countries, all three of these reforms end up being implemented by the same agencies, most often within the agricultural sector. Thus, forest access and tenure are shaped by these distinct but overlapping land and resource 'tenure regimes' or arrangements (Barry 2006) – in particular, those relating to agrarian reform, forest law, indigenous territories and protected areas. The goals of each are quite different, and therefore the forest reform is eclectic and lacks a clear vision, defined objectives or a consistent approach for implementation. Monitoring is sectoral, so each agency monitors progress, unaware that progress may entail conflict in another sector.

In this context, each step in the reform aimed at improving tenure rights may directly address only one or perhaps two tenure categories, leading to overlapping legal and institutional frameworks and contradictory policies. In Bolivia, for example, agrarian reform procedures can continue to promote clearing of threatened forests, undermining communities'

new rights to access and manage forest resources effectively in the same region. Subsoil resource rights trumps all the other land reforms, as these resources remain in the hands of the state and concessions for their extraction can be granted without the surface land/forest holders' consent. Once the subsoil rights are exploited and bring negative consequences to the forest dwellers, there are almost no channels of legal recourse for their grievances.

The rights of communities and local groups to forests nonetheless have generally increased in the past two decades. Evidence for this includes the expansion of the indigenous *comarcas* in Panama, accounting today for 20% of the national territory; Nicaragua's 2002 Communal Lands Law recognized indigenous rights over lands they traditionally occupy and the delivery of the first five titles in 2005; the recognition of the rights of indigenous peoples and *quilombolas* in the 1988 Constitution and of traditional peoples (by federal, state, and municipal institutions) to land and forest resources in Brazil; the recognition, regularization of 19.5 million hectares and titling of 4.2 million hectares of indigenous lands in Bolivia; the 1987 recognition of the integrity of communal property and 1993 recognition of indigenous land claims in Peru; the designation of over 30 million hectares in Colombia as indigenous *resguardos* and the 1991 Constitutional recognition of indigenous and Afro-Colombian groups' ancestral rights to traditionally-occupied territories; and the recognition of indigenous rights to the use of natural resources in their territories in the new Venezuelan Constitution.

World Bank-supported land administration programs, which often focus on the upgrading of national cadastres and registrars, are important in many countries, particularly those of Central America. However, these efforts have had many implementation problems and appear to be out of synch with titling programs for indigenous or other ethnic groups, and also with the programs that the Bank

is supporting in the forest sector. Demarcation and titling for indigenous peoples, by its nature, needs to take into account their particular land use practices (such as in Honduras and Venezuela) and their collective governance structures, but has been criticized for failing to do so. In some cases, although countries may permit or even promote collective titling in some areas, many forested lands remain the property of the state granting only long-term rights to communities.

The market-led agrarian reforms have become an alternative for failed land redistribution programs but also with varying success. In Honduras, there was an attempt to create an innovative solution through PACTA, a market reform aimed at small producers and landless with a comprehensive package of financing and technical assistance so that the new owners could collectively develop productive capacity. This approach could be used in the forestry sector, with some adaptation. Since the 1990s, the World Bank has supported numerous market-oriented land reforms, including current support in Brazil, Guatemala and Honduras. The redistributive potential of this type of reform has been questioned, but none like PACTA which was unique due to the political economy of the actors in that case. At the same time other important innovations have been taking place, such as “joint titling to couples to promote gender equity; the regularization of indigenous peoples’ titles to communal lands; resettlement and institutional reforms in post-war contexts; and local initiatives to enhance communities’ ability to manage land in sustainable ways” (Baranyi et al 2004). A World Bank policy research report concluded that land tenure security, access and socially-desirable use are essential for growth, poverty reduction and good governance, and that redistributive land reform may be urgent in Latin America given the extreme patterns of land concentration (Baranyi, et al 2004).

Reform in different land and resource tenure regimes is also being promoted by grassroots and other civil society initiatives, posing significant potential for new effective civil society alliances as well as for divisive competition among diverse

groups. Potential for conflict arises across at least three different sources of division:

- Agrarian versus forestry approaches,
- Non-indigenous versus indigenous actors and
- Market-oriented versus conservation or spiritual categories.

In the agrarian reform realm, at least two important international civil society coalitions – Via Campesina and the Coordinadora Latinoamericana de Organizaciones de Campo – are coordinating land reform efforts by peasants and other social movements, and they have begun to gain the attention of bilateral and multilateral and bilateral agencies. In the forest sector, industrial concession models are in question, as are the regulations that govern management plans and permits to transport or harvest wood and non-wood products. Eco-labeling has emerged as a complement to command and control, but reaches a very small percentage of the actors. The agrarian social movements mentioned above starkly challenge the green market and fair trade approaches, questioning that they will be able to reform the larger market and reach a relevant scale.

In the realm of forest tenure reform, grassroots community movements and organizations such as ACOFOP in Petén, Guatemala; PCaC in Siuna, Nicaragua; the Association of Forest Communities in Loreto, Peru; COINACAPA in Bolivia and others (in Brazil, etc) are promoting greater community access to forest resources. It is important to note that in some countries (Bolivia is a strong example) non-indigenous and indigenous actors and organizations sometimes compete over the same lands, at times organized by state efforts (where they still see ‘empty lands’) and may have relations embedded in histories of distrust and racism. But, it appears that most of the competition is between larger private interests and the social movements (degraded lands for plantations/bio-fuels vs. agrarian reform; mountain areas for forest dwellers vs. dams/oil/mining/timber concessions).

In many cases, indigenous and non-indigenous groups share common interests, and may collabo-

rate in political efforts to gain access to forest resources and then cooperate in their management, as in Guatemala's Petén (Gómez and Méndez 2005), and Bolivia's lowlands (Pacheco 2006). On the other hand, differences in cultural and productive strategies may create obstacles to effective collaboration between indigenous and non-indigenous groups in seeking forest access rights, as Van Cott (2003) observes in Venezuela.

While indigenous groups are quite variable, in general indigenous and non-indigenous groups often make very different kinds of claims on forest resources. Indigenous groups, for example, may base their claims on ethnic identity, traditional territorial rights and ancestral cultural practices while non-indigenous groups may make land and resource claims as citizens with rights to share in national development gains. Moreover, indigenous and "traditional peoples" tend to be more likely to live in, depend upon and conserve forest resources, whereas non-indigenous groups tend to be more likely to convert forests to other uses such as agriculture and ranching. However, while these differences in productive strategies may hold true in some cases, these tendencies vary among situations.

Another important distinction among groups with a stake in forest tenure change must be made between highland and lowland forest communities. These geographical differences, in addition to representing distinct ecological and productive conditions, are also enmeshed in varying historical, social and political contexts which are not uniform but rather vary by country and region. They also form part of what we distinguish as the different types of land/resource reforms that we mentioned above. In Peru, for example, government land

demarcation and titling programs have been better financed for privately held parcels in lowland coastal regions, in contrast to highland indigenous communities. In Bolivia, agrarian types of land reform in the largely-indigenous highlands occurred in the 1950s, while more recent land demarcation and titling in the lowlands has occurred in the context of in-migration by highland indigenous people (*kollas*) with cultural and political differences with *camba* (lowland *mestizo*) and lowland indigenous peoples. Under the most recent president, Bolivia is moving toward restricting landholding size in order to end *latifundios* in the eastern lowlands, and to redistribute land to highland colonists as well as lowland indigenous communities. The first tend to be agriculturalists and the latter forest dwellers. In Nicaragua, lowland tropical forests on the Atlantic Coast have comprised the historic territories of indigenous peoples but are being invaded by non-indigenous peasants from the Pacific. Tenure data broken down by highland and lowland ecological regions are not generally available, much less by land use history of the social groups, though these different contexts should clearly inform policy debates.

For some community forest groups, or some members of those groups, a top priority is engaging with markets; some promote conservation, cultural and spiritual forest uses; and others focus on the essential survival or subsistence safety-net provided by forests and their products. The building of effective alliances between and among these different groups will require managing numerous conflicting interests, seeking common ground and establishing a clear set of priorities for choices when compromise cannot be reached.

2.3 INDIGENOUS TENURIAL GAINS AND ISSUES IN THE REGION

Though other groups have recently gained legal access to forest resources for the first time, such as extractivist groups in Brazil or Local Social Associations in Bolivia, the demand of indigenous groups for recognition of historic territories is probably the most important factor behind increasing community control of forests. Roldan Ortiga (2004) highlights the legal frameworks of seven countries that have not only demonstrated a high-level commitment to recognizing indigenous rights, but have also followed through on that commitment with concrete legal actions, including the recognition of indigenous lands. These are: Bolivia, Brazil, Colombia, Costa Rica, Panama, Paraguay and Peru. Six other countries, Mexico, Guatemala, Honduras, Nicaragua, Venezuela and Argentina, have made similar commitments but have not as yet followed through with effective and concrete actions. All of these countries except Nicaragua and Panama have signed ILO Convention 169.

Peru offers a good illustrative case of the tenurial gains, the constraints and the bureaucratic exigencies which make the gains fragile (Kostishak 2007). In the Peruvian Amazon, some 1300 native communities titled, with 12 million hectares. Approximately 80 communities are currently in the process of seeking title and at least several hundred are seeking territorial extensions (*ampliaciones*), totaling an additional 3.5 million ha. In addition, six indigenous communal reserves cover 1.6 million hectares.

Titling of indigenous communities in Peru has advanced at a snail's pace. Land titling has increased in the coast and sierra due to large loans from the Inter-American Development Bank intended to create a land market. The focus of this support has been the titling of individual private property and the program's success is measured in terms of number of titles delivered, offering no incentive to title communities. The third phase of this project will begin this year and is aimed at the

Amazon Region. Indigenous Amazonians are still demanding communal land titles; however there is a trend toward the creation of annexes or subdividing titled communities into smaller units. The 1995 land law made it possible for indigenous communities to sell or rent their lands.

The way in which indigenous land titling is carried out in Peru is a complicated, bureaucratic system requiring multiple agencies (PETT, INRENA, and the Registros Públicos). In general an NGO or indigenous organization must also accompany the process to navigate the bureaucracy and to pay PETT's costs, which now average about \$8,000 per community. The PETT program invested in several differential GPS units, costing roughly \$15,000 each and although they offer little advantage over much less expensive navigator GPS's (\$250) they are now the only technology that the PETT will accept for geo-referencing indigenous territories. Because of this requirement, the only database of indigenous territories in the Peruvian Amazon - first started by Oxfam America and then passed over to IBC - has not been officially recognized by the government. Nonetheless, it is still widely used, even by PETT, because it is the only map of indigenous territories. Still, many communities received their titles before the availability of GPS and thus do not appear in the cadastral database.

For 2007, PETT is doing a program of tenure clarification (*saneamiento fisico-legal*) that will geo-reference existing communities (many of which were already mapped by the Oxfam/IBC project). This project is expected to address the problem from solely a technical and administrative point of view, but it does not propose a way of addressing the obvious legal issues that arise when communities are given new, geo-referenced maps of their lands that do not coincide with the existing ones that are legally recognized in the public registry. The lack of a national cadastral database of indigenous communities increases

the threat of overlapping resource rights, particularly extractive industry concessions (oil, minerals, and timber).

Territories for (non-isolated) indigenous peoples in the Peruvian Amazon have been granted in the form of Native Communities over the past 35 years. The model of titling communities was adapted from the titling of “campesino” communities in the sierra during the 1970’s agrarian reform where full title was given. This policy was socialist in nature and had little if any roots in indigenous identity.

When a community solicits collective title to an area of land it is demarcated by PETT. Then the state, through the natural resource agency, INRENA, classifies that area into sections for agriculture and ranching, forestry, and permanent protection. The actual title is only granted for the agricultural and ranching land, while the forestry and protection forests are given to the community under a usury (*cesión en uso*) contract. Although technically not permanent (the government could revoke the contract if it found those areas were not properly used), those rights have never been revoked in any community.

The law does not specify the amount of land per capita that should be titled to an indigenous community, but because the demarcation is subject to approval by PETT, a decentralized agency, the size of territories is arbitrarily subject to the decision of agency officials and does not necessarily represent the ancestral territory of the community. In the case that a community’s territory is too small or the population has outgrown the titled area, a community may apply for an extension/enlargement (*ampliación*), and many communities are or have done so in the past. *Ampliaciones* are difficult to obtain because the government suspects that indigenous communities seek rights to that land only so that they can sell the timber. The government tends to consider *ampliaciones* not as rightful ancestral territories, but as state resources that have been granted to indigenous peoples.

As mentioned earlier, many indigenous organizations propose the demarcation and titling of

large multi-community territories as a strategy to defend their ancestral lands against incursion, and protect livelihoods and cultural identity. In many cases the proposal is to have as much contiguous land areas and largest scale possible, as historically ancestral lands were usually even larger. The internal perception is that grouping multiple communities across a larger territory will help to ‘close out’ the access of third party incursion and hopefully accelerate the titling process. While this may be true in some cases, multiple challenges emerge in response to this strategy. For example, some (mostly government, but also other sectors of society) express the concern that it is ‘too much [land] for too few.’ (Stocks, 2005) Such large scale single units titled implies/requires the need for the creation of overarching or supra-community governance structure at the larger landscape level. In most cases, traditional governance structures exist at the community level (some at the level of ‘pueblos’) and the process of creating this new entity requires time, experimentation and flexibility. This runs counter to the need of government agencies to deliver the title to a collective entity in the short term. In some cases, where large indigenous territories near agricultural frontiers have been demarcated and titling has begun, and where governance structures are weak, it has unleashed an increase in third party incursions for rent seeking activities (open access behavior).

Although territories are titled at the level of community, management decisions are still made at the community or household level; even a group of communities comprise a larger patchwork of territory. This patchwork pattern has suppressed the sense of a larger territory that is prevalent in Ecuador, although there are some exceptions. The Matses have the largest titled indigenous community in Peru, bordering Brazil. The territory contains many communities within it and the Matses are seeking an extension for additional territory. The Achuar of Pastaza and Hutuyaku have a patchwork of titled communities but are carrying out a territorial mapping project in order to make a claim for a larger, continuous territory.

There are important governance implications derived from the scale and patterns of titling that are key to understand. In Nicaragua indigenous ‘blocks’ are contiguous with multiple communities ‘inside.’ Resource management is done from within the traditional governance structure that exists only at the community level. Now, a large, multi-community territory will need to elect who will represent them at this *meso* level. Even the process of elections (as opposed to customary ways in which people rise to the leadership positions) may be foreign to them.

Peru also has six communal reserves, a category of protected area that is intended to be managed by the neighboring titled indigenous communities. The indigenous movement, led by AIDSESEP, once advocated for the creation of communal reserves as an alternative to national parks and other kinds of protected areas that exclude community extractive activities. Now the leadership of AIDSESEP rejects the concept of communal reserves because they are property of the state and not indigenous peoples. As an alternative, AIDSESEP is proposing the creation of “territorial reserves,” but this is problematic because the category of territorial reserve can only be granted in areas where there are indigenous peoples living in voluntary isolation (a requirement that does not apply to many of the areas where communal reserves are proposed). Furthermore, territorial reserves are also property of the state, not communities. One strength of territorial reserves is that the government has begun to exclude them from the wave of new oil exploration concessions that are being granted.

Peru’s existing communal reserves all suffer from an absence of planning and management. There is little capacity within the surrounding communities to develop and enforce management plans and therefore the state tends to govern the reserves by default. I met with an indigenous leader who is trying to unite the management committees of the six communal reserves under a national council that can provide technical support. Indigenous people are not allowed to carry out commercial timber extraction in communal reserves

because they fall under the protected areas system, but there are a number of other management options that have yet to be explored.

The indigenous titling situation in other South American Countries varies from better to worse than in Peru, although the pattern of administrative burdens is common. In Ecuador, for example, 70% of indigenous territories belonging to 12 indigenous “nationalities” have been titled, beginning in the 1960s, while the remaining claims have run into barriers due to their overlap with protected areas for biodiversity and border areas. Despite titles, however, indigenous peoples are fighting oil companies. In Venezuela, titling of indigenous territories officially began in 1999, with a new Constitution, but to date only a few small titles have been awarded to individual agricultural communities despite several large, well-substantiated claims from Yekwana, Sanema and Bari. Reasons given for this slow progress range from lack of funding to procedural delays and questions about political will and strength of indigenous pressure.

To what extent do indigenous territories overlap with forests? The information available suggests that this overlap is substantial. A National Geographic Society study in Central America and Mexico generated a detailed map that superimposes cultural diversity and the distribution of forest and marine resources in the region. The study concludes that the map strongly confirms a hypothesis that has long been familiar to environmentalists and anthropologists alike: there is a significant correlation of some kind between cultural and biological diversity.

Nevertheless, trends toward increasing community and indigenous control of forest resources do not necessarily guarantee future forest access to these communities, and they are not irreversible. A major threat to the security of community and indigenous tenure gains is state control over subsoil or non-renewable natural resources. According to Bae and Uquillas (n.d.), many national Constitutions specifically permit the central government to override indigenous and tribal land titles “in the name of national progress”; including

Argentina, Brazil, Ecuador, Guatemala, Guyana, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Venezuela. ILO Convention 169 supports land rights and defines conditions for *compensation*, not decision-making powers, with regard to subsoil resources on their lands (Roldan Ortega 2004). Throughout the region, indigenous communities, as well as other rural groups, have been faced with the threat or reality of mining concessions on or near their lands. There is no reliable estimation of the numbers of communities or the size of the areas affected in the region, but the problem is widespread.

Even in the absence of such conflicting resource claims, rights to above-soil renewable resources are not always stable or guaranteed and are often fraught with ambiguity. Some states, such as the government of Peru, claim rights to all

non-renewable *and renewable* natural resources. In other cases there is sufficient ambiguity that poor community management, or real or perceived deforestation, could lead to reversals in what appear to be secure forest resource tenure. For example, in Colombia, Peru and Venezuela, the state still grants timber concessions to third parties on indigenous and community lands.

In addition, the IUCN goal of protecting 12% of the Earth's lands for biodiversity in the past decade pressured countries to declare new protected areas that in some cases overlap with indigenous or community lands and forests. For example, in both Panama and Colombia – countries considered by Roldan Ortega (2004) to have superior legal frameworks for indigenous rights – there are challenges to the current configuration of access in the name of conservation.

2.4 THE LIMITS OF REFORM

To what extent are these rights realized and protected in practice, however? Forest tenure is governed not only by forest law and institutions but is also interlinked with institutions governing land tenure in general, such as agrarian reform regimes and the development of national cadastres, indigenous demands and rights to territories and resources, the establishment of conservation areas and subsoil resource rights, which are retained by the state in all of the cases studied. These different regimes not only overlap but often also contradict each other. For example, laws simultaneously permit and prohibit the titling of forest lands, as in Honduras. They “guarantee” land and forest resource rights to indigenous groups and yet also declare forest lands or forests to be the patrimony of the state, as in Panama, Colombia and Peru. *Saneamiento* or literally “title clean-up” (resolution of 3rd party claims) processes force a reconciliation of actual land claims with newly granted rights, and

may promote land-grabbing by third parties if ambiguities and contradictions are not addressed.

Lands granted to communities and indigenous groups often overlap with areas designated for protection or other management regimes, including timber production, oil/mineral extraction, forest logging or plantation concessions, etc. About half of 20,000 state protected areas created in last 40 years overlap indigenous customary territories; 86% of these are located in Latin America (Molnar et al 2004). The sheer quantity of state institutions and laws, regulations and decrees that govern land tenure under overlapping regimes introduces a significant degree of ambiguity into processes of tenure regularization, negotiation of property limits, demarcation, titling and access to resources. Hence even when land or forest “rights” are “guaranteed” by law, the possibility of acting on and securing those rights in practice is ambiguous and extremely challenging. Such ambiguities

can serve the interests of powerful actors and may not always simply be the result of poor policy and institutional planning.

While advances have been made with initial transference of rights of access, use (not necessarily management rights) and exclusion to forestlands for communities, and recognition and demarcation of indigenous territories, tenure security is not assured for several principal reasons:

- Some forest tenure reforms are insecure due to lack of clarity on the role of forestlands within the broader land reforms (intent of land use).
- Many are still incomplete: not yet to registry, stuck in processes of saneamiento suffering from contested claims; that often turn into political battles.
- Others are 'stuck' in government hands, trying to figure out to what degree to grant recognition of customary rights/institutions.
- Many lack the internal capacity to defend exclusion rights.
- Most lack government backing to enforce exclusion rights against incursion (Brazil partial exception).
- Simultaneous expansion of extractive concessions (for mining oil, gas and water) based on the state's sovereignty over subsoil rights overlap with surface land rights (agriculture and forestry use) and have serious impacts on natural resources base for 'above soil' land rights.
- Where overlapping jurisdictions, regulations and interests exist, rule of law is undermined and informal 'open access' accelerates (land incursion, illegal logging, short term illegal rents for agrobusiness expansion, illegal land improvement markets, etc.).
- Shifting political alliances of major interest groups begin to undermine gains in some countries.
- The convergence of the food, fiber and fuel markets may be increasing forestland land values and expanding land markets.

Good tenurial policies may generate or interact with other dynamics that interfere with successful implementation, or even work at cross-purposes with other policies related to overlapping

tenure regimes. These problems include increased tensions and conflicts in goals among government institutions, increased incentives to occupy and convert land, concessions given in areas claimed by indigenous groups, policy ambiguities and overlapping land claims.

A few policies have decreased community land rights or increased insecurity. Some titling processes, as in Venezuela, have not taken into account local land use practices. Liberalized land markets have resulted in increasing land concentration and in some cases have opened the possibility of dividing and selling indigenous collective lands, as in Peru. The transfer of the control of *ejidos* to Honduras' municipal governments increased insecurity for agro-forestry groups without secure access to forests. In some cases, requirements to conserve resources can be used to justify the removal of acquired land or resource rights. In addition, ongoing state control of subsoil rights continues to undermine tenure security.

Some indigenous and community tenurial regimes are more secure than others. For example, Brazil's Constitution guarantees indigenous people the permanent possession of their lands and exclusive rights to (above ground) resources. In Colombia's *resguardos*, communities have a right to manage the land and resources according to their traditions, but are required to protect the environment and natural resources.

But, in many forest areas, central governments still retain the final control over the land and grant usufruct rights to the indigenous groups or local communities who live there (Colombian *resguardos*, Areas Under Special Management Regime in Venezuela, sustainable-use conservation areas in Brazil, native communities in the Peruvian Amazon). Others specifically grant concessions to state lands (community concessions in Guatemala, Honduran municipal and national forest concessions, ASLs in Bolivia). The Peruvian government has granted concessions to logging companies in areas claimed by indigenous communities. Concessions can usually be cancelled if recipients do not adhere to management agreements, even

when concessionaires are long-term residents of the forest.

In any of these regimes where forest tenure is not secure, forest rights may be called into question by real or perceived poor forest management practices. This is particularly true where land or forest use rights overlap with protected areas. Protected area regimes, depending on the category of management, may substantially limit resource use even if land titles can be granted there, though they may also help indigenous groups protect their territorial borders.

Throughout the countries studied, the regulatory framework for forest management is rarely favorable to communities. Some countries, such as Panama, have only recently begun to develop national forest policies at all. Most forest policies, laws and regulations fail to take into account either the potential poverty-alleviation or income-generating benefits of forests for local communities, or the management of forests for any purpose

other than timber production. Even those that mention the importance of community participation tend, in practice, to favor large private investors and ignore communities. The exceptions include Bolivia's ASLs, Guatemala's community concessions in the Petén and, to a certain extent, Brazil's extractive reserves and sustainable-use conservation areas.

Among the most adverse policies and conditions in Honduras are: a) a regulation limiting each group to no more than 2000 cubic meters of wood, b) lack of public financing to cover the high cost of the required management plans, which makes these groups dependent on donors or wood industry to finance the plans, c) little or no source of investment capital, d) tax and other policies that make it more difficult and expensive to do things legally, coupled with lack of control of illegal extraction, and d) policies that maintain tenure insecurity in forests managed by community groups.

2.5

DECENTRALIZATION TRENDS THAT AFFECT FOREST COMMUNITIES' TENURE

All of the countries studied, except Panama, have decentralized national governments to some extent since the 1980s. These decentralizations were motivated by fiscal crises, problems with the legitimacy of the state and centralized political parties, demands by participants in peace negotiations and/or the return to democracy after authoritarian rule. There is substantial variation, nonetheless, with regard to fiscal, administrative and political decentralization, with some countries far stronger in one over another. In general Colombia, Bolivia and Brazil are probably the most decentralized overall; for example municipalities (and states in Brazil, though less so municipalities) manage a substantial portion of public expenditures. Laws supporting mechanisms for grassroots participation, and their implementation in practice, are

more advanced in Bolivia, Nicaragua and possibly Colombia.

Decentralization and devolution in the forest sector has to take into account forest ownership, access or use rights and regulation. For example, Colombia's *resguardos* and Brazil's indigenous lands are state-owned but with substantial devolution of access rights (to use and manage resources and to exclude other people).

In both Honduras and Bolivia, municipal (local) governments have the right to allocate forest land. In Honduras, this refers to *ejidos* or lands owned by the municipality, which can be allocated in concession to any bidder. In Bolivia, municipalities oversee up to 20% of national forest lands as municipal reserves, for which rights of access must be allocated to local associations (ASLs). In all of the countries

studied, forests are regulated by the central government, and decision-making power is usually highly centralized or at best deconcentrated, in spite of decentralization policies that grant responsibilities to lower-level governments. With the exception of Honduran municipal governments' direct decision-making power over *ejidal* forests, the countries that have most expanded the role of municipal authorities, through the widespread creation of municipal forestry offices, are Guatemala and Bolivia. Regional governments share decision-making power with the national government in Nicaragua's two autonomous regions. Some countries have granted decision-making authority to local (or state/province) governments on a case by case basis by contract.

Several countries have created specific mechanisms for grassroots participation in dialogues regarding forest resources and management. These are only occasionally managed through the elected municipal authorities (such as local environment and development commissions in Nicaragua). Most often they are roundtables organized by the central forestry authority (as in Guatemala and Peru).

None of the case studies commissioned for RRI LLSL were able to provide specific data on gender and forest tenure. IFAD estimates that there are 8-10 million rural households headed by women in the Latin America and Caribbean region (IFAD 2006). With regard to women's access to land, however, several important observations arise from the information found. First, government policies that allow for joint titling and spousal inheritance are necessary but insufficient for making a difference in actual titling or inheritance policies. Secondly, for these policies to be implemented in practice, several additional measures are needed: (a) policy should also explicitly support gender equality and establish priorities for female household heads; (b) the government, projects and/or NGOs should be aggressive about encouraging women's full participation in order to overcome prejudicial customs and empower women; (c) gender-based social movements can make an important difference in achieving land reforms that protect women's rights. Of the nine countries in the case studies, only Nicaragua and Colombia have policies that require joint titling, explicitly support gender equity and give priority to female-headed households. Honduras made a major effort in PAAR. Finally, it is important to mention that collective management does not necessarily equate with gender equity outcomes. Within the collective, women can be included or excluded depending on the way in which customary institutions provide for them. Also, the way in which external regulations address the rights of women can have an impact, particularly on issues such as inheritance. As customary institutions weaken or transform, women can get 'caught' falling between the cracks, where each system assumes the 'other' is taking care of her needs.

2.6 GENDERED ASPECTS OF TENURE

In sum, despite advances in communities' formal tenurial rights recognition, overlapping legal regimes and administrative processes, incentives to clear land, and other sectoral policies pose a threat to the fulfillment in practice and/or permanence of the new forest rights that have been recognized throughout the region.

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3

Poverty, Economic Development and Forests in Latin America

3.1 POVERTY IN FORESTS

Forest dwelling communities tend to be poor, when using the official definitions of poverty. At a global level, sixteen of 25 biodiversity hotspots identified by Conservation International are found in areas where a fifth of the population is poor and malnourished. UNFPA reports that socioeconomic inequality in Latin America and the Caribbean is among the highest in the world: some 222 million people (43% of the total population) live in poverty; 96 million (18%) live in extreme poverty (UNFPA 2006). However, UNFPA does not disaggregate these data by urban vs rural forest-dwelling/agricultural, or indigenous vs. non-indigenous.

Despite wide recognition that severe rural poverty and remaining natural forests tend to share overlapping space, this phenomenon has only recently begun to be documented. Although systematic national and global data and mapping related to forest cover, rural population, and poverty in Latin America are not available, the relationship between poverty and forests can be inferred from existing information on rural poverty and local livelihoods in forest areas (Sunderlin et al, 2007).

In most cases, readily available official poverty data deal with countries as a whole. As mentioned earlier, Bolivia, Colombia and Guatemala have the highest levels of rural poverty. 75% of Guatemala's rural population was poor in 2000; 2 million people in rural areas lived in extreme

poverty. Estimations of rural poverty in Honduras range from 51% to 82%, with 75% in extreme poverty. Most of Nicaragua's poor rural population is found in the country's central regions, not in forests, but the deepest poverty is in forest areas. In Panama, poverty rates are highest in rural, indigenous and remote areas, many of which tend to be forested. Rural poverty rates in Brazil vary from 51% to 80%, with the poorest of the poor found in the Amazon and in the drought-ridden Northeast. Almost 80% of Colombia's rural inhabitants are poor; their economic conditions have been greatly worsened in recent years due to economic crisis and escalating rural violence which has produced between 1 and 1.56 million internally displaced persons. Both Bolivia and Peru's rural inhabitants experience significantly higher poverty rates than in urban areas and have benefited less from recent gains in urban poverty reduction.

Estimates of poverty in Latin America from different sources are not consistent because of the use of diverse calculation methods (IFAD 2006). Table 3 presents comparative poverty indicators on sixteen Latin American countries with significant forest cover.

Colombia and Bolivia have the highest reported proportions of their population in poverty, at 64% and 63%, respectively. Nicaragua, Honduras and Peru have the highest proportion of their

TABLE 3. POVERTY INDICATORS BY COUNTRY

Country	Pop (millions)	Pop Growth Rate (2)	HDI Rank (3)	HDI Value	GNI per capita (Atlas) (2003) (5)	Gini Coeff. Income (2)(4)	Pop Below \$1/day % (2)	Pop Below \$2/day % (2)	% Gen Pop in Poverty (2)	% Urban Pop in Poverty (2)	% Rural Pop in Poverty (2)
Mexico	102.3	1.6	53	0.814	6,230	55 (1989)	9.9 (2000)	26.3 (2000)	10.1 (1988)	n.d.	n.d.
Guatemala	12.3	2.6	117	0.663	1,910	59 (1989)	16 (2000)	37.4 (2000)	56.2 (2000)	27.1 (2000)	74.5 (2000)
Honduras	7.0	2.8	116	0.667	970	54 (1993)	20.7 (1999)	44 (1999)	53 (1993)	57 (1993)	51 (1993)
Nicaragua	5.5	2.8	112	0.69	740	43.1 (2001)	45.1 (2001)	79.9 (2001)	47.9 (1998)	30.5 (1998)	68.5 (1998)
Panama	3.0	1.7	56	0.804	4,060	60 (1997)	7.2 (2000)	17.6 (2000)	37.3 (1997)	15.3 (1997)	64.9 (1997)
Argentina	n.d.	n.d.	34	0.863		52.2 (2001)	3.3 (2001)	14.3 (2001)	n.d.	29.9 (1998)	n.d.
Bolivia	8.8	2.1	113	0.687	900	58 (6)	14.4 (1999)	34.3 (1999)	62.7 (1999)	50.6 (1999)	81.7 (1999)
Brazil	176.6	1.4	63	0.792	2,720	60 (1989)	8.2 (2001)	22.4 (2001)	22 (1998)	14.7 (1998)	51.4 (1998)
Chile	15.8	1.4	37	0.854	4,360	58 (1989)	<2 (2000)	9.6 (2000)	17 (1998)	n.d.	n.d.
Colombia	44.6	1.9	69	0.785	1,810	56 (2003)	8.2 (1999)	22.6 (1999)	64 (1999)	55 (1999)	79 (1999)
Ecuador	13.0	1.8	82	0.759	1,830	43.7 (1998)	17.7 (1998)	40.8 (1998)	35 (1994)	25 (1998)	47 (1994)
Guyana	n.d.	n.d.	107	0.72	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.
Paraguay	5.6	2.4	88	0.755	1,110	57.8 (2002)	16.4 (2002)	33.2 (2002)	21.8 (1991)	19.7 (1991)	28.5 (1991)
Peru	27.1	1.8	79	0.762	2,140	49 (1981)	18.1 (2000)	37.7 (2000)	49 (1997)	40.4 (1997)	64.7 (1997)
Suriname	n.d.	n.d.	86	0.755	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.	n.d.
Venezuela	25.7	2.0	75	0.772	3,490	49.1 (1998)	23.5 (2000)	48.5 (2000)	31.3 (1989)	n.d.	n.d.
Latin America & Caribbean	546 (1)	1.4 (1)			3,575 (1)	0.56 (8)	9.5 (2001)	24.5 (2001)	42.9 (7)		64 (5)

Sources:

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people in extreme poverty (living on less than \$1 per day), at 45%, 21% and 18%, respectively. Bolivia, Colombia, and Guatemala have the highest rates of rural poverty, with 82%, 79%, and 75%, respectively. Overall, Brazil and Panama have the highest Gini coefficients for income inequality, at .60, followed by Guatemala, Bolivia and Chile, with 0.59, 0.58, and 0.58, respectively.

Guatemala's "poverty belt," including the Western Altiplano and the Northern regions (including Petén), holds 3/4 of the country's poor, and overlaps substantially with forest cover. Nicaragua's North

Atlantic Autonomous Region is home to 41% of the nation's forests; every municipality in this region is classified as in extreme poverty; most municipalities in the South Atlantic Autonomous Region, which has nearly 30% of Nicaragua's forests, are classified as extremely poor. In Honduras, between a third and a half of the total population lives in forested lands, with an overall poverty rate of 93%. Quantitative data for Colombia is lacking, but existing analyses state that rural poverty is severe in the Central and Pacific regions where many of the nation's forests are located.

3.2 POVERTY OF INDIGENOUS PEOPLES

Sixty million indigenous people live in the rainforests of Latin America, Southeast Asia and West Africa (Dubois 2002); this does not include peoples living in other forest types. Estimates of indigenous people in Latin America and Caribbean vary from 28 to 48 million, from 10-30% of the region's population, with hundreds of indigenous languages (Hall and Patrinos 2004; IFAD 2006). The literature lacks reliable and consistent data on their socioeconomic conditions. According to IFAD, the largest poor rural population group in Latin America is comprised of rural indigenous people in the Andean region, the indigenous communities and *ejidos* of Mexico, the Mayan populations of Guatemala, and the Mapuche of southern Chile.

In Guatemala, most rural poor are indigenous and face ongoing exclusion and racism. Indigenous and ethnic groups represent the majority of the population in many municipalities of Nicaragua's two Autonomous regions, though *mestizo* colonization is presenting a challenge to indigenous autonomy. Although indigenous people represent 8% of Panama's population, they account for 19% of the nation's poor, and 35% of its extreme poor. Though little concrete data were available on Brazil's indigenous people, as elsewhere in Latin

America, they are among the poorest in the country. In Bolivia, although indigenous people represent nearly half the nation's population and have made important political and economic gains in recent years, they are still greatly affected by poverty and exclusion relative to non-indigenous people. Peru's indigenous population is also lower in income and other quality of life indicators than the non-indigenous, though they represent between a quarter and a half of the total population. They have been less affected, nevertheless, by rising national poverty rates in the last decade.

According to a study of the five Latin American countries with the largest indigenous populations (Bolivia, Ecuador, Mexico, Guatemala and Peru), indigenous income levels and other human development and health indicators lag behind those of non-indigenous people. Being indigenous increases the probability of being poor by 13 times (Hall and Patrinos 2004).

Indigenous people consistently account for the highest and "stickiest" poverty rates in the region. While poverty rates went down from 1994 to 2004 for many Latin Americans due to economic growth across the region, few gains were made for indigenous peoples. At the same time, when poverty rates

rose in Ecuador and Peru, indigenous people were affected less. Hall and Patrinos suggest that indigenous people are less affected by macroeconomic

trends, whether positive or negative. However, they recover less quickly from economic crisis, particularly if it affects their access to their land.

3.3 FACTORS SHAPING POVERTY IN FOREST REGIONS

Why do people in forests tend to be poor? Forests are usually geographically remote, with poor infrastructure and undeveloped market links. Poverty rates and tenure insecurity may increase with the remoteness of forests, but poverty densities may also decrease. At the same time, others argue that people in forest areas are relatively insulated from socioeconomic change. As mentioned earlier, many are indigenous people with historically rooted dependencies on forests. Others are economic migrants encouraged to colonize. Forests are also refuges for the less powerful and those fleeing armed conflict. Forests' open access/low barriers act as magnets of economic opportunity. Forests are also historically places of struggle for control of natural resources, in which less powerful actors end up occupying precarious positions with insecure livelihoods (Cronkleton et al. 2006a).

The relationship between the poor and forests can be viewed in terms of the poor's diversified livelihood strategies. Some 350 million people worldwide rely on forests as safety nets, for supplemental income, or for ecosystem services such as clean water (Molnar et al. 2004). Diversified livelihood strategies are necessary because no single strategy yields sufficient income to survive.

Access to markets can increase income opportunities, and distance from markets is, therefore, frequently recognized as a problem for producers, such as commercial foresters and many farmers and ranchers. Distance to markets is one of the key reasons that cattle production is often attractive in forested frontiers—cattle do not have to be harvested, transported and sold within a limited

time period, and they can even walk themselves to market. Nevertheless, not all communities desire market linkages. Some prefer to avoid the risks associated with markets, or at least certain kinds of markets (such as for export), others reject the potential for social differentiation that often arises from market transactions, and still others prefer to live traditional economic and spiritual lives. The interests of communities, and different groups within communities, should be understood and respected with regard to the kinds of market linkages they do and do not desire, and community members should be fully aware of the corresponding risks.

There is little systematic knowledge about the connections between poverty and land tenure patterns (Sunderlin et al. 2008 forthcoming, Colchester et al. 2004). Most farmers in Latin America work small plots, usually in marginal, low productivity areas -- largely due to lack of serious application of agrarian reform to redistribute lands. In addition, indigenous groups have often lost access to land due to lack of knowledge about property rights and the discrimination they have suffered. Geographically-isolated regions have also been plagued by guerrilla warfare, drug trafficking and political patronage. Many forest regions, as in Guatemala, Nicaragua, Bolivia, Peru, and Brazil, have historically been sites of struggle among competing groups for control over forest resources. Colonization and forest concession policies have pitted indigenous populations, *mestizo* colonists, and national and international industry against one another. At the same time, rural forest dwellers may earn income when they are hired to work for illegal logging or

narcotics trafficking operations, as well as working as laborers for mining operations and as collectors of non-timber forest products, such as brazilnuts.

Poverty in forested areas is also shaped by these regions' remoteness, with inadequate access to education and health support, roads, markets and productive assets. Remoteness on the one hand may protect forests from intense human intervention. On the other hand, it may leave forest dwellers with few options other than unsustainable productive strategies that degrade forest environments or the conversion of forests to other uses. In Guatemala, poverty increases with distance from road networks and densely populated areas, as in Petén. Poverty in eastern Honduras is clearly associated with the lack of road and other physical infrastructure. Inhabitants of forested areas in both Guatemala and Honduras have struggled for access to land in remote areas, with conflicts over use rights in protected areas. In Nicaragua's Atlantic regions, one of the greatest obstacles to improved community livelihoods is poor road access to markets, so that producers find it easier to sell to intermediaries than to organize enterprises with greater value added. In Panama, high poverty rates in the provinces of Panama, and Central and Occidental areas are clearly correlated with remoteness. High rates of poverty in Brazil's rural areas has been shaped by highly concentrated land tenure, limited access to social infrastructure, poor soils and uncontrolled, illegal appropriation of land and other assets. Access to land, markets and other social and economic assets in rural Colombia has been greatly undermined by violence associated with drug trafficking and paramilitary activities. In some regions, massive numbers of displaced persons have left Colombia's rural areas for cities; in others, forests have likely become refuges for the displaced. In Bolivia, rural to rural migration from the *altiplano* to forest regions has long been important, but migration to the agricultural frontier has reportedly not necessarily brought equitable benefits to rural people.

Poverty has also been shaped by forest dwellers' complex relationships to the forest. Forest

resources often provide supplemental income as part of diversified production strategies. Forest resources also represent a crucial safety net for indigenous and other rural poor people. In Guatemala, poor rural indigenous households in forested areas work primarily with subsistence agriculture, as seasonal laborers in coffee and sugar plantations, and with timber, non-timber forest product (NTFP) extraction and ecotourism. Indigenous communities in Honduras and Bolivia, and "traditional peoples" in the Brazilian Amazon, also have diversified production strategies involving agriculture, fishing, small animal raising, and wage labor, in addition to work with timber logging and NTFP gathering. Miskito and Sumo-Mayangna communities in Nicaragua engage in swidden agriculture, small animal raising and extraction of forest products for subsistence and limited commercialization. The Nicaraguan *mestizo* population tends to engage in larger scale agriculture and invest more in cattle as a livelihood strategy. Nearly 90% of Panama's rural indigenous population engages in agroforestry strategies, combined with subsistence agriculture, artisan work, and seasonal labor.

Links between forest degradation and poverty are not straightforward. For example, the same conditions that lead to poverty in forested areas (remoteness, lack of transportation infrastructure, and inadequate market linkages) can also serve to prevent human inroads into forests. At the same time, it is becoming increasingly appreciated that the disappearance of forests can undermine local livelihoods. The relationship between poverty and forests may vary by the type of forest-human interface: e.g., trans-frontier or core forests with small human populations; frontier forests where agriculture is advancing; and mosaic lands combining forests and agriculture with better defined tenure. Forestlands experience different types of poverty pressure: the proportion of poor people may be high in situations where population density is low, or high poverty densities may be embedded within higher populations overall (Sunderlin et al, 2007). These distinctions in forest-human interface

TABLE 4. THE ECONOMIC CONTRIBUTION OF FORESTS

Country	Forest Contribution to GDP 2000	Forest Contribution to GDP Average 1990-2000	Forestry Sector Employment (% of labor force) 2000	Forestry Sector Employment Average 1990-2000
Mexico	0.6	0.5	0.2	0.2
Guatemala	2.1	2.0	0.1	0.2
Honduras	2.7	2.8	0.9	0.9
Nicaragua	0.6	0.7	0.5	0.5
Panama	0.5	0.7	0.2	0.2
Argentina	0.7	0.6	0.6	0.6
Bolivia	1.3	1.6	0.3	0.3
Brazil	4.1	3.4	0.8	0.6
Chile	2.9	3.3	1.2	1.3
Colombia	1.1	1.1	0.2	0.2
Ecuador	1.8	1.8	1.0	0.9
Guyana	4.6	4.1	2.8	2.2
Paraguay	4.7	4.2	1.3	1.3
Peru	1.0	0.8	0.2	0.2
Suriname	3.5	2.6	2.5	1.6
Venezuela	0.7	0.7	0.6	0.4

Source: Lebedys (2004)

and type of poverty have significantly different policy implications.

It should also be noted that, at national levels, the economic contribution of forests, with the current rather archaic methods for measurement with regard to contribution to GDP and to the labor force (see Table 4) is quite low. Average forest sector contribution to GDP for the period 1990 to 2000 ranges from as little as 0.5% in Mexico to 4.2% in Paraguay, though in many countries the contribution in 2000 is higher than the decade average, with the highest at 4.7% also in Paraguay, suggesting that the overall contribution may be rising. Based on the 10-year average, forestry contributes the highest percent to GDP (2% or higher), in descend-

ing order, in Paraguay, Guyana, Brazil, Chile, Honduras, Suriname and Guatemala (Lebedys 2004).

Forestry sector contribution to total employment in the region ranges from 0.2% to 2.2% over the ten year period from 1990 to 2000. The only countries in which forest sector employment accounts for more than 1% of total employment are, in descending order, in Guyana (2.2%), Suriname (1.6%) and Paraguay and Chile (both at 1.3%). Contrary to conventional wisdom, a recent ITTO study found that globally 30 million of 47 million jobs in the forest industry sector are small, informal and community-based, and that annual global trade in non-timber products (9 billion dollars) is greater than tropical timber trade (8 billion). Nonetheless,

information about small-medium forest enterprises is largely anecdotal and the ITTO report cautions that it would be irresponsible to accept the vast potential for these enterprises to alleviate poverty which are based on little empirical research. More research is recommended.

In sum, the complex relationship between forests and poverty is poorly understood, and more information could help create greater articulation between forest policies and efforts to ameliorate

poverty. The frequent conflation of ‘community’ and ‘the poor’ hinders effective targeting of the needy, power and gender relationships have been inadequately analyzed, and there is insufficient understanding of how property regimes and tenure reform affect the rural poor. Forests may be potentially very important for national poverty alleviation strategies because the absolute numbers of poor forest inhabitants may be high, and because of their dependence on forest resources.

3.4 INCORPORATING COMMUNITY PERSPECTIVES ON POVERTY – THINKING BEYOND FINANCIAL BENEFITS

The definition of poverty is almost always externally imposed, and the failure to understand local interpretations can lead to ineffective interventions and violation of human rights and/or intellectual rights. Although indigenous people describe poor education, malnutrition, bad health, and unemployment as qualitative dimensions of poverty, assessments of poverty among these groups may not reflect all the needs and values rooted in their cultural and spiritual traditions (Hall and Patrinos 2004). Indigenous organizations resent the imposition of the poverty label, arguing that they are rich in culture, values and spirituality; and international law recognizes that indigenous territory should be adequate to enable cultural reproduction as well as meet traditional economic needs. Among the Piaroa people of Venezuela, government land reform and development interventions were less effective because they failed to incorporate indigenous participation, and so did not take account of Piore cultural practices (Freire 2003). This insight, that in many respects definitions of and responses to poverty are shaped by cultural frameworks, applies as well to non-indigenous peoples, including Afro-descendent, mestizo and other populations residing in and around Latin America’s forests.

Analyses of forests and poverty and the design of interventions aimed at alleviating

poverty lack a systematic account of perspectives within communities. Participatory approaches to community development have a more than 30 year history. DFID, UNDP, FAO, Oxfam and CARE are among the organizations that have adopted and promoted participatory sustainable livelihood approaches (Carney et al. 1999). However, with important exceptions, most participatory research and capacity building approaches have emerged from agricultural contexts characterized by private property or usufruct tenure rights, and productive commodity land use regimes. Participatory approaches to research and poverty alleviation have been slow to appear in the forest sector, probably in large part because of the predominant role played by governments until recently in holding and managing forests. There has been notably little learning of participatory methods from the agricultural or educational sector. “New” participatory approaches are beginning to emerge from the experience of forest communities that are more appropriate for contexts involving common pool resources, a collective framework of resource management, and regulatory systems enmeshed in the highly complex and political charged contexts of many Latin American forests (Cronkleton et al. 2006a; 2006b).

3.5 PRIVATIZATION

While policy frameworks throughout the region have increasingly recognized smallholder and indigenous land tenure and forest access rights, many aspects of legal and regulatory frameworks are unfavorable to communities. For example, in contrast to the dominant land reform of the 50s to 70s aimed at redistribution in collective tenure, since 1990, some of the most far reaching land reform efforts in Latin America have been inspired by market-oriented legislation. Market-oriented tenure reforms in Chile, Ecuador, Mexico, Honduras, Nicaragua and El Salvador and Peru have promoted privatization and individualization of land and resource control. These privatization efforts have assumed that individual rather than communal control of resources is to be preferred because it is more rational, more flexible, and conducive to productive investment. These reform programs have sought to increase the capacity of individuals, rather than collectives, to make resource/market-related decisions.

In the set of LLSL case studies, the individualization of control over land via markets has been particularly apparent in Peru, Colombia and Nicaragua and to some degree in Mexico (outside the forests). In Peru, tenure reform has aimed explicitly to create and promote new land markets. This is a major shift away from distributing large landholdings to individual peasants to the individualization of collectively held, peasant lands. (same in Mexico) In Peruvian coastal areas, peasant communities can now decide to break communal lands into individual parcels with a majority vote; in indigenous communities in Amazonia, in La Selva y Ceja de Selva, communities can parcelize with a 2/3 vote (del Castillo Pinto 2004; Baranyi et al 2004). In Colombia, the state is implementing a market-based instrument of land redistribution, mediating transactions between individual land

owners and buyers, and subsidizing the purchase price (Deere and Leon 2001). Unlike the Peruvian case, for example, Colombia's Law 160 protects the inalienability of collectively held land, providing no possibility for privatizing collective property. Privatization inspired reform in Nicaragua aimed mainly at undoing Sandinista reform policies in the 1980s that established cooperatives and state enterprises and does not apply to indigenous lands, which are protected as inalienable under the Communal Lands Law.

Some countries specifically prohibit the individual titling of forest land, such as Honduras, and Peru and Mexico. Nevertheless, in Honduras and Peru, there are individuals and communities who have such titles. In Mexico, in an exception, privatization and individualization of agricultural land and resource control is arguably indirectly restructuring collective management of forests formally exempt from parcelization and titling (Taylor 2003). In Central America in general, a much larger portion of forests are private than in South America (FAO 2006).

In Latin America, much collective land in practice is often already treated -internally- as individual private property, with informal land rentals and sales (Baranyi et al 2004). Efforts to privatize land and forest tenure arguably de-legitimize existing community tenure and use rights and may undermine the future security of new community and indigenous tenure gains. It can also have the undesired impact of undermining institutions for collective governance that are central to helping communities organize, adapt and enforce their social rules and norms. This capacity will be increasingly valued as communities have to adapt to climate change shifts in land productivity, water regimes and other bio-physical characteristics of their rural space.

3.6 MARKETS AND FORESTS

A number of market-based production options and initiatives present both risks and possible opportunities for forest-based communities, whether they are undertaken by large-scale enterprises, other outsiders, local entrepreneurs or through organized groups representing or involving the communities themselves. The most common products include timber products from logging, as well as from new techniques such as low-impact logging (spreading currently in Brazil in particular), or plantations and the transformation of timber into a variety of intermediary or final wood products; non-timber forest products of many kinds and myriad marketable commodities into which these can be transformed; tourism; payments for environmental services. Markets may be local, national and/or international, and each scale involves a different set of actors, institutions, risks and opportunities. In each case, the central questions for the RRI involves understanding the effects of current tenure arrangements and regulatory policy, conditions of access (to authority, credit, infrastructure, technical assistance, etc) on communities, the extent to and conditions under which communities may benefit from these market options and the associated risks of such engagement.

Small community-based groups have limited experience with commercial timber production in Central and South America due to the historic privilege given to industrial concessions. When access has been granted, extensive regulations and state requirements for expensive management plans have served as a continued barrier. On the other hand, many communities have experience marketing nontimber forest products through various institutional and market mechanisms. However, no systematic comparable data on this aspect was collected by the LLSL, due to cost and time restraints.

The forest sector itself is plagued by predatory logging and illegality, in part due to multiple restrictions and bureaucratic red tape. Informal transactions are the norm in the Amazon basin and other

remote regions since rule of law is hard to enforce and the costs of compliance are high. The new IIRSA (“Initiative for the Integration of Regional Infrastructure in South America”) transportation network is opening up forested areas for agriculture and new levels of commercial exploitation for timber, poles and charcoal across the South American interior. There are multiple competing land uses more lucrative than managing forests (e.g., soy). Lack of access to credit to cover upfront costs of putting things into legal order (regularization) and the fact that often, informal actors dominate the value chain, controlled by industry are two of the reasons to stay on the fringe of legality.

Plantations have been widely promoted throughout Latin America in recent years as a way of rationalizing production for national and international wood markets, and for addressing atmospheric carbon problems. Plantations have been criticized by environmental groups when they replace natural forests’ biological diversity with what is essentially timber mono-cropping, as well as for issues related to social justice. However, on the strictly environmental criteria, if plantations replace and rehabilitate agricultural or grazing lands, many consider their environmental impact to be on balance an ecological gain, though there are concerns about the effects of extensive blocks of plantations on the water table and surface run-off (Smith 2002). Landless peasants are often competing for these lands for potential land reform.

However, many countries have significant, and frequently expanding area devoted to plantations, most often with eucalyptus and pine species. Guatemala has 133,000 ha in plantations, thanks mainly to the PINFOR forest incentive program. In Nicaragua, the government has given priority in its forestry policies to the development of plantations in the Pacific region of the nation; FAO reports a total of 51,000 hectares as of 2005 (FAO 2006). Panama has 40,000 ha in plantations; five out of Panama’s six forests certi-

fied by the Forest Stewardship Council are private plantations, and the sixth is partially a plantation and part natural forest. Bolivia reportedly has 46,000 ha. in plantations; but other national sources put the figure at 27,000 ha. In Brazil, plantations cover as much as 6 million ha., much of them in the south and southeast of the country. Colombia's new forest law promotes plantations; the area reportedly devoted to plantations varies from 141,000 to 312,000 ha. depending on the data source. Peru is reported to have 721,000 ha. in eucalyptus and pine plantations. Venezuela had 729,000 ha. in plantations in 1998, mostly located outside of natural forests.

Forest development schemes involving plantations have complex implications for the prospect of greater community and indigenous control of forests and for the possibility of developing strong alliances in favor of forest tenure reform. The greatest risk is that concessions for industrial plantations have sometimes been given on lands claimed by communities or in dispute, or on "degraded" lands that communities depend on for a variety of livelihood resources; on the other hand, in highly marginal agricultural areas, plantations can be an important source of rural jobs (Smith 2002). Hence critics understandably fear that plantations represent the privatization of the forest and may undermine community and indigenous resource claims.

Plantation development models have tended to promote individual usufruct or private tenure as the preferred method of satisfying investor concerns about risk. Private investors are unlikely to see significant returns from plantations for many years, yet regular care of the trees is necessary until

harvest is possible. The long term nature of plantation investments encourages investors to seek the most secure tenure possible over the resource during the life of the investment. Collective tenure of plantations has been widely viewed as more problematic over the long run than private tenure. Private outgrower schemes have been criticized due to the prices paid to growers.

Nevertheless, some researchers have advocated policy support for the establishment of community plantations on the lands of rural small holders, particularly on lands with few opportunity costs such as steep slopes (Smith 2002). Guatemala's PINFOR reforestation program has provided substantial financial benefits through incentive payments to several indigenous communities planting on collective lands as well as associations of small farmers planting on private holdings; a few women's organizations have also benefited from this initiative.

Plantation development may be one issue around which agrarian-based peasant movements and community and indigenous forest movements encounter both distinct interests and potential for agreement. Questions to consider in evaluating potential conflicts or congruencies of interests among movements include: Are plantations moving into agricultural lands apt for agrarian reform? Are plantations a serious threat to community forest resource rights? Do they supplant national forests where people are settled and have rights? Under what conditions can communities benefit from collective plantations? Under what conditions do plantations thrive or fail?

3.7

POVERTY ALLEVIATION IN FORESTED REGIONS - GOVERNMENT PROGRAMS

Over the last decades, several Latin American governments have developed Poverty Reduction Strategies with international donor support. Nevertheless, these are quite weak in their capacity

to provide rural people with direct and indirect access to assets and services (IFAD 2006), and most make little, if any connection with forest resources and resource management policies (Sunderlin et

al. 2005). They also often fail to target indigenous peoples (Hall and Patrinos 2004) and they are rarely formulated to take into account different cultural interpretations of poverty.

Closer links and better coordination between forest sector policies and poverty reduction policies could benefit both programs (Oksanen et al 2003). The forest sector could use a “Poverty Reduction Strategy” (PRS) process to facilitate more meaningful dialogue with macro and cross sectoral issues that are critical to effective forest management. The PRS process provides the forest sector with an opportunity to mainstream forest issues into national level dialogue. The PRS process in turn could benefit from forest sector programs by tapping the potential of the forest sector to contribute to poverty reduction.

Some progress has been made in Central America and in Brazil in explicitly linking poverty alleviation and forest resource management policies. By contrast, in the Andean countries there has been relatively little genuine articulation of these two sets of policies in practice. Guatemala’s Poverty Reduction Strategy only mentions the forest sector, but the nation is introducing territorial management approaches to rural development. It is implementing a Forestry Incentive Program for Small Forest Owners, with Dutch assistance. With DDM-GTZ support, the National Institute of Forests is developing a model for participatory municipal forest management. Honduras’ Poverty Reduction Strategy was formulated with some - but limited- grassroots input and identifies the forest sector as having high productive potential; nevertheless, most poverty reduction efforts in forest lands have yielded little result, due to uncertain land tenure in public forests, top down regulation and a confusing and cumbersome legal framework. Nicaragua’s Poverty Reduction Strategy provided funds for demarcation and titling of indigenous communities in the BOSAWAS reserve and has promoted the formation of indigenous community forestry enterprises. Panama’s Rural Poverty and Natural Resources Project, under its Ministry of Agricul-

tural Development, aims to alleviate poverty and protect natural resources via strengthening of local capacity for management planning. Panama is developing a forest policy that aims to improve the forest sector’s contribution to traditionally marginalized rural areas.

In South America, Brazil has the strongest, most systematic emphasis on reducing poverty in forest areas, though it remains limited in scale and has benefited only a small percentage of the Amazon’s poor rural population. Federal programs are providing assistance to community groups and smallholders developing sustainable timber management (MFC) activities. Regionally, the state of Acre’s “Forest Government” is implementing some of the most comprehensive programs to improve the quality of life in forest-based populations, including support for timber and NTFP production, processing and commercialization. In Amazonas, the state government is also supporting community timber and NTFP activities, including support for small-scale forest extraction such as rubber tapping and Brazil nut processing. Many of the people in the tri-national region where Peru, Bolivia and Brazil meet (Madre de Dios, Pando and Acre) derive a significant portion of their annual income from brazilnut collection in native forests.

By contrast, Colombia’s social spending is lower than that of other countries at similar stages of development (World Bank 2006). But in recent years, its National Development Plan for 2002-2006 is credited with helping reduce overall poverty from 56% to 55%. Its Rural Education Program is said to have benefited almost 100,000 students in 2004 and aims to extend coverage to vulnerable populations such as indigenous peoples, the displaced and others. The impact of these programs in rural and forested areas, however, is unclear. Bolivia’s Poverty Reduction Strategy includes promoting improved access to land, water and natural resources, but has thus far produced few concrete outcomes in rural areas. Decentralization of social services responsibilities to provinces and municipalities has not been accompanied by adequate budgets and clear

mandates. Peru's National Accord objectives aimed to reduce poverty levels by up to 45% by 2006. The World Bank reports on innovative government

strategies to reduce poverty in the highlands, but does not mention land or natural resource access in rural and forested areas of the country.

3.8

CIVIL SOCIETY INITIATIVES TO REDUCE POVERTY IN FOREST AREAS

Many of the most innovative initiatives for poverty reduction in forest areas have emerged from communities and civil society. All of the project initiatives discussed below to varying degrees explicitly link resource management to community development and poverty reduction, and involved significant financial support.

In Guatemala, the Association of Forest Communities of Petén (ACOFOP) leads a movement of diverse community-based organizations that have won rights to manage forest concessions in the Multiple Uses Zone of the Maya Biosphere (RBM). ACOFOP was a key player in the original negotiation of the community concessions and continues to be an important influence on the concessions' operation. ACOFOP has 22 member communities and organizations representing nearly 2,000 individuals (Barry and Monterroso 2007, Cronkleton et al. 2006).

The Network for Management of Broadleaf Forests of Honduras (REMBLAH) has brought together organizations of forest producers and processors, technical assistance agencies, research institutions, professional forester unions, NGOs, and public institutions. REMBLAH aims to promote policies and strategies for sustainable community and resource development. In Nicaragua, the Union of Farmers and Ranchers (UNAG)'s Farmer to Farmer Program (PCaC) in Siuna has gained international recognition for its program of farm based experimentation, innovation and dissemination. In Panama, the Kuna Congress has developed eco-tourism projects, helped prepare the Integral Development Plan for Kuna Yala, and helps manage the Nargana Wildlife Area.

In South America, Brazil has an active and extensive network of civil society organizations involved in development efforts in forested areas, including grassroots organizations, NGOs, applied research institutions and others. These include the Amazon Working Group (GTA), a network of over 500 organizations committed to promoting sustainable livelihoods for rainforest peoples; in Acre, the Agro-forestry Research and Extension Group of Acre (PESACRE) and the Center for Amazonian Workers (CTA), which provides forest management technical and financial support to rubber tappers, indigenous peoples, and small-scale agriculturalists; and in Pará, the Institute for Environmental Research (IPAM), which provides technical assistance to communities for activities related to forest management. Several of these organizations, among others, in partnership with government agencies have recently launched an Amazon-wide compensation program, PROAMBIENTE, to promote more intensive and environmentally-friendly agriculture combined with direct payments for forest conservation.

Elsewhere in South America, the MAS-BOSQUES project in Colombia has developed a partnership between municipalities and 17,000 small farmers organized in watershed catchment areas. MASBOSQUES participants have carried out activities in agro-forestry, perennial cropping, plantations, fruit orchards, mixed cropping, and the marketing of carbon credits. In Venezuela, indigenous communities, with NGO support, have mapped their territories, information which is now being used in the demarcation of their lands. The Bolivian cooperative COINACAPA organizes

small agro-extractivist producers to gather and market Brazil nuts in Fair Trade and ethical markets in Europe. The Bolivian Agro-forestry Association of Tumupasa (AGROFORT) groups together indigenous smallholders who have an ASL concession within a TCO to harvest and market timber. AGROFORT is one of the most successful and well-functioning indigenous forest management associations in Bolivia and accounts for 7 percent of all legally extracted timber sold in the province (Benneker 2006; Molnar et al 2007). In Peru, there are a number of incipient indigenous organization efforts, including the Association of Forest Communities in Loreto, which seeks to gain legal access to forest activities, and to become more involved in forest production.

These civil society efforts tend to have had important support from NGOs and international donors, and in numerous cases, direct and indirect support from government institutions. For example, in Guatemala, ACOFOP and its associated community concessionaires have had support from international bilateral institutions such as USAID, international donors such as the Ford Foundation and KfW-Germany, and a range of NGOs including WCS and Rainforest Alliance (Gomez and Mendez 2005). In Nicaragua, PCaC has had significant support from Oxfam (Cuéllar and Kandel 2005). Peru's Association of Forest Communities in Loreto has been supported by SNV.

Colombia's MASBOSQUE project, by contrast, has been articulated with municipal government activities. Honduras REMBLAH network has similarly involved civil society-government partnership. Guatemala's ACOFOP also works closely with CONAP, the government agency administering the nation's protected areas (Gomez and Mendez 2005). In Brazil's PROAMBIENTE, over 17 grassroots organizations, NGOs, and state and federal government agencies, and dozens of community associations, have been collaborating to design and implement the program.

In Peru, One strategy to help indigenous communities confront the loss of their forests through illegal and unfair logging agreements has been to

support community-based forest management. European donors are supporting multiple community forestry initiatives with indigenous peoples in Peru. The first is a project is the Indigenous Forestry Project (FORIN), which has funding from the European Union and is being implemented by Ibis (Denmark), Cesvi (Italy), WWF Peru, and AIDSESP. The project works with 38 indigenous communities in five watersheds in Ucayali, Loreto, Junin, and Madre de Dios. The project has an organizational strengthening component and is paying for a technician in AIDSESP's Center for Territorial Information and Planning (CIPTA) mapping project. It is also holding capacity-building workshops with regional indigenous organizations and local federations.

In the first year of the project, much of the work has focused on physical and legal regularizing of territories as many of the communities do not know their territorial boundaries. Many of the communities where the project works were originally not able to receive funding because their elected leadership had not been officially registered and there was no community bank account. The project has found that demarcation work is very expensive and that PETT has tried to overcharge to do it. The delineation of boundaries is critical for obtaining forest certification, one of the project's goals. The project is helping communities develop forest management plans and annual operating plans so that they can apply for harvest permits. In some communities, however, the original focus on timber has changed. In Madre de Dios, where there are few marketable species left in community forests, FORIN is helping communities manage for Brazil nuts and latex, in Satipo it works with women on the production of *artesanias*, and in Atalaya, it is helping manage for medicinal plants. The project is also working with INRENA to develop the terms of reference for new norms governing community forest management. In the next year of the project, some communities will receive Peterson portable sawmills and begin harvesting timber. Originally the project planned to install two sawmills per

region, but most of the communities have insisted on having their own. The project also intends to get municipalities to begin to support forestry activities in the communities.

The Peruvian NGO, CEDIA is also launching a forest conservation and management project with funds from the European Commission. The project is focused on providing capacity building and technical assistance to indigenous communities in several watersheds: the Lower Urubamba, Galves, Chambira, Nanay, Madre de Diós, and Apurimac. The several-year project will help communities in these regions sustainably manage timber and non-timber forest resources such as palm heart, fruits, and medicinal plants in their territories. Both of these projects share a common goal of providing economic alternatives to indigenous communities that are facing pressure from logging and oil companies. Their aim is to help communities find ways to earn income through the sustainable management of the natural resources in their territories.

There are many more individual projects across the region, but altogether their reach or scale is limited. Understanding why, is an important question, but answering it goes beyond the capacity of this exercise.⁵ Perhaps more important are the grassroots social movements efforts to change policies in order to produce conditions that will lead to a reduction in poverty, or the creations of greater opportunities for rural peoples. These efforts are made up of coalitions of groups comprised of landless people, farmers organizations, unions, womens organizations, indigenous groups opposing polluting mining and oil operations, people opposing dams and soy plantations, peasant movements, and other grassroots groups. Some of them exist within a country, but many in Latin America have international affiliations, forming critical alliances across countries and even continent (Coordinadora Latinoamericana de Organizaciones del Campo [CLOC]/Latin American Coordinator for Rural Organizations), Via Campesina, MST (Movimiento sin Tierra/Landless Movement), etc) There are others that have formed alli-

ances between grassroots movements and NGO's such as the World Rainforest Movement (whose operational partner for indigenous peoples' alliances is the Forest People's Programme). The indigenous organizations in Latin America are highly internationalized, such as those in the Amazon Basin who first represent themselves from the local to national level and then across countries to form regional representation in COICA. Another level of alliance exists with NGO's in the Amazon Alliance. Other international forums such as the working group on Article 8j of the Biodiversity Convention, the International Association of Indigenous and Traditional Peoples of the Tropical Forests (IAITPTF), and the organizations participating in the UN Declaration of Indigenous Peoples policy dialogue are made up of indigenous participants from most of the countries in the region. While these groups may use confrontational tactics and may have conflictive relations with their governments, they often have pro-active, constructive agendas based on a deep familiarity with the issues and the options.

However, it is interesting to note that there is only the very beginnings of a social movement of forest dwellers, as such. Peasant social movements have a long history of organizing around the struggles for agricultural land and policies that favor them. The indigenous are organized around their ethnic identity and their human rights derived from ancestral claims. Non-indigenous forest dwellers, be they traditional peoples or *mestizos* do not have a region-wide image or identity, structure for representation or formal organization. What does exist is a growing network of community forestry leaders and their community organizations. ACOFOP in Guatemala, or some of the Unions of Forestry Ejidos in Mexico are the clearest examples. Very local attempts are being made to form these networks (Brazil, Bolivia, Peru) and the Global Alliance of Community Forestry (GACF), with a membership base in Central America (ACICAFOC) and Nepal (FECOFUN) are trying to promote the extension of their reach to enlist this local participation in their global network.

3.9

SPOTLIGHT ON RRI PARTNER INITIATIVES TO REDUCE POVERTY IN FOREST AREAS

CIFOR has been active in both Central and South America and has offices in Bolivia, Peru and Brazil. CIFOR recently undertook a scoping initiative aimed at understanding the current state of forestry decentralization, with particular emphasis on the needs and demands of forest-dependent groups (Larson et al. 2006). This study included case studies of forest decentralization in Guatemala, Honduras, Nicaragua, Bolivia and the Brazilian Amazon, and follows on several previous decentralization studies developed since 1998 in all of these countries. CIFOR has been active in Bolivia in research and support of community-based forestry, including the AFIG community forestry organization in Guarayos, the Brazil nut cooperative COINACAPA and with CIDOB, the national indigenous organization of the Amazonian Indians. In Brazil, CIFOR initiated an adaptive collaborative management (ACM) program in community forest management projects in Acre

In Peru, in coordination with SNV, INRENA, AIDER, WWF, and DED, CIFOR has actively supported the creation of new networks of community and indigenous forestry organizations. In 2005, CIFOR and its collaborator institutions helped design and implement a series of regional workshops on community and indigenous natural resource management. The objective of the final workshop was to develop a broad-based diagnosis of the community forest sector in Peru, identify major stakeholders, interests and perspectives from state agencies, NGOs, communities and international donor and research institutions, and to develop a series of recommendations for more effective community forest management policy. Between 2003 and 2006, CIFOR, with Ford Foundation support, has undertaken a participatory research project, where community members themselves are trained to document forest movements' experiences with community-based forestry and critically assess the role and impact of external technical assistance (Cronkleton et al. 2006a; 2006b).

Currently, CIFOR has a research project in four countries (Guatemalan Highlands and Peten, Nicaraguan North Atlantic Coast Region, Bolivian Amazon and Brazil-state of Para) where in nine different community sites analysis is being conducted on the impacts of the recent forest tenure reforms on community livelihoods and forest conditions. The effort forms part of RRI's initial work across Africa, Asia and Latin America in an attempt to understand the opportunities and obstacles that communities face in making tenure reforms work for them.

IUCN is a conservation organization heavily engaged in Latin America and around the world. It has been a primary force behind the development of the Central American Forestry Strategy, which emphasizes the link between forests and poverty. This initiative is in its initial phases in terms of country level implementation. In Brazil, IUCN sponsors the World Commission on Protected Areas (WCPA) program and it has just opened an office in the capital of Acre, Rio Branco. The IUCN's Forest Conservation Programme (FCP) is one of the nine thematic programs based in the global secretariat and supports the forest-related activities of the Union. It follows an integrated people-centered approach to conservation to ensure that forest resources are effectively restored, conserved and employed at the landscape-level to help secure sustainable and desirable livelihoods, particularly for the poor. The FCP team coordinates the Livelihood and Landscapes Restoration Strategy (LLS) with wide set of collaborators and partners.

ACICAFOC (Central American Indigenous and Peasant Coordinator of Communal Agro-forestry) has its headquarters in Costa Rica. ACICAFOC is a non-profit, social community-based organization from Central America, which groups associations, cooperative societies, federations and grass roots organizations led by small and medium agro forestry producers, indigenous peoples and farmer peasants. These groups work for the access, use and

management of natural resources, seeking food security, integrated eco-management and economic sustainability for their communities through diversified livelihoods and conservation.

Forest People's Programme (FPP) has a long presence in the region, working with indigenous peoples in very specific sites. FPP supports forest peoples to secure and sustainably manage their forests, lands and livelihoods, through six principal strategies: a) promoting the rights and interests of forest peoples at local, national and international levels; b) creating space for forest peoples to have an effective voice in decision-making processes; c) challenging top-down policies and projects that deprive local peoples of resources; d) coordinating support among environmental organizations for forest peoples' vision; e) supporting community-led sustainable forest management; and f) publicizing forest peoples' plight through research, analysis and documentation.

The World Rainforest Movement in Peru has supported capacity building for policy and collective strategies. Three workshops were carried out by regional indigenous organizations in the Peruvian Amazon to collectively analyze problems related to forestry law, concession system and

widespread illegal logging. These local organizations included the local NGO Racimos de Ungurahui, and three indigenous organizations: ORAU (Organización Regional de Aidesep de Ucayali); FENAMAD (Federación Nativa del Rio Madre de Dios y Afluentes); and ARPI-SC (Asociación Regional de Pueblos Indigenas de la Selva Central).

Forest Trends' Communities and Markets Program in Brazil has included studies on forest company-community partnerships, and many aspects of certification—complex sociopolitical settings, role of governments, NTFPs, smallholders and private forestry. Forest Trends is an international non-profit organization that works to expand the value of forests to society; to promote sustainable forest management and conservation by creating and capturing market values for ecosystem services; to support innovative projects and companies that are developing these new markets; and to enhance the livelihoods of local communities living in and around those forests. Forest Trends analyzes strategic market and policy issues, catalyzes connections between forward-looking producers, communities and investors, and develops new financial tools to help markets work for conservation and people.

3.10 POVERTY REDUCTION POLICY REFORM OR PROJECTS IN FOREST AREAS

By no means does this scoping exercise pretend to cover the gamut of efforts in this area, but to highlight some of the programs and projects that contribute to these goals. In Guatemala, despite significant ongoing challenges and external pressures, the community concessions in Petén, such as those supported by ACOFOR, have generated important economic and social benefits to participating community members and have contributed to improved conservation outcomes in the Maya Biosphere's Multiple Uses zone.

In Honduras, an early and significant forestry project has been carried out in the Lepaterique

area. The project aimed to integrate forest activities into peasant economies in an economically and environmentally sustainable way. It sought to link goals of poverty alleviation and conservation via “decentralized forest governance and development of communal logging businesses.” Diverse livelihood activities in Lepaterique include agriculture, gardening, resin tapping, firewood and charcoal, coffee, small scale ranching and logging. Some of the challenges faced by participants include conflicts of interest between resin tappers and loggers, corruption and a lack of institutional accountabil-

ity, oligarchic markets and the political and market power of logging contractors. (This project was later considered a disaster by members).

Nicaragua's Farmer to Farmer Program (PCaC) has gained significant acclaim for its role in promoting integration, dialogue and reconciliation among peasants in Nicaragua's post war context, while building an alternative to slash and burn agriculture in the forest. PCaC has helped slow the advance of the agricultural frontier in Siuna, increased food security among participating families while fostering natural forest reproduction in large areas. At the same time this has promoted increases in self esteem and challenged the assumption that *mestizo* colonists inevitably destroy forests (Cuéllar and Kandel 2005).

In Colombia, the MASBOSQUES project has resulted in empowerment of local communities, creation of new public-private partnership, improvements in family incomes and improvements in food security. Significant difficulties faced by the experience include expansion of armed conflict with entry of outsiders into the catchment, and the reliability of continuing commitment to the corporation.

In Peru, SNV, CIFOR and other international organizations worked in 2005 with community and indigenous organizations to design and implement a series of regional workshops on community and indigenous natural resource management. Six regional workshops were carried out in Loreto,

Moyabamba, Puerto Yanesa, Puerto Maldonado and Pucallpa. This series culminated in a six day synthetic workshop in Pucallpa in November, 2005. The objective of the final workshop was to develop a broad-based diagnosis of the community forest sector in Peru, identify major stakeholders, interests and perspectives from state agencies, NGOs, communities and international donor and research institutions, and to develop a series of recommendations for more effective community forest management policy in Peru. This endeavor has represented an important step in strengthening the organizational capacity of community and indigenous groups in influencing Peru's emerging policy framework for local management of forest resources.

In Brazil's state of Acre, the rubber tappers' movement has had a significant impact on the current state government's policies. As a result, Acre's "Forest Government" has some of the most comprehensive and extensive policies and programs aimed at improving the quality of life of its forest-based populations. In the state of Amazonas, the state government has prioritized forest management activities and the forestry industry. It is hoped that populations living in the forests will be given more opportunities to benefit from these recent changes. There are many, many changes occurring all over the Brazilian Amazon that have not been captured here, and are important to share and learn from in the future.

4

Threats to Local Rights and Livelihoods in Forests

4.1

FRAGILE TENURE AND ACCESS TO RESOURCES

Rural populations' rights to land and forest resources remain weak and their tenure insecure, effectively locking them into poverty (Bruce 2004). In some countries, such as Venezuela and some regions of Brazil, internal and international opposition to tenure policy reforms has interfered with improving security.

Where clear rights have been granted, secure land tenure and resource access are dependent on the State's willingness and capacity to enforce forest and tenure laws, both consistently between its own agencies and with third parties. In Bolivia, for example, where there has been an impressive effort towards indigenous land regularization and titling, enduring tenure insecurity is linked in part to insufficient state financial support. Similarly, limited financial and human capital in Brazil has placed significant strains on the ability of the government to protect forest communities' concession rights. In other regions, such as in Nicaragua's coastal lands and Brazil's state of Pará, ongoing unregulated land occupations and colonization threaten forest groups' hard-won resource rights and livelihoods. In addition, multiple and overlapping tenure regimes and irregularity of land ownership continue to fuel land and resource conflicts, often disrupting subsistence production and other local economic activities.

The complicated and even contradictory constitutional and legal frameworks that govern

resource access and tenure emerge from overlapping tenure regimes and can undermine indigenous groups and other rural communities' capacity to access, defend, or extend their rights, as in Bolivia. In addition, there is significant overlap between official land areas and communities who do not have legally recognized concessions or land titles. For example, in Venezuela and Brazil, communities residing in these "unofficial" forests and possessing no formal titles have had a particularly difficult time countering claims by others (including government sanctioned mining companies and colonists clearing the land to establish tenure rights).

As noted by WRI (2005:62):

"whether tenure reforms positively or adversely affect the poor depends on who designs and ultimately implements them. The extent to which the interests of the poor are represented and promoted by national and local institutions—both critical players in enforcing tenure rights—is key to ensuring that tenure reforms do in fact assist the poor."

Yet, in the case of Latin America, despite tenurial rights gains, the participation of indigenous peoples and other rural groups in defining culturally-sensitive and context-specific forest tenure and usufruct rights remains incipient. Incomplete legal reforms can be undermined by faulty or conten-

tious procedures for land titling and registry. Also, the relation between the tenure figure and the bundle of rights allocated in the tenure reform can be limiting. Some of the key issues are:

- Lack of clear path for resolution of competing claims (agrarian, indigenous, conservation, forest) lead to extremely long processes.
- This in an of itself can lead to corruption in administration
- Forestry sector institutions weaker and have less vision than others, getting overrun in the process of tenure reform implementation
- Battle over legitimacy of mapping sources and techniques (government rejection of participatory processes/external surveys from communities/ NGOs, forcing redo's and conflicts).
- Indigenous territories: Major lack of concepts and procedures for recognition of collective identities and customary institutions.
- Indigenous rights exist firmly at the constitutional level in most cases, but these human rights principles are not translated into two important realms for implementation:
 - laws and regulations in the forestry sector,

- mechanisms for documentation of identity, the collective identity aspects are not always incorporated.

- Inappropriate assumptions for regulatory frameworks limit full transfer of rights for communities: expected industrial level production capacity, imposition of official models of community organization that run counter to existing organic ones, imposition of high level environmental controls thus high costs, or limited rights.

This last point is particularly relevant and needs far more treatment. The scoping exercise revealed that even in the most advanced cases of support for community forestry built on the basis of positive tenure reforms, the model of CBF being introduced by donors or NGOs, which is somewhat uniform across the region, is not adequate and is often driving the tenure reforms themselves. There tends to be an overly narrow focus on timber production under international certification standards which may be providing the safeguards that conservation organizations and governments would like to see, but a closer look at the costs and impacts of these models is pointing to the need for a serious revision.

4.2

RIGHTS TO SUBSOIL RESOURCES

One of the greatest ongoing challenges to local forest rights and livelihoods is the State's retention of ownership of subsoil resources. In most Latin American countries (among them Bolivia, Brazil, Guatemala, Panama, Peru, and Venezuela), the State holds the rights to explore mineral deposits, gas fields, and other subsoil resources in most, if not all, lands. Indigenous lands, protected areas, and other forests to which local communities have gained (above ground) resource rights and/or land tenure all remain vulnerable to

mining and gas exploration concessions. Increasingly, Latin American governments, such as Brazil, Guatemala, Guyana and Peru, are granting extraction concessions to national and international companies, often times in the face of vocal opposition from local communities. Many of the natural gas fields and mineral deposits are in forests, and many are in inhabited forests. Among other things, these extraction concessions reduce, if not cut off, local people's access to resources and spur violence, as in the case of Panama and Peru.

4.3 VIOLENCE AND CORRUPTION

Conflicts and corruption, both at the central and local government levels, are ongoing threats in many Latin American countries that have the potential of intensifying land ownership concentration and deepening poverty among forest populations. While it is important to note that civil war, such as in the case of Colombia, has made it too dangerous to carry out effective resource rights and tenure reforms, or to provide effective services aimed at reducing poverty in rural areas and among indigenous peoples, we need to remember that many of the current forest reforms have been carried out following civil conflict (Nicaragua, Guatemala, Bolivia, etc) as a way to answer to historic grievances of the dispossessed.

In general, today it is other types of dangerous activities, notably drug trafficking, money laundering, and other lucrative illicit economic activities (such as illegal logging and gold mining) that are impeding more equitable access to forest resources and land. We know little about how these interests are working, but do know that they are fueling conflicts between and among rural communities over access to land and resources. The failure to address land and resource conflicts, in some regions, is also linked to corruption within, and/or conflict and competition among, political parties. Exchange of bribes and political favors, such as in Pará, Brazil, has created (often deadly) tensions and increased distrust among diverse political figures and local rural groups. In some countries, including Guatemala, Honduras, and parts of Brazil, corruption has been compounded by

organized crime that inevitably leads to violence, including death threats and assassinations.

Forest policies discriminate against indigenous and campesino communities, and encourage corruption. For example, in Peru, the current concession system includes stringent requirements for obtaining legal logging permits. This has had the adverse effect of encouraging many indigenous communities into illegal or at least unprofitable deals with loggers and timber companies (Kostishak 2007). To harvest timber, communities need the same legal permission as logging companies, which requires complicated management plans and an investment of thousands of dollars. These costs are so unfeasible, that many communities wind up selling logs at liquidated prices to companies that file the paperwork for them, discounting from the payment costs that they have incurred along the way. Communities know that they are being cheated in these agreements, but they have few other available options to earn income from their forests. Logging companies also falsify timber extraction permits for communities and traffic the legal permissions granted under the communities' names. They then use these permits to launder timber cut from protected areas, making it appear as though it has come from the community's territory. Communities are then stuck owing taxes on the timber, even though it may not have actually come from their forests. There are many indigenous communities who are not even aware of the enormous debt burden that loggers have amassed for them.

4.4 RACISM AND GENDER INEQUITIES

Racism in many Latin American countries is deeply entrenched across different levels of society and often unacknowledged. For indigenous peo-

ples' and peoples of African descent, in particular, racism presents a serious ongoing threat to their capacity to access and secure rights to land, natural

resources, and a better quality of life. For example, communities of African descendants have either weak or ambiguous tenure and use rights (as in Honduras, Colombia) or suffer from the unwillingness on the part of the government to grant titles in spite of their rights unequivocally stated in the Constitution (as in Brazil). As previously mentioned, across Latin American countries, indigenous groups are amongst the poorest of the poor, in spite of hard-won battles to secure their territories.

Women also continue to face considerable challenges in gaining land tenure and forest resource rights. Discussed above, joint titling and spousal inheritance policies alone have not been sufficient for increasing women's access to land. With the exception of Nicaragua and Colombia, countries in Latin America have not attempted to seriously address gendered inequity to access to land and forest resources.

4.5

GLOBALIZATION AND PRIVATIZATION

Perhaps one of the greatest threats on the horizon is the advance of globalization and its underlying neo-liberal policies and privatization efforts. Over the past decade, countries in Latin America have been more aggressively pursuing free trade agreements – notably the Central American Free Trade Agreement (CAFTA), North American Free Trade Agreement (NAFTA), and Mercosur – despite increasingly vocal anti-globalization demands. The national governments of almost all the countries reviewed in this study are pursuing major, large-scale foreign private investment deals. Brazil, for example, has turned to China for significant investments in soybean production (U.S. Department of State 2006). As noted above, other governments are actively promoting private investments in mining, including Panama for gold and copper. Investments in the forestry sector to “improve forest management” are also on the increase, as in Guatemala and Brazil, to develop plantations and reduced-impact logging in native forests, respectively. In addition, logging company investments in “community” forestry projects are on the rise (Amaral and Amaral Neto 2005).

It is uncertain how NAFTA, CAFTA, Mercosur, and their anticipated expansion will impact the forestry sector and community forest ownership, resource rights, and livelihoods. Based on Mexico's ex-

perience with NAFTA, these free trade agreements are likely to result in higher insecurity for forest people. Underlying neo-liberal privatization efforts, with their deep assumptions that individually-held property is the most rational means for reaching productivity goals, have undermined not only collective tenure and use but also conservation and local livelihood objectives of communities and indigenous peoples in threatened forests. According to some, privatization has led to the dwindling of common property areas around the world and significantly reduced poor people's access to the resources they once relied on. In general, privatization – in the form of private parcels of land and resource concessions to private enterprises – have resulted in resources being transferred to corporate interests at the expense of the poor (Johnson et al. 2001). In addition, privatization has fueled not only increased migration pressures but also strains on forest resources. Investments in infrastructure, such as roads and pipelines, often accompany large-scale, private development projects and also threaten forest peoples' rights and livelihoods. Brazil's history of highway construction and ensuing environmental devastation, for example, warns of the potential for increased displacement of people from their forests, deepened impoverishment, as well as a rise in prostitution, diseases, and violence.

Even the “community” timber projects may, in some cases, actually result in greater insecurity for local communities than opportunities, as they expose often politically- and economically- disadvantaged communities to a whole set of unfamiliar powerful actors and market forces. At the same time, it is important to recognize that globalization can

also be a source of potential support for community and indigenous movements seeking to join forces, as in the case of ACICAFOC, ACOFOP and PCaC in Central America. These broad-based grassroots organizations and networks have provided previously isolated rural populations the opportunity to seek international alliances and access information.

4.6

LATIN AMERICA HAS SUCCESSFUL CBF APPROACHES AND RESULTS, BUT THEY ARE NOT WELL DISSEMINATED

Mexico provides a wealth and variety of successful approaches to CBF of considerable scale, brought about through historic tenure and policy reforms, along with local social struggle. Guatemala, Panama, Peru and Bolivia have selected cases where significant gains have been made. However, this body of

living evidence of alternatives is poorly disseminated and little understood by forest sector policy makers, academics and even community leaders themselves (both forest and agrarian). More research, dissemination, horizontal learning is needed to offer insights and models to inform and inspire more broadly.

4.7

LACK OF REALISTIC ASSESSMENT AND PLEDGING OF INVESTMENT NEEDED IN THE SECTOR TO PRODUCE EXPECTED RESULTS

This may be the most limiting factor for assuring significant favorable tenure reforms with far reaching results in Latin America. There is a clear disproportion between the discourse and advance of tenure reforms relative to national plans for expansion

of the corollary investments needed to make the CBF model work. Lack of plans for expansion of credit opportunities and financial services, physical infrastructure and communications for market linkages, extension services (TA, training, etc.)

4.8

INAPPROPRIATE ENTERPRISE MODELS FOR COMMUNITIES

As mentioned above, a closer look at some of the more recently promoted CBF projects does reveal an overly narrow focus on timber production under international certification standards, that may satisfy conservation goals, but impose models are not easily replicable and create enormous costs

on communities. These factors may be contributing to the fact that these efforts are not going to scale.

Some of the recent trends focusing on market linkages for CBF communities are more often than not built on seriously flawed assumptions, and thus run the risk of setting up interventions that are bound to

fail. Consequences can be devastating to local communities and forests. Some of the major concerns are:

- Not all forest dwellers want strong market ties, and/or agree on how to build organizations to manage enterprises, but may take this route because they see it as a defensive maneuver; hoping that if they have management plans, the government or others cannot take the forest from them.
- Enterprise models are extracted from large industry experience and not tailor-made to the needs of emerging community enterprises, which are fundamentally different.
- Training methods and instruments are 'borrowed' from the technical world of non-

community enterprises and do not fit the needs of this new breed of community run enterprises. (accounting, administration, accountability, rotation of employment and building of local expertise, etc)

- Certification as a standard sector, raises the bar for entry into timber production, creating high costs and unrealistic expectations for local community gains.
- Types of market linkages and enterprise proposals do not reflect the gamut of interests, social and cultural conditions of communities

4.9

POSSIBLE SHIFTS IN STRATEGIES OF TIMBER INDUSTRY AND MARKET PLAYERS

Even the most independent and successful CBE's have some relation to the larger timber industry and certainly commercial actors. However, there appears to be lack of knowledge/understanding of how the larger timber sector operates (from the *proveedores*, concession, mills, buyers. Recent research suggests two possible trends in the strategies of these actors:

- A possible *informalization* of actors and linkages from communities to concessions, mills, and

market agents. *Proveedores* and *habilitadores* serve as: sources of credit fronting \$ for field costs to direct small-scale loggers, truncating community opportunities for development.

- Indications that the timber industry may be moving away from historic interests in directly controlling land/forest resources, and structuring their control over the 'sector' through innovations/modifications from the market side.

4.10

SHIFTING REGIONAL ALLIANCES BETWEEN CONSERVATION, EXTRACTIVE INDUSTRY AND GOVERNMENTS

In many countries and cases, earlier conservation organizations and interests initially conflicted with community strategies for access to forestlands. However, often deliberations and negotiations led to agreements building on underlying shared concerns for maintaining forest cover. Different schemes have emerged where livelihood options were worked out, from co-management to community concessions in buffer zones of

protected areas. However, much more creativity is needed here.

As of late, there is increasing evidence –from the CBF perspective- (indigenous and non-indigenous) that conservation interests are shifting, beginning to ally themselves with industrial interests across the region (large timber industry, mining/oil extraction/ tourism)at the expense of community gains from tenure reforms.

5

Opportunities for RRI & Partners

■ Researching and raising the profile of the wider land and forest policy issues in the context of rural development, the growth and expansion of extractive industry and infrastructure development. With the advent of new policies and programs being developed to respond to the threats of climate change, (mitigation/REDD and adaptation), the issues highlighted in this report become even more salient to decision-making processes in the region. In order to help adequately shape policy work for the forestlands tenure changes and pro-poor programs in the LAC region, it is essential that we look at land tenure and poverty way beyond the forestry sector. Most governments in the region are confronted with land-use proposals from five major sectors or large institutionalized interests, be those: agrarian reform, or the market-led or land-bank ‘agrarian reforms’; the increase in legal recognition of indigenous land rights and the demarcation of indigenous territories; the expansion of land slated for conservation (protected areas, biosphere reserves, national parks, etc); the growth of extractive industry and infrastructure projects, and the specific trends in tenure shifts in forested lands. It is recommendable that future research requires us and our partners to update our overview of the range of trends with respect to land policy in this broader sense.

■ Improving the understanding of the region’s social movements related to forest management and poverty alleviation, their motivations, their goals, strategies, and the lines along which they build their alliances, and their levels of influence

would contribute to the global and national policy analyses and debates.. Most of these trends have counterpart social movements active in coalition-building that occurs at the local, national, regional and often international levels, greatly affecting outcomes.

■ **Seek to answer the question:** Where are tenure shifts likely to occur? There are several ways to address this issue. For example, in countries where substantial forest areas are already in the hands of communities, the RRI’s goal could be to make their tenure regimes more secure, given that they are often located on public lands (Petén, Colombia, Peru, Brazil). Another is to choose to work in countries where legislation has already been passed and demarcation or titling is in process, where substantial forest land transfers are likely over the next decade (Nicaragua, Bolivia). Such shifts seem only likely to occur in other countries if (1) there are strong social movements with substantial support (such as from donors) demanding it and (2) governments are responsive. The case studies so far were not always able to identify or characterize social movements or the nature of governments in each country, but it is likely that the RRI could play an important role in providing reliable research and information, building local capacity and helping indigenous and community movements navigate the legal complexity and ambiguities of tenure reform.

■ **Seek to answer the question:** What exactly is needed to cut poverty in half? The answer to this question will depend on numerous factors, including the definition of poverty and the specific

mechanisms for poverty alleviation that will be supported by the RRI. Few countries explicitly recognize a role for forest resource access in poverty alleviation strategies, and those who recognize this in discourse have not necessarily addressed it in practice. On the other hand, there are various initiatives to support community forest enterprise development in many countries.

Opportunities for RRI consideration that were identified *in particular countries*:

- There are numerous organizations working on land tenure issues in **Guatemala**, but these are not usually tied to forest concerns; the national forestry institute is promoting municipal and grassroots participation in forest management; ACOFOP and the community concessions in Petén present substantial opportunities for poverty alleviation in forest areas and possibly for the development of replicable models;
- There is a growing, broad-based consensus in **Honduras** that land and forest tenure problems must be resolved in the interests of poverty alleviation, and there are some civil society organizations that work on this or related issues;
- There is growing recognition in **Panama** of the importance of supporting forest policies that can improve community forests management, and the development of a national forest strategy, with broad-based participation currently underway; secure land tenure and high poverty levels in the indigenous *comarcas* present key opportunities for tying forests to poverty alleviation.
- Titling is likely to occur in **Nicaragua**, regional governments have increased their role in forest management, there is a strong recognition at the regional level of the role of forests in poverty alleviation, and at least two international organizations are funding community forestry projects in the autonomous regions;
- At least two important civil society coalitions as well as numerous grassroots organizations and NGOs are working in support of sustainable-use conservation areas and community forestry and extractive groups in the **Brazilian Amazon**; state and federal government agencies have also

increased their financial and technical support for these initiatives; the ongoing transfer of forested lands to indigenous and community groups is likely to continue and increase significantly although the rapidly expanding soybean frontier and a new forestry law establishing logging concessions pose significant challenges and possible threats.

- A new forestry law was passed in **Colombia** that some believe may threaten the security of forest tenure rights for indigenous populations in the *resguardos*; ongoing political violence and the economic benefits of coca production interfere with efforts to develop rural alternatives such as community forestry;

- In **Ecuador**, there is a need for dialogue between government and indigenous organizations representing the “nationalities” regarding the titling of territories that overlap with biodiversity protected areas; there is also a need for a continuing exchange of experiences related to sustainable development in order to strengthen indigenous capacity and prevent their falling into the schemes of loggers and extractive industry which will leave their forests and lands degraded.

- There is increasing official recognition of the importance of community participation in forest management, of the links between forest access, tenure and poverty, and of indigenous perspectives on livelihoods in forest areas in **Peru**; community and indigenous organizations are also growing in organizational capacity. RRI could support indigenous organizations in promoting concepts of integrated territorial rights and management, analyze the impacts of government land privatization policies, work to build capacity among indigenous Amazonians to manage communal reserves, communal waters, communal forests, and promote policies that strengthen indigenous land tenure and decision making ability in the face of oil and gas exploration.

The dynamic political situation, land titling efforts, creative uses of openings created by decentralization, and support for indigenous rights currently in **Bolivia** provide important opportunities for promoting greater recognition and integra-

tion of forestry reforms and poverty alleviation initiatives;

■ The political situation in **Venezuela** is volatile due in part to the current government's land reform policies, but the new Constitution creates a favorable climate for the recognition of indigenous land rights, the participation of local populations in forestry and the promotion of community forest management. There are a number of ways in which RRI can contribute to the indigenous struggle for land rights in Venezuela, always keeping in mind the close relationship between the indigenous organizations and the government. RRI can support Venezuelan indigenous organizations which want to participate in international exchanges on land rights, demarcation, and biodiversity conservation and host their own events. Important relationships can also be established with key sectors of the government. Support is also needed to research and publish data on land claims, strengthen community capacity to auto-demarcate lands, and provide technical assistance in developing management plans for territories and natural resources.

Finally, **cross-regional** events can provide a welcome opportunity for sharing insights and

opening engagement with government agencies. The international workshop on community forestry held in Bolivia in April 2007, which included community-based organizations and government representatives, produced a clear set of priority issues identified as important for campesino and indigenous organizations, based on learnings from their community-forestry experiences. These priorities provide a basic set of generic issues that could be used as a starting template for exploring the issues with community-based groups in other countries, as each country has unique issues that fall within the general template of issues produced in Bolivia.

As revealed by presentations from Bolivia, Nicaragua, Mexico, Guatemala, Honduras, and Brazil at the International Community-Forestry meeting in 2006, across Latin America, there is a wide range of different approaches, levels of organization and integration to markets. Support for annual national and international meetings to discuss emerging or festering issues with relevant government agencies present would also be an opportunity useful for community-based groups as a platform for opening and monitoring discussions with government agencies as RRI goes forward.

ENDNOTES

- ¹ The indigenous rights 'precede' the existence of the modern state, as they are based on ancestral rights. However, if state retains alienation rights, the Indians are subject to possible changes in the state's willingness to grant them all the other 'bundle of rights,' according to changes in political will. In some cases this has divided indigenous groups' interest in legal titling, as they decline to give their recognition to this state.
- ² This is particularly true with respect to those indigenous groups who are in voluntary isolation, and there are many more who simply are invisible.
- ³ Calculation performed by author with data from table 1, Sunderlin et al 2008. We say "approximately" because the calculation is based on 25 of the world's most forested countries, accounting for 80% of the global forest estate.
- ⁴ We caution that these figures are approximate because they are based on 25 of the world's most forested countries, accounting for 80% of the world's forest estate, and not all forests.
- ⁵ Initial findings indicate that in many cases these projects have been donor driven or heavily tied to donor projects that tend to 'build' capacity very locally, but do not help build pressure for changing the policy environments (regulations, access to credit, investment capital, etc.).

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