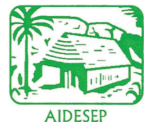


# A marathon, not a sprint



The role of international climate finance  
in securing indigenous lands in Peru:  
Progress, setbacks and challenges



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Aerial image showing deforestation caused by oil palm plantations in Ucayali in 2015. Credit: Mathias Ritgerott, Rainforest Rescue

The formal handover of communal land titles secured by the Regional coordinator of indigenous peoples of San Lorenzo (CORPI) as part of the FIP DGM, 2017

Inside cover:  
The strong delegation of AIDSESEP at COP21 of the United Nations Framework convention on Climate Change lobbying for the Paris Agreement, 2015

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In Peru today, everybody agrees that deforestation can only be reduced and climate change mitigated if the legal security of indigenous territories is addressed. Furthermore, Peru is one of the only countries in the world where, thanks to the struggle of indigenous organisations, climate funds are being invested directly in the recognition of indigenous territories. In practice however, change is slow and contradictory and these initiatives risk being undermined by bureaucratic obstacles. **While the process of titling new territories is not fast enough, deforestation continues to advance.**

# Persistence and creativity against the tide

Today, global and national climate processes are on the mainstream political agenda. This is because the crisis or climatic catastrophe is getting worse despite so many years and thousands of meetings and millions of words and promises, invested to stop or simply reduce this very serious danger to humanity. It represents the old contradiction between theory and practice, between ambitions and realities.

In this context, climate programs and financing are increasing. These include those of the FCPF, FIP, ONUREDD +, FVC, BM, IDB, UNDP, and many others. It is a curious situation in which there are many more actors and projects than concrete results to stop this global tragedy. In this contradictory environment indigenous peoples are being asked to participate, to express their opinions and to act, and we do so with our historical mistrust based on centuries of exploitation in which States and large companies have always ended up doing what they want regardless of what we propose.

There are and will continue to be many doubts about involving ourselves or not in those processes and climate commitments. In this study we would like to share the particular experience of AIDESEP in Peru, in which we decided from 2011, to get involved but with a strong and clear agenda of our own. We did so with caution in order to continue to pressure and not be deceived and entering into dialogue but without ceasing to mobilize and being determined not to change our agenda nor subordinate ourselves to others. On the contrary, from the strength of our territorial roots and worldviews we hoped to reorient the climate agenda, so that it ceases to be discursive and is truly transformative. With this aim we intervened to help curb the global disaster and its impacts in Peru, and at the same time, advance our unrenounceable objectives of Territoriality, Self-Government, Full Life and Self-determination.

The experience has been intense and volatile; often slow, but ultimately one which has moved forward; and the results are now benefiting our peoples, through the recognition of new communities, titling of lands and territories, holistic resource management, territorial monitoring, among other actions. All this advanced, because we did not get tired or discouraged, and persisted, despite the indolence, bureaucracy and technocratic discrimination embedded in the governments and multilateral agencies, in the face of Amazonian indigenous peoples' proposals. Congratulations on these successful results to the leaders of AIDESEP's 9 regional organisations

(ORPIO, CORPI, ORPIAN, ORAU, CODEPISAM, CORPIAA, FENAMAD, ARPI, COMARU) and the national boards of AIDESEP from 2011 until today.

Many continue to remain fixated on an ideological analysis of the causes of and very generic alternatives to the crises of our age as manifested in the apparently unstoppable climatic catastrophe. These are important debates, but we prefer to act and move forward, ask questions along the way, and change course when it is indispensable. As a result of this approach, we can say with pride but also humility, that in Peru, the indigenous Amazonian movement has managed to twist the winds, row against the tide, and reorient slow and bureaucratic global and national climate processes.

In this study we offer our indigenous brothers and sisters of the world our experience and lessons and hope that it will be useful for them to find their own paths. It is our hope that considering the results we have achieved, the allies of our peoples will continue to strengthen the capacity and strategy of AIDESEP as an immense "lupuna"<sup>1</sup> tree housing 1800 communities that control 13 million hectares of forest. In this way we hope that our alternatives to contain the climatic, environmental and social disaster, that the States have failed to address will be respected. •

Lizardo Cauper Pezo  
*President of AIDESEP, Lima, June 2018*

# Introduction



fig 1. Shipibo leader of the Regional Indigenous Organisation of Ucayali (ORAU), Lizardo Cauper Pezo on a visit to Washington to advocate for reform of the Inter American Development Bank's PTRT3 land titling programme Credit: Andrew Miller, 2016

Since 2008, there is a general international consensus that measures to address deforestation are crucial elements in global efforts to mitigate and adapt to climate change. For example, since 2007 the United Nations Framework Convention on Climate Change (UNFCCC) has begun to include actions to address deforestation more forcefully in its plans and agreements.<sup>2</sup> As a result, many countries with tropical forests started to develop national strategies on deforestation, often financed by bilateral agreements or by multilateral finance initiatives of the United Nations and World Bank. However, these initial efforts to reduce deforestation as an easy opportunity to reduce emissions have revealed what forest peoples, environmental and inter-governmental organisations have been saying for decades: deforestation is a complex social, political and economic problem caused by multiple and overlapping local, national and international factors.<sup>3</sup>

Meanwhile, those responsible for forest policy were warned that systems based on results-based payments and compensation for reduced carbon emissions would probably not address the real causes of deforestation, such as vested economic and political interests including those associated with extractive industries and agribusiness. Instead, many country strategies preferred to focus on the creation and management of protected areas, to change the traditional and subsistence activities

of forest communities, or simply in generating “hot air” by exaggerating projections for deforestation in order to create more potential income from so called ‘avoided deforestation’.<sup>4</sup>

As a result of campaigning by indigenous organisations and civil society, the international programmes that have been promoting efforts to reduce deforestation have begun to accept these critiques. Increasingly they have focused on key governance reforms or on the ‘enabling conditions’ necessary in forest countries to address widespread and out-of-control deforestation.<sup>5</sup> Amongst these reforms, measures to address insecure land tenure especially for forest peoples are considered vital as there is a growing body of evidence showing that forest protection increases and is reinforced when the land rights of indigenous peoples are clearly recognised and respected.<sup>6</sup> These measures were also included in the criteria and conditions of international finance programmes for climate change mitigation, including the World Bank.<sup>7</sup> These donors also committed to ensuring that such schemes would not undermine the rights of forest peoples, incorporating the obligations of beneficiary countries to ensure the application of safeguards, complaint mechanisms, and procedures for prior consultation.<sup>8</sup>

This document examines the case of Peru, a country that has established ambitious targets to reduce and eliminate deforestation and improve the legal security of indigenous peoples’ territories in the Amazon. The objective is to evaluate how far these promises to respect and promote the land rights of forest peoples are being fulfilled. •

# Peru

Peru is a country in which there appears to have been positive progress to improve land tenure security of indigenous peoples. In 2008 the country announced ambitious plans to protect 54 million hectares of forest and reduce net emissions from deforestation to zero by 2020.<sup>9</sup>

These announcements triggered a series of financing programmes and new forums where forest strategies were discussed and debated. These spaces offered indigenous peoples the means to articulate their messages and key concerns. In particular, it enabled them to establish the understanding that a forest protection strategy could only be successful if the land rights of the Amazon's indigenous peoples are recognised and respected. As the Interethnic Association for the Development of the Peruvian Rainforest (Asociación Interétnica de Desarrollo de la Selva Peruana, AIDSESP) and Forest Peoples Programme highlighted in a recent report<sup>10</sup> and as the murders of Ashaninka territorial leaders in 2014<sup>11</sup> showed, forest destruction and associated conflicts over land are widespread in the Peruvian Amazon. This situation is, in large measure, the result of the Peruvian State's current and historical policies to promote settlement and agribusiness in the Amazon. It is further aggravated by the simultaneous failure to legally recognise more than 1376 indigenous communities and approximately 20 million hectares of indigenous territories (Annex 1: Indigenous Amazonian territorial demands, AIDSESP, 2018). In a comprehensive report in 2015<sup>12</sup>, AIDSESP documented the extension of untitled indigenous territories in Peru and highlighted overlaps with mining and forestry concessions as well as areas intended for conservation and environmental protection. In this context, a strategy for the protection of forests that does not address these unresolved land rights, would not only fail, but would quite possibly undermine them even further by classifying more indigenous territories as conservation areas.

Below we evaluate the performance of four international climate programmes in relation to the treatment of unresolved indigenous land rights in Peru. •

There is a growing body of evidence showing that forest protection increases and is reinforced when the land rights of indigenous peoples are clearly recognised and respected.

Programme	Main commitments relating to indigenous peoples' territorial rights	Situation in 2017	Evaluation
<p>Forest Carbon Partnership Facility (FCPF) RPP, 2011, \$10.8 million<sup>13</sup></p>	<ul style="list-style-type: none"> <li>● Carry out a diagnostic evaluation of the situation of land tenancy for indigenous peoples.<sup>14</sup></li> <li>◦ Reform land laws to recognise the territorial rights of indigenous peoples in line with applicable legal obligations.<sup>15</sup></li> <li>● Assign \$200,000 to start a pilot project to title indigenous lands in the department of Loreto and commit to securing an additional \$800,000.<sup>16</sup></li> </ul>	<ul style="list-style-type: none"> <li>◦ Superficial analysis of the situation of indigenous territories in the National Forest and Climate Change Strategy.</li> <li>● No reforms have been proposed, let alone implemented, to identify the gaps between national norms and international obligations and the main problems for indigenous peoples' land rights.</li> <li>◦ Commitments for legal reform have been maintained in the latest version of the REDD Preparation Plan (2013) but the mid-term report shows that no progress has been made.<sup>17</sup></li> <li>● No Forest Carbon Partnership Facility funds have been used to support land titling in Loreto.<sup>18</sup></li> <li>◦ All unfulfilled elements were included again in the extension of the FCPF -phase II (FCPF-Phase II), with additional commitments which were agreed with AIDSESP,<sup>19</sup> Proetica and with the Ministry for the Environment in March 2017 as conditions for an additional \$5 million fund approved for the government of Peru.<sup>20</sup></li> </ul>	<p>The positive commitments remain only on paper, but have not been withdrawn.</p> <p>The land titling programme has not been implemented.</p> <p>The Ministry for the Environment accepts there have been long delays in the transfer of funds and changes in government have affected the implementation of commitments but it reiterates the promise to fulfil the agreements undertaken with AIDSESP.</p>
<p>Forestry Investment Programme (FIP): \$50 million. Approved in 2013</p>	<ul style="list-style-type: none"> <li>● \$14.5 million allocated to titling indigenous lands, community forest management, and community forest monitoring, focused on three regions (Ucayali, Madre de Dios and San Martín), and four projects managed by the Inter-American Development Bank and World Bank.</li> <li>◦ Commitments not to establish conservation areas on the lands of indigenous peoples in these three regions.</li> <li>● The government commits to deal with the uncontrolled expansion of oil palm and excludes all such plantations from the programme.</li> <li>● The government commits to carry out broad evaluations of the causes of deforestation and investigate the trafficking of lands, a key driver of deforestation.</li> </ul>	<ul style="list-style-type: none"> <li>● Work plan agreed in 2013 but frozen until 2016 by criteria imposed by the Ministry of Economy and Finance and by the inability of the Ministry for the Environment to fulfil those requirements, which put the programme at risk.</li> <li>◦ In January 2017, there was a new FIP mission to Peru which resulted in a commitment to develop projects according to the criteria set by the Ministry of Economy and Finance and in consultation with indigenous peoples. The deadline for preparation of these projects was September 2017.<sup>21</sup></li> <li>● Project 3 (Ucayali) was allocated to the World Bank for implementation (the others are run by the Inter-American Development Bank) and it has advanced less than the others.</li> </ul>	<p>The programme was so far behind schedule it was almost cancelled in particular the project for the Ucayali region.<sup>22</sup> There has now been progress in the preparation of project profiles, however a deadline extension needed to be requested to avoid cancellation.</p> <p>Indigenous campaigning has succeeded in getting progressive proposals ratified and extended in this second phase of development.</p> <p>Progressive proposals to promote communities' collective rights to land are undermined by legal reforms promoted by the Peruvian government which weaken indigenous rights to land.<sup>23</sup> They are also undermined by the contradictions in a parallel Inter-American Development Bank programme for land titling, which threatened to prioritise the titling of individual plots of land over communal land titles. This was modified as a result of a formal</p>



Programme	Main commitments relating to indigenous peoples' territorial rights	Situation in 2017	Evaluation
			complaint filed by AIDSESEP to the IDB's complaint mechanism.
Forestry Investment Programme – Dedicated Grant Mechanism (FIP-DGM) – \$5.5 million +0.5 million from Declaration of Intent (Norway-Germany-Peru)	<ul style="list-style-type: none"> <li>• \$5.5 million allocated to titling indigenous lands and community forest management.</li> <li>• The financing mechanism is directed by an indigenous committee (CONAP and AIDSESEP); it is administrated by WWF; and executed by 18 local indigenous organisations (nine regional organisations affiliated to AIDSESEP and nine with CONAP).</li> <li>• WWF has committed to expand the programme with an additional \$2 million of its own funds.</li> </ul>	<ul style="list-style-type: none"> <li>• The funds have been disbursed to the implementing agency and the projects began to be implemented in the second half of 2016. To date, 70 communities have been recognised while a further 50 have started the process.</li> <li>• One community has been titled and another 17 are in process.</li> <li>• The indigenous committee has reached agreements with regional governments for the recognition of 300 communities and titling of 140 communities in five years.</li> <li>• Work plans have been established to support livelihood programmes in 20 communities.</li> </ul>	<p>Project design was very quick, thanks to the efficiency of indigenous communities; later it slowed down, due to World Bank's procedures and forms; it picked up speed again during fieldwork. The key to this efficacy lies in the direct indigenous execution of this programme.</p> <p>It represents a landmark achievement and, in spite of the modest funding, it is about to fulfil its ambitious targets for community recognition and titling.</p> <p>Donors must recognise this achievement and begin to direct international climate funds to indigenous organisations such as the Dedicated Grant Mechanism if governments cannot implement their own work programmes.</p> <p>One of the key bottlenecks for titling indigenous territories continues to be state requirements for the classification of soil types and land use prior to titling of indigenous lands.<sup>24</sup> In 2015 new rules further complicated the process.<sup>25</sup> This underlying problem remains unresolved in spite of the repeated complaints from indigenous peoples over many years and government commitments to address it.</p>
UN-REDD <sup>26</sup> \$800,000 (2014-2016) \$3.8 million (2017-2020) <sup>27</sup>	<ul style="list-style-type: none"> <li>• Approximately \$1 million disbursed between 2014 and 2016 to facilitate indigenous participation in the design of the national REDD strategy.</li> <li>• Feasibility studies, carried out in conjunction with AIDSESEP, of indigenous initiatives for forest protection.</li> <li>• \$3.8 million were approved in 2016 (the project will be implemented by FAO) with \$800,000 of this fund for the implementation (with indigenous organisations) of an indigenous Monitoring, Reporting and Verification programme which covers territorial monitoring as well as the monitoring of carbon levels. The project will also support the technical units for community</li> </ul>	<ul style="list-style-type: none"> <li>• The feasibility studies were concluded in 2016 and have identified action plans to protect forests in indigenous territories.</li> <li>• Project profiles for community Monitoring, Reporting and Verification were completed and prepared by AIDSESEP, but progress was stalled because of the change in government in 2016 and work began again only in the first half of 2017.</li> <li>• There was a new mission in February 2017, confirming the allocation of a budget of \$3.8 million. However, the final text has to be updated to conform to Peru's Nationally Determined Contribution.</li> </ul>	<p>The financial commitment is well received by indigenous people but progress is slower than hoped for in part due to political instability.</p> <p>The government in 2016 agreed that a component could be managed directly by AIDSESEP. This would have represented the first example of international climate finance being directly handled by an indigenous organisation. Nevertheless, the current government has announced it will modify this component, although these changes have not been specified.</p>

Programme	Main commitments relating to indigenous peoples' territorial rights	Situation in 2017	Evaluation
	forest management. <sup>28</sup>		
<p>Joint Declaration of Intent: Peru-Germany-Norway:<sup>29</sup> until 2017 \$17.8 million<sup>30</sup> invested of the maximum</p>	<ul style="list-style-type: none"> <li>• At least 5 million hectares of indigenous lands to be titled.<sup>31</sup></li> <li>• Reduce by half the forested area with no assigned property rights, which amounts to some 20 million hectares.</li> <li>• Will support the Ministry of Environment's 'Forest programme' which offers direct financial support to indigenous peoples for forest protection.<sup>32</sup></li> <li>• Will include work components to support indigenous Monitoring, Reporting and Verification and REDD.</li> <li>• Monitoring underlying causes of deforestation.</li> <li>• Prevent further authorisations for land use conversion of areas classified as forest which are currently facilitating the uncontrolled expansion of oil palm in the Peruvian Amazon.</li> <li>• Ensure all project activities respects the rights of indigenous peoples to their territories and to free, prior and informed consent.</li> </ul>	<ul style="list-style-type: none"> <li>• The programme is in its design phase (2015-2017).<sup>33</sup> The details of the programme and its governance remain undefined.</li> <li>• Initial funds of \$5.5 million, to support the titling of indigenous lands, donated by the governments of Norway and Germany, and for the protection of reserves for indigenous peoples in isolation. These early initiatives are being implemented by WWF.<sup>34</sup></li> <li>• The drafts of first concept notes have been shared and discussed with indigenous peoples.</li> <li>• An additional contribution of \$6.1 million has been secured from the UNDP. This was approved in June 2016 and promotes the titling of indigenous territories.<sup>35</sup> The project's objective is to title 53 communities in Ucayali and 15 in San Martin.</li> <li>• Donors are evaluating AIDSESP's proposal to create a programme for Indigenous Amazonian REDD in 12 areas, which includes territorial security, management and governance.<sup>36</sup></li> <li>• It has been approved by the National Forest and Climate Change Strategy that includes the objective to "complete the titling of native communities in the Amazon and the Andes, according to the legal framework".<sup>37</sup> It has also obtained support for Indigenous Amazonian REDD.<sup>38</sup></li> </ul>	<p>The objectives capture important points that indigenous organisations have campaigned for.</p> <p>Committed to open dialogue with indigenous peoples.</p> <p>The donors are taking serious measures to address the need for indigenous land titling, but there are still no clear guarantees that commitments will be met.</p> <p>The positive aspects run the risk of being weakened by the increasing rates of deforestation caused by the rapid expansion of uncontrolled oil palm plantations and illegal gold mining. This conversion is often authorised by government (national and/or regional) in spite of the stated aim of this programme.</p> <p>AIDSESP has questioned the continued use of the concept of leasehold rights (cesion en uso) over forest lands for titling indigenous lands instead of ownership rights.<sup>39</sup></p> <p>AIDSESP has proposed that one of the beneficiaries of the plan to reduce forested areas with no assigned property rights should be 'Communal reserves' and 'Territorial reserves' for indigenous peoples in isolation or initial contact. These areas have been sufficiently backed up with relevant studies and together cover 8 million hectares. At the same time, they will avoid the risk of creating conflicts with other untitled indigenous territories.</p>

# The Forest Carbon Partnership Facility (FCPF)

In March 2011, after two years of intense and dedicated campaigning by the indigenous Amazonian movement in Peru, represented at national level by AIDSESEP, the Forest Carbon Partnership Facility finally approved the funds for the national REDD Preparation Plan for Peru (RPP).<sup>40</sup> Throughout this process, AIDSESEP insisted that the success of protection plans for forests depended on clear commitments by the government to recognise and formal recognition an estimated 20 million hectares of pending indigenous territorial claims. Since such reforms were not made immediately, the indigenous organisations adopted a position that REDD constituted a serious threat for indigenous peoples. Further, they argued that in so far as legal reforms including the law of prior consultation and the forestry law weakened the rights of indigenous peoples - with the creation of several contradictory articles - current REDD policies would not only fail to reduce emissions but could also exacerbate existing conflicts over land.

As a result of AIDSESEP's campaign, a third draft of the RPP was prepared. The document included 13 key modifications in response to indigenous concerns about the implications of the programme for their rights to land and resources. These modifications included the following key changes:

- Commitments to reform national legislation on land in order to bring it into line with the provisions of ILO Convention 169<sup>41</sup> and other applicable obligations on the demarcation of indigenous peoples' traditional territories.
- A dedicated fund of \$200,000 to initiate titling processes in Loreto, where there are some of the most important titling requests, as well as an additional \$800,000 from other funds to complement these efforts.
- This is the first time that a REDD Preparation Plan has included specific funds to actually implement activities as there has been enormous resistance to include anything which was not specifically planned about the revision of laws or part of a strategic plan. However, this was included after AIDSESEP effectively argued that without a signal of intent on the part of the government to proactively address this issue, they would not back the plan which they considered to be irrelevant and inconsistent.
- Inclusion of AIDSESEP's alternative vision for forest protection that also protects the rights of indigenous peoples and that is designed according to their needs and priorities (Indigenous-REDD). This was recognised for the first time in an official government document.

The success of protection plans for forests depended on clear commitments by the government to recognise and formal recognition an estimated 20 million hectares of pending indigenous territorial claims.

## THE FOREST CARBON PARTNERSHIP FACILITY: BROKEN PROMISES OR BUREAUCRATIC OBSTACLES?

The progress mentioned above sets a precedent and represents a shift in focus which is politically and technically important. However, campaigning will have to continue in order for a real impact to be observed. Five years after commitments were reached, the objectives of the REDD Preparation Plan remain only partially implemented<sup>42</sup> and only 30% of the funding committed by the Inter-American Development Bank have been disbursed.<sup>43</sup> Worse still, the Ministry for the Environment's mid-term report, which evaluates the implementation of the REDD Preparation Plan shows that no funds have been allocated for the titling of indigenous territories in Loreto. Neither does it report any progress on the commitment achieved after significant effort to bring Peruvian legislation in line with

international obligations with regard to indigenous peoples' territorial rights. Following the Peruvian government's application to carry out an FCPF-Phase I (which would mean an additional \$5.5 million), AIDSEP set as a condition for supporting or withdrawing, that all these unfulfilled commitments should be resolved. In addition, considering that this is another project with new activities, it incorporated additional proposals to those already mentioned, related to 12 indigenous REDD+ territories, indigenous economies, Monitoring, Reporting and Verification-I (MRV-I), Indigenous Forestry Oversight and the REDD+ Indigenous round tables. The Ministry for the Environment has formally agreed to these and there was an agreement by the FCPF's subcommittee in March 2017, which alludes to it indirectly.<sup>44</sup> •

fig 2. Indigenous peoples' territories in the Peruvian amazon incorporate diverse landscapes like the navegable rivers and mountains of Wampis territory in the Santiago river watershed. However many of these areas which are so vitally important for material and cultural reasons are often excluded from their titled lands. Credit: Conrad Feather



# The Forestry Investment Programme

AIDSEP's continuous campaigns over more than 2 years resulted in important agreements including the withdrawal of proposals for the expansion of plantations, agribusiness companies, protected areas and conservation concessions.

After the approval of the REDD Preparation Plan, the World Bank's Forestry Investment Programme (FIP), responsible for promoting "transformative change in forestry policy and practice in developing countries",<sup>45</sup> also began the process of preparing a pilot programme in Peru. This pilot programme has an approximate budget of \$50 million to be disbursed through loans and subsidies. AIDSEP's continuous campaigns over more than 2 years (2011-2013) resulted in important agreements<sup>46</sup> including the withdrawal of proposals for the expansion of plantations, agribusiness companies, protected areas and conservation concessions. It also resulted in a commitment that the analysis of the problems will address the underlying causes of deforestation, including road building and extractive industries.<sup>47</sup>

The original design phase that cost \$250,000 had to be modified because it had not taken into account the concerns of indigenous peoples. It also presented an additional cost of \$30,000. AIDSEP was also able to benefit from progress made in the Forest Carbon Partnership Facility's process and ensure that the recognition of unresolved indigenous titling requests be included in the proposal. Finally, the process was successful in obtaining the allocation of a total of \$14.5 million for indigenous components. In addition

to these financial commitments, 30 more specific agreements for the recognition and respect of indigenous rights to land and resources were included, as well as those addressing underlying problems in the forestry sector which are contributing to the illegal exploitation of timber and deforestation. Some of the most important agreements include:

- The guarantee that the FIP plan will not affect indigenous territories, with or without title to their lands.
- The allocation of \$7 million to commence the recognition of pending indigenous titling requests.
- Withdrawal of proposals to establish and/or support Regional Conservation Areas (like the Cerro Escalera Shawi) which overlap indigenous territories.
- Guarantee that the FIP plan will not include measures to promote the establishment of private conservation concessions on indigenous lands.
- Withdraw the proposals to promote the establishment of new oil palm plantations and ensure the introduction of appropriate regulation to supervise existing plantations.
- Allocate \$4 million for the support of community forest management.
- Allocate \$3.5 million to support and encourage the implementation of improved forest monitoring within indigenous communities.
- Include indigenous organisations (AIDSEP and CONAP) in the steering committee of the FIP plan, so that they can supervise the implementation of FIP projects.
- Carry out an independent evaluation of existing timber concessions.
- Carry out an in-depth study to identify the underlying causes of deforestation in Peru.

There is a lack of political will in the State sector to speed up these processes and initiate the Forestry Investment Programme's projects

Nery Luz Zapata Fasabi, *President, CORPIAA*.<sup>48</sup>

The agreements reached between the government and indigenous peoples in Peru represented an unprecedented step forward. However, four years have passed since the approval of the FIP plan, and the contract remains unsigned.

The Peruvian Ministry of Economy and Finance has delayed the process while it reviews the agreement in relation to a series of criteria that regulate public borrowing.<sup>49</sup> In 2013, officials from the Ministry of Economy and Finance proposed that they had their own forestry policy which included plantations, especially in the Andean region. Later, with the new government, other officials abandoned that approach and concentrated on seeking coherence between the FIP and the specific roles of each ministry and regional plans for public investment.

During these years the Ministry of Economy and Finance has blamed the Ministry for the Environment, which is the World Bank's counterpart, for the delays in addressing the criteria regulating public debt. In turn, the Ministry for the Environment has blamed the Ministry of Economy and Finance.

The Ministry of Economy and Finance participated throughout the process of negotiating the agreements, but did not object or demand that the agreement should be subject to further procedural conditions. This represents the height of irresponsibility. Why do they only now say that this agreement has to be coherent with Ministry of Economy and Finance's forestry policy? We wonder, what forestry policy? When they explained this in a meeting with all the Peruvian government agencies, the National Forest Service and Wildlife, which determines national forestry policy, turned to them in surprise and said, 'What policy? We're the ones who determine forestry policy!' This demonstrates that there is a government at the Forestry Investment Programme meetings that comes and makes announcements, but there is another one that is invisible, that works behind the scenes, pulling strings...

Analysis by Roberto Espinoza, AIDSESEP advisor, after the 2015 subcommittee meeting of the FIP evaluated these delays.

Indigenous peoples' organisations have intervened on repeated occasions with the Ministry of Economy and Finance, the Ministry for the Environment, the World Bank, as well as with Forestry Investment Programme's donors, in order to address this bottle neck. They argued that those funds which have been allocated to support indigenous components and that are classified as grants rather than loans should be channelled to the specific Forest Investment Programme's (FIP-DGM) funding mechanism for indigenous peoples, which is already operational.<sup>50</sup> This proposal was rejected by the previous government. That is to say that they neither implemented nor let others implement the project.

In early 2017, with the current government in place, there was a new Forestry Investment Programme mission to Peru, which resulted in a plan to develop the projects according to Ministry of Economy and Finance's criteria and in consultation with indigenous peoples. The deadline for the preparation was 30 September 2017, after which these projects would be cancelled if no further action was taken.<sup>51</sup> In view of this imminent danger, the decision was taken to accelerate the design of the projects, and a consulting firm was contracted to finalise project outlines. AIDSESEP made sure that these designs respected the 2013 agreements and ensured the participation of local organisations and an advisor from AIDSESEP in the design team. Progress includes those conditions previously agreed when the FIP plan was originally approved with the addition of actions related to indigenous economy, the implementation of Indigenous Amazonian REDD+, the MRV-I and Indigenous Forestry Oversight, both at local and national level. However, one of the projects, which focuses on the province of Atalaya was not included in this process and remained incomplete.<sup>52</sup> Faced with this situation, AIDSESEP managed to convince the Ministry for the Environment and the World Bank (with shared responsibility for the delays) to back a request to the Forestry Investment Programme's subcommittee for a deadline extension. Finally, in May 2018 the Atalaya component was approved by the World Bank implementing agency.<sup>53</sup> Despite this apparent progress, the implementation of these projects remains uncertain.

On repeated occasions since 2014, CORPIAA and AIDSESEP have been expressing their concern about the excessive delays and obstacles at ministerial-level to get these projects in place. At the same time, we have drawn attention to the socio-environmental consequences for the region because of this implementation failure. For these reasons, we demand that the Peruvian government and the World Bank take all necessary measures to approve the extension of the deadline. The indigenous communities and their organisations who continue to participate diligently in the process will not contemplate the possibility of project cancellation.<sup>54</sup>

In the end, and after great tension and uncertainty, as well as continued advocacy by indigenous peoples the project concepts (PIP – public investments projects) were finalised and approved by the Ministry of Finance and the FIP sub-committee and AIDSESEP described it as 'the resuscitation of the FIP'.<sup>55</sup> Nevertheless, the tortuous processes involved in public administration will mean further delays prior to actual and effective implementation and this will no doubt worsen with the permanent political crisis with the current administration and its constant ministerial changes. •

# FIP-MDE: Indigenous efficiency and sustainability

“With less than \$5 million we will recognise 300 communities and title 140”

In contrast to the delays with the FCPF and the FIP, the Dedicated grant mechanism (DGM) for indigenous peoples of the FIP programme which manages only \$5.5 million has already begun to be implemented. The modest but significant investments in land titling, community forest management, and community monitoring were agreed in 2013 for priority regions. A governance committee of 10 people from indigenous organisations, representing AIDSESP (5 members) and CONAP (5 members), and its operating procedures were officially approved in 2014, including a complaints mechanism. In 2015 an official contract was signed with WWF, which was appointed as the implementing organisation. The funds have been disbursed. The organisation of the DGM’s institutional structure and the project design with the World Bank took place quickly, but then slowed due to contractual negotiations and the excesses of the World Bank’s procedural and documentary requirements. Later, thanks to the efficiency of indigenous communities, the project picked up again, operational plans were adopted for the first year of fieldwork, and progress began to be made with concrete results. The key elements in this plan are:



- In the first year the objective is the legal recognition of 146 indigenous communities (a necessary step prior to land titling). An agreement has been reached with regional government agencies responsible for the implementation of these procedures at the average cost of \$3000 per community. By July 2017 and after barely a year of work, 124 new communities had achieved legal recognition and registration in the public registry.<sup>56</sup> This is a great step forward, which should accelerate the titling of their territory.
- In the first year, the DGM aims to complete the titling of 26 communities, and is planning to title a further 140 within the next five years, with an average cost of \$30,000 per community. AIDSEP's successful interventions have accelerated the participation of the relevant authority (the regional governments) and simplified the titling procedures in some regions in relation to the required soil samples for land classification. By June 2017, 15 communities had obtained their titles,<sup>57</sup> which represents a swift application process.
- Forty subprojects have been approved<sup>58</sup> for small-scale livelihood grants with an estimated total value of \$800,000 to support sustainable management of natural resources. These include agroforestry projects, fish farms, handicraft projects and ecotourism.
- The design of proposals for indigenous women's initiatives is currently being planned in the field with women's groups who will carry out these activities. Each project has an estimated budget of up to \$20,000.
- Several communities are preparing proposals to support community forest management, which have to be revised and approved by the Dedicated Grant Mechanism's steering committee. Communities are obliged to demonstrate that these projects are independent of third party interests such as logging companies.
- The Dedicated Grant Mechanism has made broad progress, not only in the running of the programme, but also in indigenous relevance, cultural sensitivity, efficacy and efficiency. The progress is even more evident in comparison with other climate funds invested in by the Norwegian government which has been so concerned by the lack of progress on land tenure issues and the proposed projects that it has invested a further \$500,000 in the DGM to speed up the process.
- The Dedicated Grant Mechanism is different from other initiatives in that it is planned, directed and executed by indigenous organisations, supported in its management by WWF and given state validation by the Ministry for the Environment and regional governments. Without this indigenous axis and the connection generated between government bodies, it would have been impossible to overcome the bureaucratic inertia.
- In comparison to the other financing mechanisms, the Dedicated Grant Mechanism appears to be the only effective mechanism to implement governmental commitments to resolve indigenous territorial demands in the Peruvian Amazon. These commitments have been assumed under the National Forest and Climate Change Strategy, the Declaration of Intent and Peru's Nationally Determined Contribution, the three main umbrella agreements on climate and forests for the country. •



fig 3. 'Members of the Shipibo community of Korin Bari in the Ucayali region have been demanding the legal recognition of their lands for over ten years. legal title was finally issued in February 2017 and community members began to demarcate their recently titled land'. Credit: Cesar Ampuero Mori

# Challenges for the Dedicated Grant Mechanism

To the best of our knowledge, the funds that will be spent through FIP-DGM, represent the first time that international climate funds have been administered directly by indigenous peoples in partnership with government to address unresolved indigenous and forest peoples' land rights. Although the DGM is being applied across 13 countries (Brazil, Mexico, Indonesia, Laos, Burkina Faso, Ivory Coast, Ecuador, DRC, Republic of Congo, Ghana, Guatemala, Mozambique and Nepal), the Peru project is by far the most advanced in terms of indigenous rights and territories. It is also clearly much more effective and efficient than the government's own land titling programmes. The DGM will secure land titles for 140 communities at the cost of \$30,000 each and will be run primarily by indigenous organisations. In comparison, the Inter-American Development Bank's massive PTRT3 project aims to title 403 communities with a total budget of \$80 million. However, the latter has resulted in; conflicts with indigenous peoples as it runs the risk of promoting increased colonisation of indigenous lands, excessive intermediation by the operating agencies and ultimately has been very slow to implement.

In spite of the progress made by the DGM, there are still challenges including the requirement for the classification of land use in indigenous territories, a process that is discriminatory as it is not applied when land rights are issued to private property owners and to communities in the highlands of Peru. This is part of an existing procedure to determine the 'Main Use Capacity' of forest lands prior to land titling in which soils classified as 'forest', are only issued in the form of a leasehold contract to indigenous peoples rather than in the form of a property title. As the vast majority of indigenous lands are classified as 'forest' this means that the tenure security of most of their lands remain precarious.<sup>59</sup> A Ministerial Resolution (O355) which was approved in 2015 by the Ministry of Agriculture in response to indigenous peoples' advocacy, did not resolve the problem and complicated the processes still further for indigenous peoples because it required chemical, physical and mechanical analysis. In practice, this means that the process is not only discriminatory and of questionable legal validity,<sup>60</sup> but also an important impediment to the titling of indigenous territories in Peru as it requires onerous, lengthy and costly processes of soil classification. AIDSESEP's lobbying and legal action with the Institute of Legal Defense (IDL) has secured the replacement of this ministerial resolution by RM 194-2017-MINAGRI<sup>61</sup> which substantially simplifies the procedure although it still fails to question the underlying principle. Once it begins to be applied the results will have to be evaluated, to ensure that simplification is effective and timely and so that these procedures and associated costs can be standardised to ensure efficiency and transparency. At the same time, we will have to evaluate if these new classifications respect customary land use and indigenous traditions. AIDSESEP has pointed out the need for two parallel actions: continued titling as an immediate defensive barrier to forest destruction and mitigation of the negative impact of the system of land and forest classification. At the same time AIDSESEP will continue to campaign to modify Article 11 of DL22175 (1974) which, during Peru's military dictatorship 'carved up' indigenous peoples' territories with the allocation of leasehold rights over forests.<sup>62</sup> •

From theory to practice: The application of leasehold land rights (cesion en uso) in the Kichwa community of Nuevo Lamas, San Martin

The Kichwa people of the San Martin region have traditionally occupied the upland forests which since 2005 were classified as the Regional Protected Area - Cerro Escalera by the regional government of San Martin. Today, many of these communities lack any secure rights to these forests and are regularly stopped and restricted from accessing its forest resources vital for their subsistence.

In 2016, and after a long struggle for recognition of their rights, one of these communities, Nuevo Lamas de Shapaja, was issued with a land title extending to 1620 hectares. This constituted only a tiny fraction of the lands which they have traditionally relied on for access to vital forest resources. To make matters worse when the community examined the detail of the title they realised that only 31 hectares of the area or 2% had been issued in the form of a property title, the rest had been issued to them in the form of a contract or leasehold known in Peru as 'cesion en uso'. Further details of the contract revealed the precariousness of this lease establishing multiple conditions and circumstances under which the contract and thereby community rights could be annulled. The contract currently stipulates for example that the community can only use fallen trees for construction purposes.

This model of land titling whereby forests have been excluded from indigenous land titles has been the practice in Peru since land titling began in the 1970s. Activists and lawyers have long pointed out that the model is flawed and discriminatory. The practice not only appears to violate international human rights norms and jurisprudence applicable in Peru but is applied in discriminatory fashion as the land titles of private landholders and highland communities are not treated in this way. In May 2016, the community of Nuevo Lamas and their organisation, the Ethnic Council of the Kichwa peoples of the Amazon (CEPKA) with the legal support of the Institute of Legal Defense (IDL) resorted to filing a law suit in the court of San Martin in which they challenged the constitutional nature of this provision. This is the first time that the courts in Peru have been used to challenge this longstanding paradigm which undermines secure community land rights. The outcome remains pending.<sup>63</sup>

# Indigenous Monitoring, Reporting and Verification: Slow progress

Following the approval of the Peruvian REDD Preparation Plan, Peru also requested its inclusion as a pilot country for the UN-REDD programme, which would permit more funds to reinforce the REDD preparation plans. Peru was included in 2013 and funds of up to \$1 million were invested in consultation processes with indigenous peoples and the preparation of national REDD+ plans.<sup>64</sup> Preliminary studies by the UN-REDD programme have partially addressed the magnitude of the problem and the importance of addressing indigenous peoples' rights to land and territory.

In July 2016, an additional project was approved for \$3.8 million. This project includes components to strengthen indigenous peoples' capacity to implement a Monitoring, Reporting and Verification programme to document deforestation as well as forest protection efforts by indigenous peoples.<sup>65</sup> AIDSESEP refers to this as Indigenous-MRV. This would allow indigenous peoples to document and report threats to their territories. This component was accepted and an initial contribution of \$400,000 was doubled to \$800,000. In addition, an agreement was reached to guarantee that these funds would be managed directly by AIDSESEP, via an agreement with the

FAO. This would be only the second time in Peru that funds from international climate finance, and primarily designed for governments, would be managed directly by indigenous peoples. At the same time, the programme aims to support some of the programme of work of AIDSESEP's Indigenous Forestry Supervision Programme (Veeduría Forestal Indígena), a mechanism to provide technical and legal support to indigenous communities engaged in the forestry sector. Additional support was also included for government Technical Units for Community Forest Management (UTMFC in Spanish), the units within the regional forestry authorities which aim to provide communities with the technical skills and knowledge to comply with national forestry laws and policies.

Despite this progress, the national elections and the change of government in 2016, led to stagnation in the process. On the basis of prior agreements, the new government introduced additions to these programmes including links with Indigenous-MRV in the Module on Monitoring Forest Cover (MMCB en Espanola). However, implementation of this programme continues to be delayed. •

fig 4. 'Despite Peruvian government orders to suspend the operations of palm oil operators in Ucayali, deforestation and planting continued to expand in the territory of the Shipibo community of Santa Clara de Uchunya'. Credit. Ivan Flores Rodriguez



fig 4.

# Norway–Germany–Peru agreement on zero net deforestation

progress continues to be slow, and to date there is no mechanism to implement or govern this fund, since it is still in the design phase,<sup>67</sup> although many options are being discussed. AIDSESP admits that the government of Norway has recognised the fundamental importance of addressing the issue of the rights to unrecognised indigenous territories, and has made available additional funds for titling through the FIP-MDE and a UNDP project. Meanwhile, the German government is providing modest funds to develop skills and methodologies for titling in Ucayali and San Martín,<sup>68</sup> with a project that coordinates with

It was announced that Norway would contribute \$300 million and that the programme would include a key objective to secure at least 5 million hectares of requested land titles by indigenous communities. At the same time, it aimed to support the delivery of conditional financial transfers to communities that protect their forests in over 2 million hectares and would reduce by 50% (...) the surface area of forest lands currently without any allocated rights and titles.

In September 2014, and on the eve of the UN Climate Conference in Peru (COP20), the Peruvian government announced a joint Declaration of Intent with the governments of Norway and Germany to support Peru's efforts to achieve zero net deforestation by 2020, although it was later reformulated simply as 'reduction of emissions'. As part of this agreement, it was announced that Norway would contribute \$300 million and that the programme would include a key objective to secure at least 5 million hectares of requested land titles by indigenous communities. At the same time, it aimed to support the delivery of conditional financial transfers to communities that protect their forests in over 2 million hectares and would reduce by 50% (approximately 10 million hectares) the surface area of forest lands currently without any allocated rights and titles.

In broad terms, indigenous organisations recognised the agreement as a positive step forward<sup>66</sup> although they considered the objectives to title indigenous lands as insufficient. They were also concerned at potential conflicts given the lack of safeguards for preventing overlaps of untitled indigenous lands with newly allocated rights to third parties. Nonetheless,

other donors who share the same objective. Nevertheless it has been poorly coordinated with AIDSESP and has therefore been questioned by the indigenous organisation.<sup>69</sup> AIDSESP also recognises that the discussions in relation to the 'declaration of intent' have been more transparent and participatory compared with other spaces such as the Forest Carbon Partnership Facility and the Forestry Investment Programme, in particular through dialogue with the regular Norwegian missions to supervise the project. •

## COMMITMENTS TO ADVANCE INDIGENOUS TERRITORIAL RIGHTS MOVE SLOWLY, WHILE THE DESTRUCTION OF THE FOREST ACCELERATES

The study demonstrated that, since 2010, rather than reducing deforestation, forest clearance has increased in Peru. The main culprits for this are gold extractors, the clearance of forest for oil palm plantations and agribusiness.

Although Peru has made ambitious written commitments to protect forests and indigenous peoples' rights to land, actions and achievements on the ground are more limited. A report by AIDSEP and Forest Peoples Programme in 2014<sup>70</sup> described the way in which these commitments were being undermined by rampant, uncontrolled and illegal extraction of gold, the illegal and unregulated expansion of oil palm, and agribusiness operations in primary rainforest facilitated by corruption and legal loopholes. The study demonstrated that, since 2010, rather than reducing deforestation, forest clearance has increased in Peru. The main culprits for this are gold extractors, the clearance of forest for oil palm plantations and agribusiness. The report showed that in the second half of 2013 and only in the regions of Ucayali and Loreto, oil palm companies cleared more than 13,000 hectares of primary rainforest, making oil palm the second largest cause of deforestation in Peru.

Gold extraction is an historic problem which has been tolerated for decades by the state but has been exacerbated in recent years by the significant increase in the price of gold. On the other hand, the cultivation of oil palm only began to expand in 2012 but by the end of 2013, gold mining and oil palm cultivation represented 20% of the annual rate of deforestation in Peru. The expansion of oil palm has been facilitated by huge loopholes and contradictions in the legal framework that regulates land tenure and the conversion of forests, along with a lack of political will or capacity to enforce laws, a fact that was highlighted by the National Strategy on Forests and Climate Change.<sup>71</sup> These shortcomings are easily exploited by commercial groups (Melka, Romero and others) responsible for highly controversial oil palm plantations.<sup>72</sup> These shortcomings are also used by land traffickers, who easily obtain land certificates which are fraudulently or irregularly issued by local or regional authorities and which the traffickers then try and convert into property titles which are sold to agribusiness companies.

These practices have been documented in detail in the case of the company Plantaciones de Pucallpa (now known as OchoSur SAC) vs. the Shipibo community of Santa Clara de Uchunya. The community presented a legal action against the regional government of Ucayali for their actions.<sup>73</sup> This kind of land trafficking not only leads to deforestation, but also generates a climate of violence and conflict. Since the community of Santa Clara began to stand up to the expansion of the oil palm, their leaders and families have been subject to constant death threats and violence. To date, these threats have not been carried out, but on 1 September 2017, six people were murdered in a neighbouring homestead, apparently as a result of a conflict with a group of land traffickers.<sup>74</sup> The community of Santa Clara has indicated that the alleged murderers belong to the same group that has been threatening them. In response, civil society is demanding justice for the victims and their families and calling on the government to end this climate of impunity, corruption and ambiguity which facilitates land trafficking.<sup>75</sup> Meanwhile on the 11th December 2017 representatives of Santa Clara de Uchunya were shot at while investigating recent deforestation in their traditional lands.<sup>76</sup> In conclusion and in spite of ambitious state objectives, both violence against communities and human rights defenders and annual rates of deforestation are on the rise. The annual rate

of deforestation in 2015 was 156,000 ha/year and in 2016 forest loss was 164,662 hectares<sup>77</sup>, compared to an average annual rate of 123,000 ha/year between 2000 and 2012.<sup>78</sup>

Evidence about the causes of deforestation in Peru shows that there is a clear connection between infrastructure projects and forest clearance. For example, it is estimated that nearly 80% of deforestation in the Peruvian Amazon takes place within 20km of a road.<sup>79</sup> However, in spite of the recent exposure of corruption scandals associated with various public infrastructure projects in Peru<sup>80</sup> and the current economic decline, the government continues to promote infrastructure projects. These include nearly 600km of electrical transmission lines between Moyabamba and Iquitos, the construction of which alone will destroy an estimated 12,000 hectares of forest, without considering the indirect deforestation resulting from future settlement of the area which the project will promote.<sup>81</sup> This comes on top of two new road-building projects. One was approved by the Congress in May 2017 (PL 75), and is known as a 'multimodal connection' in Purus, which does not exclude a highway section, whitewashed as an access road to Brazil.<sup>82</sup> The other proposed project is a 685km road through Loreto, from Iquitos to Saramiriza, also approved by the Congress,<sup>83</sup> and rejected by indigenous organisations.<sup>84</sup>

Meanwhile, a series of legal reforms enacted by the Congress since 2013 have attempted to further weaken indigenous peoples' territorial rights.<sup>85</sup> An attempt was made to weaken the hard-won consultation law but it was stopped by the quick reaction of national indigenous organisations. The so-called 'legal package' of 2013 was followed by the Law of Dispossession or Legislative Decree 1333.<sup>86</sup> The latter gives the Ministry of Economy and Finance the power to accelerate investment, block or suspend community titling procedures, reduce or overturn existing titles, and even to convene community assemblies to manipulate and impose investments and alter territorial rights. This measure, along with earlier legal reforms, has been the subject of a lawsuit by Peruvian indigenous organisations and their allies in civil society. In March 2017, a significant majority of the members of the Congress' Constitutional Commission approved the repeal of DL 1333.<sup>87</sup>

In 2014 a new obstacle emerged. An \$80 million land titling programme, financed by the Inter-American Development Bank (IDB) threatened to exacerbate, instead of resolving, the problem. The third phase of the Rural Land Titling and Registration Project in Peru (PTRT3) planned to extend its work to the Amazon and Andes. This project was focused mainly on a massive programme of titling and registration for more than 700,000 individual agricultural land titles, while a much smaller work programme aimed to secure 180 indigenous community titles in the Amazon and 190 in the Andes, although it excluded dealing with communities on lands which

were subject to disputes. AIDSESEP repeatedly argued that the failure to title indigenous lands not only ignores lessons learned in official evaluations of investments in land titling commissioned by the IDB (PTRT 1,2) but also violates the legal obligations of Peru to protect the territories of indigenous peoples, including the requirement that until the delimitation, demarcation and titling of all indigenous peoples' lands has been completed, the state must refrain from granting concessions or "any action which might... affect the existence, value, use or enjoyment of the property."<sup>88</sup>

AIDSESEP also highlighted that the programme was putting at risk parallel efforts by other IDB projects in Peru, including the Forestry Investment Programme (FIP). For example, the analysis of the FIP showed that the annual rate of deforestation is higher on lands that have been individually titled (2.27%/year), while the lowest rates of deforestation are registered on indigenous territories and protected areas.

In spite of this evidence, and of the continuous efforts by AIDSESEP to participate and inform both the IDB and the Peruvian government about the potential risks of the project,<sup>89</sup> the loan was approved by the IDB and the government in December 2014. The international supporters of Peru's programmes to protect forests, like Norway, Germany and the World Bank were able to let out a temporary sigh of relief when a robust formal complaint to the IDB's Independent Mechanism for Consultation and Investigation (ICIM)<sup>90</sup> was filed by AIDSESEP in August 2015.<sup>91</sup> It was eventually admitted thanks to persistent indigenous advocacy in Peru and Washington, in spite of the strange silence of many Peruvian organisations. This triggered a formal process of consultation with all parties, which began in June 2016.

AIDSESEP managed to advance in the negotiations,<sup>92</sup> which led to an interim solution undersigned by the Ministry of Agriculture, the IDB, the ICIM, AIDSESEP, and its nine regional organisations. The document changed the design of the original project, so that it would title communities prior to individual land parcels. In addition, it increased the number of communities to be titled from 180 to 403 and included those affected by disputes. It also modified the budget accordingly and included indigenous technical staff in the processes and in the preparation of a study and strategy on land trafficking. Finally, it planned an evaluation of the budget spent, in order to consider extending the titling to more communities given that 1376 communities are currently waiting to be titled. •

Thanks to this determined campaigning, in August 2016 an agreement was reached with the government about the modification of PTRT3. Among other things, the resolution indicates:<sup>93</sup>

- The PTRT3 inverts its priorities: during the first year of fieldwork the PTRT3 will title communities (18 months in Loreto) and will only then start titling individual land parcels. Estimated dates were set, which remain unfulfilled because of the sluggishness of project implementation, but prioritisation and the established periods remains. Nevertheless, even with these modifications no effective safeguard exists to protect untitled community lands when individual land titling occurs.
- The PTRT3 will title 403 new communities, in addition to those that have already started the process, and this target was secured by specifying it in the National System for Public Investment's official budget. Those communities with conflicts will also be included thereby removing this discriminatory condition.
- An agreement to evaluate possible land title extensions for further communities with available funds, as at least 1376 communities have territorial demands that need addressing.
- Contract indigenous GIS technical personnel for the titling process to help ensure indigenous rights and perspectives are addressed.
- Compulsory coordination and consensus with the 11 other land titling projects in Peru that aim to title communities to avoid competition and conflict between projects and reduce wastage of funds to the detriment of communities.
- Implement an urgent study on land trafficking, which addresses the aggressive colonisation, agro-industrial monoculture and infrastructure projects which are threatening indigenous peoples' land rights.

In the framework of this complaint to the ICIM, a recent meeting was held with the Ministry of Agriculture, the IDB and AIDSESEP alongside its 9 regional organisations. After an intense debate, a detailed follow-up plan was established<sup>94</sup> including all pending agreements, with the purpose of making up for lost time and ensuring that in the 40 remaining months of the PTRT3 the project can fulfil its land titling commitments. While agreements now exist, ongoing indigenous scrutiny and vigilance is essential. •



# The NDC: National commitments to address climate change

Since 2008, the Peruvian government has been gradually and quietly abandoning its commitment to reduce net deforestation to zero by 2020. Annual rates of deforestation have increased and the government has merged its plans to address deforestation with commitments to reduce emissions. This is the reason why in September 2015 Peru was one of the first 80 countries (out of 200) to present its official commitments to reduce emissions to the UNFCCC in the form of its Nationally Determined Contribution (NDC).

In 2015 the government committed to a 30% reduction of greenhouse gas emissions by 2030 (which includes 10% if there is international cooperation) primarily through a reduction of deforestation, but also by reducing urban emissions. Almost 70% of the emissions are attributed to the forestry sector and, although land titling efforts are not specifically included, the Peruvian NDC indicates in a footnote that “it is necessary to consider among the enabling conditions all actions leading to territorial and land use regulation and guaranteeing indigenous peoples’ territorial security”.<sup>95</sup> AIDESEP insists that these efforts are essential elements of the plan, along with support for community forest management, national plans to stop the expansion of commercial agriculture

(i.e. cocoa, oil palm, papaya and others), mining and infrastructure projects. However, even if the NDC’s of all countries were fulfilled in all the countries that have created them, global temperature would still rise by at least 2.75 OC.<sup>96</sup>

The NDC has been legally ratified,<sup>97</sup> committing all the ministries in the National Commission for Climate Change which includes the participation of AIDESEP and civil society. The 30% reduction of emissions may well turn out to be an unfulfilled promise, or it could be used by indigenous and social actors to reinforce campaigns for land titling, territorial management and forest governance and to control the “large scale drivers” of deforestation including agribusiness, extractive industry and infrastructure programmes; key conditions for meeting the objectives of the NDC. To that end, AIDESEP has proposed to the government a “Minga NDC”<sup>98</sup> as one of several indigenous alternatives developed in order to fulfil the Nationally Determined Contribution. This initiative calls on social actors to make this important national target their own, to reduce deforestation instead of increasing it, and to address the challenges and inconsistencies needed to achieve it. •



fig 5.

fig 5. Community members of the Shipibo village of Santa Clara de Uchunya lead a team from the environmental prosecution agency on a field visit to document illegal deforestation in their traditional lands. Credit: Ivan Flores Rodriguez

# Conclusions

- The examples from other countries with large tropical forest areas and indigenous peoples, who are also beneficiaries of international climate funds, highlight two common features. First, the relationship between respect for indigenous rights and efforts to reduce deforestation is not universally accepted. Second, if this relationship is acknowledged it is often assumed rhetorically but its implementation depends on indigenous advocacy. For example, of the countries that form part of the FIP-DGM mechanism, Peru is to date the only case where climate funds are being invested in the recognition and titling of indigenous territories. Instead, most of the funds are being used to promote local community participation in REDD processes, the implementation of small productive projects and monitoring programmes.<sup>99</sup> To what extent responsibility for this lies with the state authorities or with the approach of the donors and indigenous organisations remains to be evaluated.
- Beyond the remit of the FIP the Amerindian Land Titling project of the Guyana Redd Investment Fund (GRIF) includes planned actions to secure land rights of indigenous peoples. Although this project was approved in 2013 and various investigations have been conducted, to date there has been very little progress to title the outstanding applications of Guyana's indigenous peoples and due to political obstacles further implementation of the project now appears to have stalled.<sup>100</sup> In Colombia, the REDD early movers programme (Vision Amazonia 2020) a project financed by Germany, Norway and the United Kingdom contains a sub component to expand the titles of indigenous reserves although it has not yet been implemented. Both initiatives have been questioned for failing to provide effective safeguards to ensure that international standards on recognition of indigenous peoples' land rights are upheld.<sup>101</sup>
- In Peru, it is only thanks to the efforts and campaigns of the indigenous movement in Peru over many years, led by AIDESEP, that programmes and projects to mitigate climate change have begun to change. On the one hand, this action has achieved the elimination of elements that undermined the rights of indigenous peoples like the creation of new protected areas in indigenous territories<sup>102</sup> or the promotion of the expansion of monoculture plantations. On the other hand, they have also achieved some landmark commitments by the state to respect the rights of indigenous peoples and promote their own initiatives for protecting their territories and establishing livelihood plans, both within and beyond climate processes.
- Unjustifiable setbacks and delays, which have so far held up the implementation of programmes like the FIP and the FCPF, demonstrate that the state and multilateral funders do not have the capacity nor the will to prioritise, supervise, and exert pressure for commitments to be fulfilled and implemented. Both the Peruvian government and these multilateral banks suffer from a structural incoherence as they prioritise development based on extractive activities, which accelerates the production of emissions, while at the same time undertaking promises to reduce them. It is only thanks to the determination of indigenous organisations and AIDESEP that these programmes have not been cancelled and some funds like the DGI, the DCI and other bilateral funds are being implemented while others like the FIP, and UN-REDD have been revived.
- In spite of government commitments and the acknowledgment that the legal security of indigenous territories is an 'enabling condition' for the national emission reduction strategy, this policy has only been applied to a small number of the 1376 communities whose land titles remain pending.
- Since 2011 and in spite of landmark commitments by the state to bring laws and policies into alignment with the territorial rights of indigenous peoples as part of their climate mitigation strategy,<sup>103</sup> there is still no legislative proposal to achieve this alignment. However, the courts have issued some rulings which establish some relevant jurisprudence.<sup>104</sup> Instead, and during this same period the government has attempted to pass several policies and laws which further violate or weaken the legal security of indigenous territories.
- The modest funds channelled to indigenous organisations, like the DGM-Saweto and the DCI have achieved important results including, at the time of publication, the legal recognition of at least 150 communities and full title for 50 of them in less than 2 years. However, these initiatives are subject to bottlenecks and discriminatory requirements for land use classification and the use of "leasehold contracts" ("cesión en uso"). In addition, despite its progress, the DGM remains a project rather than an institution. AIDESEP is working towards ensuring that a structure which is currently in place (a steering committee with 18 indigenous implementing organisations and an administrator selected

fig 6.



fig 6. Wampis village of Shinguito, river Morona, Credit: Dan Haworth-Salter

through tender) and endorsed by the state remains as a permanent platform capable of coordinating the use of climate funds to ensure they address indigenous peoples' priorities and concerns.

- The ambitious commitments on paper by the Peruvian government and of international donors to reduce net deforestation to zero (by changing land use) by 2020 or reducing national emissions by 30% by 2030 run the risk of failing as a result of:
  - the increase in rates of deforestation due to the uncontrolled expansion of gold mining, agribusiness and various infrastructure projects promoted by executive and legislative authorities, such as the electrical transmission lines (Moyobamba-Iquitos) numerous road building projects like Yurimaguas-Balsa Puerto, Purus and Iquitos-Andoas-Saramiriza, Yurimaguas-Pampa Hermosa.
  - the legal loopholes, corruption and gaping holes in mechanisms for effective forest governance, including the delays to secure titling of at least 1376 indigenous communities.
- The case of Peru indicates that it is possible to move forward on indigenous peoples' land rights, while participating in local, national and global climate processes. It is a long process, which does not produce results or expectations in the short term, but can lead to improvements, setbacks and long waits. It is a political process subject to changes and state instabilities. A process in which the structure, capacity, independence and persistence of the indigenous movement is critical if concrete results are to be obtained.
- The participation of AIDSEP avoided a mistake of withdrawing from climate processes because they appeared useless or of participating only with long-term ideological alternatives. The utility of participating in climate processes has been systemic, with the inclusion of indigenous alternatives, strategies and proposals, guided by historical objectives, but grounded in operational details.

# Recommendations

## FOR THE PERUVIAN STATE AND INTERNATIONAL FUNDERS OF CLIMATE CHANGE PROGRAMMES:

- Fulfil the Peruvian government's 2011 FCPF commitment reiterated in 2017 (FCPF-phase II) to bring all current legislation on the territorial rights of indigenous peoples into alignment with ILO Convention 169 (RL 26253) and other applicable legislation, including the annulment of unconstitutional laws like Law 30230 and Article 11 of DL 22175.
- If the state and multilateral funders cannot overcome the bureaucratic obstacles preventing dispersal of funds for titling, forest management and territorial governance, these funds must be redirected to the Dedicated Grant Mechanism-Saweto Peru.
- Strict oversight and capacity building is required for the appropriate application of RM 194-2017-MINAGRI (Ministry of Agriculture) which should enable institutions to overcome the discriminatory criteria for land use classification in indigenous territories and avoid this becoming an obstacle to titling, or to impose blanket areas of "cesión en uso", which distort indigenous peoples' land rights and climate targets.
- While there is no immediate solution to the current bottlenecks and there remains a shortage of funds and capacity to title indigenous territories and, considering the encroachment of settlers, land trafficking agents and agribusiness alongside initiatives to expand the titling of individual plots (e.g. PTRT3), immediate measures must be taken to safeguard untitled indigenous territories. This could be achieved through an administrative process similar to the process by which certain Protected areas known as 'Reserved Zones' or ZOCRES<sup>105</sup> are created in Peru. In this way, this procedure would permit the identification of community lands based on an indicative analysis by indigenous organisations' and communities. This should culminate in a provisional community title in Public Registries to safeguard them from overlap by third parties. To complement this there is an urgent need for a national map of communal territories whose paperwork is being processed. This could be based on the sketch maps included in the resolutions which provide the communities with legal recognition.
- Comply fully with the law to ensure that no infrastructure project or large-scale project can go ahead without the prior titling of all indigenous territories, and without a process to secure the free, prior and informed consent of all affected peoples which includes the possibility for the cancellation or modification of the project.
- Declare a moratorium on all agribusiness projects and plantations including palm oil, cocoa, papaya and others, until the legal loopholes which permit their uncontrolled expansion have been resolved.

## FOR INTERNATIONAL COOPERATION AND ALLIES OF THE INDIGENOUS MOVEMENT:

Reinforce technical assistance, institutional strengthening and advocacy actions by the indigenous movement and AIDSESEP, in order to maintain their scrutiny of government climate strategies and proposals.

- Strengthen all technical, theoretical and political contributions by AIDSESEP to the climate debate with proposals including:
  - Land titling, forest management and indigenous governance as enabling conditions of climate change strategies;
  - Indigenous REDD+ which exceeds the limits and contradictions of carbon trading;
  - Indigenous-MRV as an early warning system;
  - A focus on “large scale drivers” and the underlying causes of deforestation
  - A holistic and integrated climate approach which includes both mitigation and adaptation;
  - The indigenous economy of a “a life of harmony” (el buen vivir) as an alternative model for the transition from an economy based on extractive industries;
  - Early and transformative safeguards;
  - Support for Indigenous forestry oversight (Veeduría forestal) to prevent illegal logging and promote community forest management;
  - Plans for climate adaptation with indigenous women playing a leading role;
  - Early safeguards with state mechanisms to impose penalties for ‘carbon speculation and piracy’, which threatens to make a comeback;
  - Empower indigenous peoples to hold the government to account for the fulfilment of Peru’s NDC to ensure the respect of indigenous peoples’ collective territories and rights, with their proposed strategies in the ‘Minga NDC’.
  - Strengthen capacity building in communities and within different social groups including women, youths, entrepreneurs etc., to respond to national and international changes related to territorial and collective rights and to the new and complex spaces and opportunities opening up as a result of climate processes.

# Endnotes

- (1) Ceiba or Silk cotton tree
- (2) REDD + was included in the Bali Action Plan at COP13 in 2007, thus consolidating further its role in future international agreements on climate. It was included again in the Copenhagen Accord in 2009 as playing a “crucial role” in efforts at global mitigation (Decision 2/CP.15. Copenhagen Accord. Paragraph 6).
- (3) Including the Intergovernmental Panel on Forests (IPF). Report of the Ad Hoc Intergovernmental Panel on Forests on its fourth session, New York. 11-21 February 1997. <http://wrm.org.uy/oldsite/deforestation/ipf4.html>
- (4) FERN, RFUK, FoE, and Greenpeace. REDD+ and carbon markets: Ten Myths Exploded, June 2011. [http://www.fern.org/sites/fern.org/files/10%20myths%20exploded\\_new.pdf](http://www.fern.org/sites/fern.org/files/10%20myths%20exploded_new.pdf) and Seeing ‘RED’? ‘Avoided deforestation’ and the rights of Indigenous Peoples and local communities, June 2007. <http://www.forestpeoples.org/sites/default/files/publication/2010/01/>
- (5) <http://www.wri.org/blog/2016/09/insider-why-good-forest-governance-crucial-successful-redd-programs>
- (6) Including: Climate Benefits, Tenure Costs: The Economic Case For Securing Indigenous Land Rights in the Amazon. World Resources Institute (WRI, 2016), available here: <https://www.wri.org/publication/climate-benefits-tenure-costs>
- (7) See, for example, the Logical Framework for the World Bank’s Forest Investment Program whose indicators require evidence of improvement in efforts to secure the territorial rights of indigenous people (FIP, 2011, FOREST INVESTMENT PROGRAM RESULTS FRAMEWORK: 33)
- (8) <http://www.redd-monitor.org/2015/03/20/redd-safeguards-what-are-they/>
- (9) See Supreme Decree N° 008-2010-MINAM: <http://www.minam.gob.pe/disposiciones/decreto-supremo-n-008-2010-minam/>
- (10) FPP and AIDSESEP, Making the invisible visible: indigenous perspectives on deforestation in the Peruvian Amazon], 2015. <http://www.forestpeoples.org/en/topics/rights-land-natural-resources/publication/2014/revealing-hidden-indigenous-perspectives-defor>
- (11) <http://www.aidesep.org.pe/la-muerte-anunciada-de-edwin-chota/>
- (12) <http://www.aidesep.org.pe/aidesep-presentara-5-libros-ineditos-sobre-sus-perspectivas-y-propuestas-indigenas/>
- (13) Nearly \$11 million had been approved by 2015 for the implementation of REDD Preparation Plan, including the following: IADB- \$3.8, KfW \$3.96, Gordon and Betty Moore Foundation \$2.01, UN-REDD – \$0.96. [https://www.forestcarbonpartnership.org/sites/fcp/files/2015/September/FCPF\\_August2015\\_Peru%20updated.pdf](https://www.forestcarbonpartnership.org/sites/fcp/files/2015/September/FCPF_August2015_Peru%20updated.pdf)
- (14) REDD Preparation Plan, 2013: 65
- (15) REDD Preparation Plan, 2013: 65 Proposed adjustment to corresponding legislation, including the alignment of legislation on indigenous territories to ILO Convention 169 on indigenous territorial rights.
- (16) Ibid: 65
- (17) The Ministry for the Environment, 2017. Readiness Preparation Proposal for the Reduction of Greenhouse Gas Emissions from Deforestation and Forest Degradation (R-PP Peru) Mid-Term Report. Available in English at <https://www.forestcarbonpartnership.org/sites/fcp/files/2017/Jan/Mid-Term%20Readiness%20evaluation%20English%20vers%20final%20%28Enero%202017%29%20final.pdf>
- (18) Although other funds have dispersed some funds to support land titling (see below).
- (19) Agreement between AIDSESEP and the Ministry for the Environment, March 2017
- (20) Communications between AIDSESEP and the Ministry for the Environment (Letter No. 086-2017) available at <https://www.forestpeoples.org/en/news-article/2017/letter-weaknesses-redd-peru> and FCPF resolution March 2017 <https://www.forestcarbonpartnership.org/sites/fcp/files/2017/March/Final%20Resolution%20Peru%20mid%20term%20and%20additional%20funding.pdf>
- (21) Report, FIP Mission, Lima, 31 January – 2 February 2017 <https://www.forestpeoples.org/en/redd-and-related-initiatives/news-article/2017/new-forest-investment-programme-results-commitment>
- (22) <https://www.servindi.org/actualidad-noticias/09/05/2017/preocupa-en-aidesep-y-corpiaa-la-extrema-demora-en-el-inicio-del>
- (23) Among others, Law 30230 and DL 1333 which were repealed after indigenous campaigns <https://www.servindi.org/02/02/2017/dl-1333-amenaza-territorios-indigenas>
- (24) Classification of lands to determine main use types (CTCUM)
- (25) RM 0355-2105-MINAGRI available here: <http://www.minagri.gob.pe/portal/resoluciones-ministeriales/rm-2015/13213->

resolucion-ministerial-n-0355-2015-minagri

(26) <http://www.bosques.gob.pe/programa-onu-redd>

(27) The Ministry for the Environment, 2017. Readiness Preparation Proposal for the Reduction of Greenhouse Gas Emissions from Deforestation and Forest Degradation (R-PP Peru) Mid-Term Report.

(28) [http://www.bosques.gob.pe/archivo/onu-redd/marco\\_resultados\\_onu\\_redd\\_peru\\_3.pdf](http://www.bosques.gob.pe/archivo/onu-redd/marco_resultados_onu_redd_peru_3.pdf)

(29) Project document in English <http://www.bosques.gob.pe/archivo/6-dci-acuerdo-peru-noruega-alemania-dci.pdf>

(30) Until January 2017. See: [https://www.forestcarbonpartnership.org/sites/fcp/files/2015/September/FCPF\\_August2015\\_Peru%20updated.pdf](https://www.forestcarbonpartnership.org/sites/fcp/files/2015/September/FCPF_August2015_Peru%20updated.pdf)

(31) Indigenous organisations have expressed their concern about the details of this objective given that in the Spanish version it states that the objective is: “To formalise land tenancy for at least the 5 million hectares of indigenous peoples’ lands, specifically native communities (including recognition, demarcation, titling, extension and registration of native communities).” But the official version in English is different and states that the 5 million hectares are ‘the sum of demarcation plus issuing of landright/title’. In addition, the Project document indicates that the 5 million hectares ‘include property rights to agricultural lands and forestry rights in forestry and protected areas’ which would potentially allow the Declaration of Intent to finance the controversial practice of ‘cession for use’ in forestry concessions, instead of giving property rights to communities.

(32) <http://www.bosques.gob.pe/convenios-con-comunidades-nativas>

(33) <http://www.bosques.gob.pe/declaracion-conjunta-de-intencion>

(34) Proyecto “Apoyo a la implementación de la Declaración Conjunta de Interés Noruego-Peruano-Alemana sobre REDD+”.

(35) <http://www.bosques.gob.pe/archivo/24-proyecto-pnud-dci.pdf>

(36) These include the following ‘Communal Reserves’: Airopai, Huimeki, El Sira, Asháninka, Tuntatanián, Chayu Nain, and Machiguenga in addition to the community of Yurilamas, the Angaiza concession and the Imiria Lake Regional Conservation Area.

(37) Gobierno de Perú 2016, Estrategia Nacional de Bosques y Cambio Climático: 116. Disponible en: [http://www.bosques.gob.pe/archivo/ff3f54 ESTRATEGIACAMBIOCLIMATICO2016\\_ok.pdf](http://www.bosques.gob.pe/archivo/ff3f54 ESTRATEGIACAMBIOCLIMATICO2016_ok.pdf)

(38) Ibid:114

(39) <http://www.aidesep.org.pe/el-consejo-directivo-nacional-de-aidesep-y-los-representantes-de-las-9-organizaciones-regionales-firman-acta-sobre-los-derechos-territoriales-cesion-en-uso-y-proyectos-de-titulacion/>

(40) <http://www.forestpeoples.org/en/topics/forest-carbon-partnership-facility-fcpf/news/2011/07/determined-lobbying-peruvian-national-in>

(41) As encoded in Peruvian Law RL 26253

(42) The Ministry for the Environment, 2017 <https://www.forestcarbonpartnership.org/sites/fcp/files/2017/March/MINAM%20Reporte%20de%20Medio%20T%C3%A9rmino%20RPP%20final%20espa%C3%B1ol%20%28Enero%202017%29%20revisada%20%282%29.pdf>

(43) <http://www.iadb.org/en/projects/project-description-title,1303.html?id=PE-T1294>

(44) FCPF subcommittee resolution (2017) which indicate: “Implement the actions agreed in the Memory Aide between The Ministry for the Environment, Proética and AIDSEP and include them in the plans, budget, implementation and monitoring. <https://www.forestcarbonpartnership.org/sites/fcp/files/2017/March/Final%20Resolution%20Peru%20mid%20term%20and%20additional%20funding.pdf>

(45) July 2009, FIP. Basic document for the design of Forestry Investment Programme [http://siteresources.worldbank.org/INTCC/Resources/Final\\_Design\\_Document\\_July\\_7.pdf](http://siteresources.worldbank.org/INTCC/Resources/Final_Design_Document_July_7.pdf)

(46) <http://www.aidesep.org.pe/aidesep-saluda-el-importante-avance-de-la-lucha-del-reddindigena-amazonico-en-la-incorporacion-del-fip/>

(47) <http://www.forestpeoples.org/es/topics/fondo-cooperativo-para-el-carbono-de-los-bosques-fcpf-del-banco-mundial/news/2013/10/peru-se->

<http://www.aidesep.org.pe/organizaciones-indigenas-regionales-y-nacionales-aidesep-y-conap-emitieron-pronunciamiento-sobre-el-plan-de-inversion-forestal-del-peru-pi-fip/>

(48) Council of the Regional coordinator of indigenous peoples of Atalaya-AIDSEP

(49) National System for Public Investment – now replaced by [invierte.pe](http://www.invierte.pe)

(50) <http://www.aidesep.org.pe/trabas-en-mef-y-minam-dificultan-plan-de-inversion-forestal-fip/>

- (51) Memory Aide, FIP Mission, Lima, 31 January to 2 February 2017. <https://www.forestpeoples.org/en/news-article/2017/letter-weaknesses-redd-peru>
- (52) <http://www.aidesep.org.pe/preocupa-en-aidesep-y-corpiaa-la-extrema-demora-en-el-inicio-del-proyecto-pip-2-eje-atalaya/>
- (53) <http://www.dar.org.pe/noticias/banco-mundial-aprueba-fip-atalaya-y-todo-queda-listo-para-iniciar-la-implementacion-del-programa-de-inversion-forestal-en-su-totalidad/>
- (54) Letter No 135-AIDSESEP 2017 available here: <https://www.dropbox.com/s/jhhvge4seggkfhe/CARTA003.pdf?dl=0>
- (55) <http://www.aidesep.org.pe/persistencia-amazonica-resucitamos-al-fip/>
- (56) <http://www.mdesawetoperu.org/noticias.php?url=estado-peruano-reconoce-e-inscribe-en-registros-publicos-a-124-comunidades-indigenas-de-la-amazonia>
- (57) <http://www.mdesawetoperu.org/noticias.php?url=entregan-titulos-de-propiedad-a-15-comunidades-nativas-en-loreto->
- (58) Personal communications by participants in the National Steering Committee for Dedicated Grant Mechanism-Saweto, Peru
- (59) For more information see <https://www.servindi.org/node/57739>
- (60) <https://www.servindi.org/actualidad/122556>
- (61) <http://busquedas.elperuano.com.pe/download/url/aprueban-los-lineamientos-para-la-ejecucion-del-proceso-de-resolucion-ministerial-n-0194-2017-minagri-1524755-1>
- (62) <http://www.aidesep.org.pe/autogobierno-de-pueblos-indigenas-y-demanda-territorial-de-20-millones-de-hectareas/>
- (63) See CEPKA-IDL-FPP statement for more information November 2017. <https://www.forestpeoples.org/en/responsible-finance-palm-oil-rspo/press-release/2017/press-statement-appeal-kichwa-community-nuevo>
- (64) The Ministry for the Environment 2017, Reporte de Medio Término
- (65) The first is the World Bank's Dedicated Grant Mechanism-Saweto Peru which is managed by an indigenous committee representing 18 organisations.
- (66) <http://www.regnskog.no/en/news/peru-and-norway-sign-major-agreement-for-forest-protection>
- (67) <http://www.bosques.gob.pe/declaracion-conjunta-de-intencion>
- (68) <http://www.minagri.gob.pe/portal/download/pdf/marcolegal/normaslegales/convenios/2016/conv23-2016-minagri-dm.pdf>
- (69) Unpublished communication by AIDSESEP leaders and technical personnel.
- (70) <http://www.forestpeoples.org/es/topics/el-derecho-la-tierra-y-los-recursos-naturales/publication/2015/haciendo-visible-lo-invisible->
- (71) 2016, Estrategia Nacional de Bosques y Cambio Climático [National Strategy on Forests and Climate Change]: 62
- (72) <https://peru.oxfam.org/que-hacemos-amazonia-y-recursos-naturales/amazonia-arrasada-el-grupo-melka-y-la-deforestacion-en-el>
- (73) <https://www.forestpeoples.org/en/featured-topic/struggle-shipibo-community-santa-clara-de-uchunya-against-expansion-oil-palm>
- (74) <https://elcomercio.pe/peru/ucayali/ucayali-alerta-asesinato-seis-agricultores-madereros-noticia-456058>
- (75) <http://www.idl.org.pe/noticias/condenamos-asesinato-de-agricultores-en-nueva-requena-y-exigimos-acciones-para-frenar-el>
- (76) <http://www.forestpeoples.org/en/legal-human-rights/news-article/2017/indigenous-leaders-community-santa-clara-de-uchunya>
- (77) <http://maaproject.org/2018/hotspots-peru-2017/>
- (78) FPP and AIDSESEP, Making the invisible visible: indigenous perspectives on deforestation in the Peruvian Amazon, 2015. <http://www.forestpeoples.org/en/topics/rights-land-natural-resources/publication/2014/revealing-hidden-indigenous-perspectives-defor>
- (79) Ibid
- (80) <http://semanaeconomica.com/tema/la-corrupcion-de-odebrecht-en-el-peru/>
- (81) <http://www.resumenlatinoamericano.org/2016/08/21/peru-un-desastre-economico-y-ambiental-proyecto-de-linea-de-transmision-electrica-moyobamba-iquitos/>
- (82) <http://www.aidesep.org.pe/deplorable-aprobacion-de-proyecto-de-ley-075-para-conectividad-multimodal-de-purus/>



- (83) <http://www.andina.com.pe/Agencia/noticia-congreso-aprobo-ley-favorece-interconexion-iquitos-con-costa-norte-del-pais-679847.aspx>
- (84) <http://www.aidesep.org.pe/loreto-nueva-carretera-amenaza-la-vida-y-el-territorio-de-los-pueblos-indigenas-y-los-bosques-amazonicos-del-norte-del-pais/>
- (85) <http://www.forestpeoples.org/es/node/5773>
- (86) <http://www.aidesep.org.pe/no-al-etnocidio-de-los-pueblos-indigenas-amazonicos/>
- (87) <http://www.aidesep.org.pe/aidesep-logra-avances-importantes-en-el-congreso-de-la-republica/>
- (88) ICHR. Case of Mayagna (Sumo) Community Awas Tingni Vs. Nicaragua. Merits, Reparations and Costs. Judgement of August 31, 2001. Serie C No. 79, parag. 153 2.
- (89) <http://www.aidesep.org.pe/50-millones-de-dolares-serviran-para-titular-predios-en-vez-de-comunidades-indigenas/>
- (90) <http://www.iadb.org/es/mici/detalle-de-la-solicitud,19172.html?ID=MICI-PE-2015-0094>
- (91) <http://www.aidesep.org.pe/mision-de-aidesep-en-washington-mici-registra-la-solicitud-de-queja-por-el-ptprt3/>
- (92) [http://www.forestpeoples.org/sites/fpp/files/news/2016/08/acta%20PTRT3%20-%20AIDSESEP%20MICI%20-completa%20\(1\).pdf](http://www.forestpeoples.org/sites/fpp/files/news/2016/08/acta%20PTRT3%20-%20AIDSESEP%20MICI%20-completa%20(1).pdf)
- (93) <http://www.aidesep.org.pe/aavances-y-propuestas-de-aidesep-sobre-el-ptprt3-y-su-lucha-por-la-territorialidad-indigena/>
- (94) See Act of agreed commitments and follow up plan, 16th and 17th August 2017 at <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=EZSHARE-1009163277-1043>  
<http://www.aidesep.org.pe/aidesep-minagri-y-bid-firman-acuerdo-en-torno-al-ptprt3/>
- (95) 2016, The Ministry for the Environment, La Contribución Nacional del Perú - NDC: Agenda para un desarrollo climáticamente responsable [Peru's National Contribution: An Agenda for climate responsible development]. Available here: <http://www.minam.gob.pe/cambioclimatico/wp-content/uploads/sites/11/2015/12/LA-CONTRIBUCI%C3%93N-NACIONAL-DEL-PER%C3%9A1.pdf>
- (96) <http://www.wri.org/blog/2015/11/insider-why-are-indc-studies-reaching-different-temperature-estimates>
- (97) Supreme Decree N° 129 - 2015 - PCM
- (98) <http://www.aidesep.org.pe/se-consolidan-los-avances-y-propuestas-de-los-pueblos-indigenas-en-los-procesos-de-ndc-redd-y-pre-cop-23/>
- (99) DGM projects are currently being implemented in Indonesia, Brazil, DRC, Peru, Burkina Faso, Mexico and Mozambique but only in Peru is there a stated commitment to finance the recognition of indigenous territories. <http://www.dgmglobal.org/about-countries/>
- (100) <http://www.forestpeoples.org/sites/fpp/files/publication/2016/12/Ita-study.pdf>
- (101) <http://www.forestpeoples.org/sites/fpp/files/news/2017/05/ACTA%20FINAL%20DE%20LA%20AUTORIDADES%20DEL%20CRIMA%20EN%20BOGOTA%20ABRIL%2027%20DEL%202017.pdf>
- (102) This is the case of the Kampu Piyapi/Shawi Territory which was defended from the creation of the Regional Conservation Area (ACR) Cerro Escalera. However, a new conflict has developed for the Yagua people whose lands are earmarked for categorisation as a protected area <http://www.aidesep.org.pe/comunidades-toman-el-rio-yaguas-exigiendo-protgerlo-a-traves-de-una-reserva-comunal-y-parque-nacional/>
- (103) For example, the REDD Preparation Plan in Peru recognises the obligation of the Peruvian state to respect the right to free, prior and informed consent, thanks to the ruling in the case of Saramaka vs Surinam at the ICHR in 2007: Draft R PP Proposal for Peru (Plantilla de Propuesta para la Preparación de Readiness, R PP), Peru, January 2011: 33
- (104) One example is the case of Tres Islas (<https://www.servindi.org/actualidad/74230>) and Block 116 (<https://www.servindi.org/actualidad-noticias/31/03/2017/decision-historica-poder-judicial-ordena-consulta-del-lote-116>)
- (105) Zones for Conservation and Recuperation of Ecosystems

## ANNEX 1: CURRENT STATUS OF THE TITLING OF INDIGENOUS LANDS AND RECOGNITION OF INDIGENOUS PEOPLES, AIDSESEP (2018)

Region	CCNN in occupation*	CCNN to be recognised**	CCNN to be titled	CCNN to be extended	Total	Budget (US \$)***	
Amazonas	N/D	24	8	39	71	843.300,00	
Ayacucho	N/D	0	5	1	6	53.425,00	
Cajamarca	N/D	0	0	0	0	-	
Cusco	N/D	14	5	18	37	217.014,00	
Huanuco	N/D	1	6	6	13	170.588,00	Standardisation of the map of native communities
Junin	N/D	28	29	28	85	488.880,00	
Loreto	N/D	271	465	108	844	10.177.061,00	Binational corridor for Isolated peoples
Madre de dios	N/D	3	6	17	26	318.750,00	
Pasco	N/D	10	26	16	52	466.380,00	
San Martin	N/D	21	69	5	95	750.275,00	
Ucayali	N/D	49	57	41	147	1.713.577,00	
<b>Total:</b>	N/D	421	676	279	1376	15.199.250,00	

\* Native communities who occupy the land but have not initiated any application or claim for recognition – information not available

\*\* Native communities who have requested their recognition and titling but have not been resolved

\*\*\* Estimate of budget required for field and desk based activities without including requirements of agrarian agencies.

Region	Territorial Reserves (Isolated Peoples) (5)	Communal Reserves (Protected areas) (6)	Collective territories of indigenous nations	Overlaps between protected areas and indigenous territories	
Amazonas				*Cordillera Kampankis *Parque Ichigkat Muja *Reserva Comunal Chayu Nain	Standardisation of the map of native communities  Binational corridor for Isolated peoples
Ayacucho					
Cajamarca					
Cusco					
Huanuco	Cacataibo (parte con Ucayali)				
Junin					
Loreto	Napo - Tigre, Sierra Del Divisor occidental, tapiche - Blanco - Yaquerana, Yavari - Mirin	Chambira, Napo - Curaray, Tigre - Corrientes	Achual, Kukama Kukamiria, Kandozi, Shapra, Shiwilu	*Reserva Nacional Pacaya Samiria	
Madre de dios			Ese' Eja	*Parque Nacional Bahuaja Sonene	
Pasco					
San Martin			Kichwa	*ACR Cerro Escalera	
Ucayali	Cacataibo (Parte con Loreto) Sierra Del Divisor Occidental (parte con Loreto)	Inuya - Tahuania, Tamaya - Caco, Yurua		*ACR Imiría	
Total:	3'972,569.18 Has	4'108,565.75 Has			

\* Native communities who occupy the land but have not initiated any application or claim for recognition – information not available

\*\* Native communities who have requested their recognition and titling but have not been resolved

\*\*\* Estimate of budget required for field and desk based activities without including requirements of agrarian agencies.

In Peru today, everybody agrees that deforestation can only be reduced and climate change mitigated if the legal security of indigenous territories is addressed. Furthermore, Peru is one of the only countries in the world where, thanks to the struggle of indigenous organisations, climate funds are being invested directly in the recognition of indigenous territories. In practice however, change is slow and contradictory and these initiatives risk being undermined by bureaucratic obstacles. **While the process of titling new territories is not fast enough, deforestation continues to advance.**

