

LESSONS LEARNED IN THE ESTABLISHMENT AND MANAGEMENT OF PROTECTED AREAS BY INDIGENOUS AND LOCAL COMMUNITIES

**Subject: Enhancing equity in the relationship between protected
areas and indigenous and local communities in the context of
global change**

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What are the key issues [about the subject]?

1. Protected areas

Latin America, and South America in particular, are very important regions in terms of biodiversity and natural resources. The tropical zone of South America is said to harbour about 40% of the total number of higher flora species of the world (Oltremari, 2000:1). South America contains also 32% of the world's avifauna, and a great diversity of bioregions and major habitat types of the planet are found – from alpine ecosystems, to extreme deserts regions like Atacama in Chile, to the biggest block of tropical forests of the planet, the largest mountain range, and vast coastal and island areas (Ibid).

Protected areas play an important role in national biodiversity strategies and action plans in the region (hereinafter 'the region'). With the exception of the three territories of the Guiana Shield (Guyana, the French Guiana, and Suriname), all countries in the region have established national protected areas systems; in the Guiana Shield – an area of great importance for biodiversity conservation, processes in this direction are underway.

In the last five years, all countries of the region have increased their number of protected areas and total area under protection - although this is not always well reflected in statistical data due to the changing criteria for reporting. As at 2002, WCMC reports for South America a total of 1,244 protected areas in the six IUCN categories, with a total area protected of 1,720,120.23sq.km, equivalent to 9.68% of the total area of the region (see Box 1).

Secondly, according to reports presented at the First Latin American Congress on Protected Areas (Santa Marta, Colombia, May 1997; see Ministerio del Medio Ambiente de Colombia, 1998), one of the most interesting developments in the least decade in the region is the increase in the number and area of Category VI protected areas, now totalling 218 with an area protected of 551,439.07sq.km. or 32% of the total area protected in the region.

The fact that one-third of the total number of protected areas of the region is reported as belonging to Category VI should not be underestimated. Category VI, or Managed Resources Area, comprises areas usually inhabited by human populations who use natural resources on a regular base. The meaning of the dramatic increase of Category VI areas in Latin America as a whole is first that very few areas remain "uninhabited" or where human populations can be ignored when declaring protected areas, as it was usually done in the past. Secondly, it reflects a growing trend of using local communities' experience and practices in land and resource use as a basis or as a component of protected areas management, as it becomes obvious that those areas inhabited by local people would not be declared protected unless communities had maintained sustainable use and therefore conserved biodiversity. Oltremari (2000), based on a review of documentation presented at the First Latin American Congress on Protected Areas and other studies, concludes rightly that this trend will become increasingly important, and that arrangements with communities will also be a key strategy for the expansion and strengthening of the protected areas systems; further, he highlights the growing role that native communities will play in this process.

2. Legal trends on indigenous peoples' and local communities' rights

South American countries have made very significant progress on matters related to the rights of Amerindian peoples and other human communities, including on issues of land ownership and access of natural resources. This is of great relevance for South American countries, as they harbour a significant proportion of indigenous populations (see Box 2). And it is also of particular relevance for protected areas, as it has been estimated that the vast majority of protected areas are inhabited by indigenous and local communities: Amend and Amend have indicated that 86% of national parks in South America, are inhabited by

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local populations, most of them indigenous or traditional peoples practising subsistence economies (Amend and Amend, 1992). Boxes 3 to 6 illustrate the magnitude of the presence of indigenous peoples in Andean countries, especially in the Amazon.

On the legal front, as Clavero (2002) indicates, the following countries of South America have included the recognition of indigenous rights in their constitutions: Brazil, Colombia, Paraguay, Peru, Argentina, Bolivia, Ecuador, and Venezuela; only the three Guiana Shield territories, Uruguay, and Chile are missing from the list, although again legal instruments at various levels have undergone reform in the latter places, such as the Indigenous Law of Chile and the Guyana Amerindian Act. The same countries in the list are also signatories and have ratified the ILO Convention 169 on Indigenous and Tribal Peoples in Independent Countries.

In synthesis, most countries of the region, on the basis of their constitutions and the ILO Convention 169, have at the moment a legal regime that provides special safeguards and recognizes rights for indigenous peoples and communities of their territories (Roldan, 2002).

A central topic in these legal reform processes is land titling. With the exception of Argentina, all the countries listed have made important progress in the recognition of indigenous land rights, although in Argentina, as well as in Chile, some would argue that their Indigenous Laws are indeed significant steps in that direction. In the other four countries or territories out of the list, there is active discussion on the matter, with considerable changes being anticipated for the near future in almost all of them.

Recognition of land rights has had mainly three approaches in the region (Roldan, 2002):

- Land titling recognizing collective rights of indigenous communities to their lands and territories, and giving them relatively ample room for self-government. This is particularly the case of the legislation of the Andean countries (Venezuela, Colombia, Ecuador, Peru, and Bolivia) and Paraguay, where there is acceptance that lands and territories ('habitats' in Venezuela) possessed by indigenous communities under traditional collective systems are a fundamental elements of their culture and survival, and have therefore to be recognized in collective terms and in perpetuity.
- Land titling implying the recognition of perpetual or indefinite usufruct rights for communities over the lands and resources they traditionally occupy, and also the acceptance of some form of self-government. This is the case of Brazil, where the underlying intention of the approach is not officially one of denying traditional land rights, but looking for the most effective means of protection of land rights of indigenous communities against powerful threats such as big ranchers. Under a paternalistic philosophy, the Brazilian state considers that protection of indigenous communities, most of them small and isolated, is best exercised by the state, for which purpose it keeps for itself legal ownership of indigenous lands. Active debate exists in the country on this subject, but there is wide acceptance that the current legal framework has brought a lot of progress and benefit for indigenous peoples of the country.
- Land titling accepting communal or collective land ownership within the limits of the Civil Code, thus establishing for indigenous lands the same conditions as for any other tenants in the country; typically, this was the result of the Agrarian Reform period, where indigenous communities were usually treated the same as any other rural community in terms of land rights, thus excluding options for self-government. This is, partly at least, the case of Chile and Argentina, and judging from precedents of other countries, it can be said that it is an intermediate stage before arriving at the first model in the list.

Whatever the case, recognition of land rights of indigenous communities clearly makes progress in the region and moves towards the first model, which is the closer to the wishes and demands of the indigenous movement; the second model is in practice of little difference. In the next few years, it can be said safely, all countries in South America will have fully recognized collective land rights of indigenous peoples and communities, including some significant forms of self-government over them. Uruguay might be a partial exception,

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as indigenous communities do not have permanent settlements in the country and only mobile Guarani communities pass through it seasonally.

There is another very important implication in this process. In several countries of the region, processes leading to legal reform and recognition of indigenous land rights have also been applied to other traditional communities, or its application is being explored. The clearest case in this sense is surely Suriname, where Maroon communities (descendants of African slaves who escaped from colonial plantations and rebuilt their traditional communities in the forest) have the same status as Amerindians; but countries like Colombia and Ecuador currently grant virtually the same rights to their Afro-American peoples and communities. In this sense, another visible trend is then that of expanding indigenous land rights to cover also, in a very similar or equal sense, non-indigenous, traditional communities. There might be in the region, in the near future, very little distinction between indigenous peoples' land and resource rights, and rights of rural communities and peoples in general, especially those qualified as "traditional" following the Convention on Biological Diversity.

3. Indigenous and community rights in relation to protected areas

Legally and in practice, these processes have profound implications for protected areas. First of all, the terra nullius concept on which the protected areas legislation was generally based in the region (i.e. lands not legally titled by modern states were public property and therefore the prime candidates for the establishment of protected areas), and which implied deprivation of indigenous communities from their traditional land rights, has been deeply and definitively questioned by the current indigenous rights legislation and doctrine. Therefore, in legal terms, protected areas established over traditional lands are understood now as violations of such rights and of the spirit of the current norm, and therefore restitution of land rights is demanded – and is taking place already, notably in countries like Colombia, Ecuador, and Peru, although not necessarily in the form of ownership rights.

Three are the essential elements of conflict currently between indigenous communities and governments in relation to protected areas established on their traditional lands. The first of them is certainly land rights; the second is rights of access to natural resources, and the third is rights of management and government of the lands. Therefore, addressing restitution of land rights within protected areas, in whichever form, is necessarily linked to the other two bundles of rights.

The current trend of restitution of land rights in protected areas in South America is thus based essentially on arrangements between the states and the concerned indigenous communities covering the following elements:

- Recognition of primary rights of indigenous communities over their traditional lands currently included in public protected areas. Primary here means both preceding and preeminent;
- Recognition of the rights of communities to have the first option for the use and enjoyment of natural resources contained in protected areas overlapping with their lands;
- Recognition of their rights to exercise, totally or partially, authority within their lands and therefore over the protected areas overlapping with them, in domains ranging from the civil to the environmental;
- Recognition of the right and duty of government institutions to be the ultimate environmental authority on those areas, and to provide the necessary support to the communities for the accomplishment of their management attributions, including in the field of developing sustainable resource use systems for themselves.

As indicated earlier, the trend is increasingly to extend similar arrangements and provisions to other non-indigenous rural communities, in particular Afro-American and mestizo groups, who are taking advantage of new political environmental created by changes in indigenous peoples policies. Although in most of these groups the claim for self-determination is not

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equally strong as in the case of indigenous organizations, decentralization processes are producing similar results in terms of transfer of power to the local level, with the result that protected areas are increasingly become also co-managed or managed by local, non-indigenous communities.

Under these conditions, protected areas in South America are no longer seen, generally, as an enemy by indigenous and local communities, as it happened so often in the past. There are new conditions of dialogue and collaboration, although of course many concrete conflicts persist and changes will need still a long time until they can be completed and perfected.

In this context, communities have started new processes for the creation of their own protected areas. All countries of South America are currently experiencing a renewed effort by local people to establish their own protected areas under the emerging political conditions; the present paper reports on several of these cases, such as the Upper Mazaruni protected area of the Amerindian peoples of Guyana; the Alto Fragua-Indiwasi national park in Colombia; the Cofan Bermejo Ecological Reserve in Ecuador; the Amarakaeri Reserve in Peru; the Pulmari Protected Indigenous Territory in Argentina. Communities have traditionally had their own forms of protection of lands, in many cases using approaches that are very similar to those of modern protected areas; so in a way this trend is not new in a broad land management sense. What is new is the interest of indigenous and local communities of the region in having their protected areas recognized under modern conservation law and integrated into national protected area systems, on condition certainly that their rights are not affected. Factors influencing this trend are not only the political changes in relation to rights and the protected areas paradigm, but also the growing threats posed by the economic crisis and unsustainable developments on communities' lands and resources, the expectation of potential benefits from ecotourism and from the support offered to sustainable local development projects, the realization that traditional ways of life are in danger and that protected areas can help balance tradition and modernity as they impose limits to resource exploitation, the hope that protected areas may become a haven of peace and security for threatened communities and peoples, and the expectation that protected areas will help strengthen or set up management and government institutions suited to the aspirations of self-determination.

In these circumstances, protected areas in South America are experiencing profound changes in relation to indigenous and local communities' presence and role. One can anticipate that in the not too distant future, community-managed or co-managed protected areas will become a considerable proportion, if not the majority, of areas under national protected area systems of most South American countries.

4. Community protected areas

The previous review examines briefly the context related mainly to officially established protected areas – including those created at the community initiative but in agreement with government agencies. But community protected areas are a wider and growing reality in South America, and although not very well known and often not sufficiently appreciated and supported, they are making a significant contribution to biodiversity conservation. Community protected areas, or community conserved areas, are those created directly by the communities themselves, based on their customary laws or on opportunities offered by the existing legislation, with the purpose of regulating human use of lands and resources and defending communities' lands and resources from external threats. They receive different denominations: community protected areas, communally protected areas, community reserves, indigenous reserves, protected indigenous territories, etc. These areas have not, in most cases, received any legal recognition and support by the government, due among other reasons to the inflexibility of the old protected areas paradigm; but they are emerging with growing force and are becoming a fundamental part of the communities' strategies to protect, preserve, and defend their lands and resources. Together with official protected areas that

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communities traditionally inhabit, and which they manage or co-manage with a significant degree of intervention, they receive the generic denomination of community protected areas or community conserved areas, regardless of their legal status and characteristics.

The following general types of areas can be found in the region:

1. Lands traditionally belonging to indigenous or rural communities, which fall within official protected areas and that through a variety of processes have become community-owned and community-managed areas, corresponding partially or totally to the entire official protected area. Recognition of communities' traditional land and resource rights, as well as management attributions, is done through official means, including for example the establishment of co-management agreements and joint management institutions. An example of this type is the Isiboro-Secure National Park in Bolivia.
2. Community protected areas established voluntarily by owner communities on their lands and territories, through either customary or legally established procedures, but in any case having received official recognition by government agencies, and being thus integrated into national protected areas systems. Usually in this case, as well as in the former one, community protected areas have similar characteristics to other officially declared areas, in terms of size, ecological condition, and management objectives, certainly with important community-related connotations. This is, for example, the case of the Alto Fragua-Indiwasi National Park in Colombia.
3. Community protected areas voluntarily created by the communities, but not having received any official recognition and therefore not being formally part of protected area systems, either because the communities don't want it or because there are still some legal or policy impediments to it. These areas are often smaller than those in cases 1 and 2, and some are also in a more degraded or less "natural" condition, but still contain important biodiversity values and are also culturally significant. This is the case of the Pulmari Protected Indigenous Territory in Argentina (where Mapuche communities are indeed struggling for formal recognition of the area).
4. Community protected areas voluntarily created for purposes different from biodiversity conservation, but having important functions and implications for it. This is the case of sacred sites or other culturally designated places, like those falling under the general concept of the Loma Santa (Holly Hill) in Bolivia, where designation is entirely based on custom, with no intervention of government agencies or relation to official policies, and even with certain degree of confidentiality. In some cases these areas do not have clear borders as they are associated with forces of undetermined nature or place. They range from very small areas (as the Peguche falls in Ecuador where the sacred place has no more than two hectares) to very large areas like entire mountains or lakes (like the Titicaca lake in Peru/Bolivia). The biodiversity status and naturalness of these sites are very varied and it would not be possible to make generalizations about them, but certainly there are many of these areas having important conservation values. For the purpose of this report, reference is made only to sacred sites having visible biodiversity value and being clearly associated with defined areas.
5. Community areas under special management regulations and practices for either ecological or cultural reasons, where human use is restricted and where some type of statutory powers exist in community institutions to enforce regulations. These areas may not be "protected" in the formal sense, but the existence of regulations and institutions in charge makes them areas subject to special management. This is for example the case of areas adjacent to the San Pablo Lake in the Ecuadorian Andes, where indigenous communities have established use restrictions and management regulations to prevent further deterioration of the lake's environment.

It is not possible at this stage to estimate the number or the area that community protected areas reach in South America, due to it being a rather new issue in the formal conservation

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field, to the lack of data existing at the national level, to the difficulties of researching on the subject in certain areas, and to the constantly changing situation. In any case, it seems safe to affirm that it is becoming an increasingly significant phenomenon, especially as it touches many existing, large protected areas overlapping with traditional community lands. Only within the National Park category, it is estimated that about 84% of the existing areas overlap with community lands in the region, and in many of these areas communities are regaining land and management rights, which may lead soon to a situation where a vast proportion of existing protected areas of the region will be community-managed, totally or partially.

Some common features can be found in all five types of community protected areas described, and they are generally indicators of the potential they have in terms of management effectiveness. The following points emerge from a review of community protected areas in the state of Oaxaca, Mexico, carried out by Marco Antonio Gonzalez Ortiz of the Autonomous Group for Environmental Research (Grupo Autonomo para la Investigacion Ambiental, A.C. – GAIA) and Gonzalo Oviedo (see Oviedo, ed., 2002), and from the analysis of the cases in South America compiled for this report:

- a. They are long-term strategies. The construction of community protected areas is closely linked to the purposes and aspirations of the community, since community protected areas, once established, become part of their ethics and cultural strategies and of their approaches to provision and production of basic goods, which have allowed for their continued existence through very long periods. Community lands are thought to be the resource base for upcoming generations, which favours the development of a long-term vision for the land and its resources.
- b. They possess relatively simple strategies for administration and decision-making. Normally this type of initiatives are handled and sanctioned within community institutions, where the community discusses the benefits and losses or trade-offs of different initiatives and makes decisions that are immediately integrated into community norms, without having to go through complicated processes that may end up alienating the community from its decisions. This offers a high and concrete scheme of effective governance that does not depend critically from external factors or structures.
- c. They maintain a healthy link with productive spaces and activities. Community protected areas are structural parts of plans and strategies for broader land management, which leads protection measures to be closely and usefully linked with spaces and activities dedicated to material and cultural production. It has been shown in some of the case studies that communities have reached a very high standard of environmental management, to a great extent ensured by the sense of concrete and tangible benefit deriving from sound management of their resources. This means that their biodiversity protection strategies maintain consistency in land management and safeguard complex ecological processes (migrations, genetic flows, etc.) that go beyond the border of protected areas. Through this cultural, territorial integration, community strategies offer wider and more effective safeguard than that offered by formal protected areas, since the establishment of sustainable practices goes beyond the core protected zones.
- d. Community strategies often safeguard key structural and functional features of ecosystems and the landscape. The segregation of areas for protection is not based mainly on valuation of biodiversity “exceptions” and uniqueness (species endemism and rareness, etc.), but rather on values related to the safeguard of structural and functional processes of ecosystems, which allow for the provision of goods and services to the community (wide strips of forests, zones of recharge, migration areas, etc.); thus, the “productive” dimension of the features protected connects with key ecological functions that can ensure long-term evolutionary processes, as they maintain the machinery of natural laboratories in a more functional and genuine way.

- e. They maintain costs (especially financial) at relatively low levels. Costs of maintenance of community protected areas normally are covered in an important proportion by the economic activities of the community and by its various existing systems and structures, thus not implying the need for large extra investments in protection, compared to those characterizing formal protected areas systems. However, costs in human labour can be significant, and hence tangible benefits are expected to justify such social investments. In any case, community protected areas usually require reduced external support to complement the social investment with incremental costs associated with specific protection activities.

Why and how do such issues relate to protected areas and human wellbeing?

The indicated factors clearly relate to effective protected areas management, and some of them have often been mentioned as elements that should be applied to formal protected areas for cost-effective management.

In terms of human wellbeing, there is a fundamental difference between official protected areas, especially in terms of practice, and community protected areas. The former are established and managed under primary objectives of biodiversity conservation, where this concept is understood as separate from human wellbeing, having perhaps importance for it in terms of the potentially positive impacts it can have on the sustainable provision of goods and services to human communities, but intrinsically separate and with no critical interdependence with it. The primary objective of biodiversity conservation, as most of the specific management objectives in each category of the International System, is actually based on the assumption that biodiversity conservation is a value in itself, independent from humans, and that benefits of protected areas to communities do not fall within their priorities. Community protected areas, on the contrary, have as their primary management objective to ensure the sustainable provision of goods and services to the communities, whether these goods and services are related to securing livelihoods (in the form of fauna, flora or water), to maintaining certain ecosystem functions on which livelihoods and human wellbeing depend (such as soil stability or maintenance of hydrological cycles), to physically guaranteeing the security of the people, their settlements and their property, to providing additional economic or material benefits (as in the case of ecotourism projects), or to cultural needs (like honouring memories of ancestors or deities present in sacred sites, or guarding cemeteries and ritual places from external interferences). In all these cases, primary management objectives of community protected areas are defined in relation to community needs and wellbeing, and there are clear functions linked to people wellbeing that community protected areas have to fulfil.

Further, community protected areas have become in many cases explicit strategies to secure land tenure, recuperate traditional lands, and obtain assurance from governments that community lands will be protected and supported. In a climate of tenure insecurity, lack of confidence in state institutions and policies, and a long history of abuse of indigenous and community rights, people are searching all types of instruments for long-term tenure security, and have discovered that protected areas can offer them this under certain conditions, and also that they can attract funding, support, visibility – and tourist money to their areas. Thus, there is much of practical sense of community benefits behind the declaration of community protected areas. This, however, does not mean undervaluing biodiversity conservation: it means putting into a perspective of human wellbeing, progress, and peaceful development. The case of the Alto Fragua – Indiwasi National Park in Colombia is an excellent example of this – a community refuge that provides security and livelihoods to people in a context of armed violence and many kinds of social problems hitting the surrounding areas. Perhaps it is precisely bringing closer the objectives of biodiversity conservation and tangible benefits to

people what will guarantee the survival and health of protected areas in the long term, even more so in a moment of global insecurity. (see Box 7).

There can be no doubts about the many and significant benefits that community protected areas provide not only to the communities themselves but to the countries and the planet. What is surprising is that they are not receiving the recognition and support they deserve. In some cases, this is due simply to the fact that government conservation agencies are too busy trying to keep themselves afloat in the middle of economic and institutional crisis, and have too much to do to manage the existing areas under their control. In other cases, it is due to simple ignorance of the issue in official conservation circles, including in major conservation NGOs who still think that big protected areas without people are best for biodiversity conservation. In other cases, it is the result of legal and policy frameworks that do not provide for recognition of community conservation efforts, and that are rigidly understood and applied by professionals and institutions. And is also the consequence of historic marginalization of indigenous and rural communities, whose assets and initiatives are consistently undervalued.

In the next section, some ideas are offered as to how community protected areas can be better valued and supported, and how communities could be incited to declare and protect them in the long term.

What can we do about it?

Addressing six key requirements is proposed to ensure that community protected areas are established and managed in an effective and sustainable way:

1. *securing land tenure and access to resources*
 2. *strengthening local community's culture*
 3. *recognizing collective rights*
 4. *ensuring the provision of tangible benefits to people*
 5. *putting in place conservation approaches that combine protection and use; and,*
 6. *favouring integration of conservation measures into broader landscape management.*
1. The first factor to be addressed is the current lack of *security of land tenure for indigenous and local communities in South America*. Despite some progress made in several countries as a consequence of agrarian reforms (Bolivia underwent such a process in the late 50s, while most of other countries in the region did it in the 70s or later, and in some it is still an unfinished process) and of the introduction of legislation on indigenous peoples, many communities still consider this to be the major challenge. There are several facets in it: legal recognition of traditional lands; demarcation of territories following customary patterns of ownership and use; effective protection of territorial boundaries against external threats; identification and legal recognition of resource access rights, for example about water and game which are not necessarily associated with land boundaries under the existing legal frameworks; recognition of customary regulations and institutions for dealing with tenure conflicts; legal recognition of the right to prior informed consent on all developments affecting traditional lands, and creation of the required instruments for its enforcement. Effective tenure security needs to be linked not only to a concept of securing livelihoods, but also to the objective of confirming historical and cultural attachment of the communities to their lands and territories.
 2. A second, fundamental factor influencing the successful establishment and management of community protected areas is a minimum base of *strength and integrity of the local people's culture*, which is expressed in a collective sense of caring for the land, in vital community institutions, in explicit, generally accepted regulatory frameworks, and in a pool of community members able and committed to

fulfil the duties required for sustainable land management and territorial administration. In some cases, these elements are found within traditional systems based on customary law and institutions; in others, apparently more common, there is a combination of tradition and modern-law-based institutions and frameworks; in some other cases, communities have lost all or most of their traditional institutions and laws, but have assimilated in a functional and non disruptive way the elements offered by laws, regulations and institutions of the nation state. In either case, communities can successfully establish and manage their protected areas only if they possess institutions with the strengths necessary to perform their duties with credibility, confidence and support from the population, particularly when it comes to formulating and enforcing resource use regulations.

3. A third factor that appears to be of great importance in the establishment and management of community conservation areas is the formal recognition by both the community and also by external agencies of the importance of *collective rights for biodiversity conservation and use*. From the perspective of the community, collective rights are a key ingredient for conserving the integrity of the territory, which is in turn a key requirement for meaningful biodiversity conservation; even in cases where individual, private property has become the rule instead of the traditional collective-ownership systems, as it is currently the case in most Andean communities, there is still a sense of collective rights in relation to certain areas of lands and certain resources which are shared by diverse community groups and individuals. From the perspective of the nation states, collective rights over lands and resources are recognized in many laws and even national constitutions, but there is frequently tension between collective and individual rights, particularly in regions where there were profound changes in land ownership and occupation, namely the Southern Cone of South America and the Andes. In any case, there is clear progress in recognizing and codifying collective rights, which go hand-in-hand with collective responsibilities.
4. It flows from the above the importance of a community sense of *collective benefits from conservation* – without prejudice to the existence of individual and family benefits. The successful community-based protected areas management has shown to be based on the realization by the community that conserving the land and resources will result in benefits for the entire community and also for its members, and that the collective commitment can be sustained in the long term if everybody is certain of such benefits. It has to be noted that community benefits go usually much beyond economic benefits – although these are certainly fundamental. The first benefit identified by communities is land tenure security, which is explained in terms of protected areas being a safeguard against external threats to the community lands and resources – not merely to biodiversity or nature, but to the community rights, to resources and livelihoods, to the land as such, and even to the physical well-being of individuals and families. The third benefit that communities identify is the strengthening of institutions and customs for self-government, as interestingly community protected areas are seen as areas where communities can exercise their own police and government powers to enforce conservation regulations. A fourth benefit frequently recognized by the communities is the usefulness of protected areas to solidify or regain links with younger generations, as older generations fear that young people will inevitably emigrate from the communities if the resources degrade and the land ceases to be plentiful in resources. A living, vital environment within the communities gives reason for the young people to assume management responsibilities and continue honouring management traditions.
5. Community protected areas require an explicit understanding, internally in the community and externally, that biological diversity is to a great extent a result of people's interaction with nature, and that it constitutes a long-term, vital resource for the people. This implies that there should be no artificial separation between *using*

and preserving, as most of the time traditional communities see themselves as an integral part of the landscape to be protected, and they usually conceive protection of lands as avoiding destruction, not as avoiding use. Even strict-protection sites like sacred places are subject to some kind of use by community members with special rights, and regulations are often understood as subjecting human activities to a certain order without constraining the satisfaction of needs, and /or as temporary measures for ensuring enhanced benefits in the future. Currently, this notion of conservation-with-use is more broadly accepted by conservation agencies, as it is not essentially different from the objectives and concepts of the CBD, and is increasingly accepted in national legislation. However, it is a notion still difficult to be accepted in places where indigenous or local communities find themselves within strict-protection areas declared by nation states without prior consultation with them, as it is the case of many national parks and strict reserves.

6. Consequently, community protected areas need, to be effective and enduring, the application of planning approaches that conceive community conservation areas not as isolated entities but as organic parts of a broader territory, where interconnectedness with agriculture, forestry, and other lands and activities is as important as protection of particular spots. In these approaches, protection measures need to be integral elements of *broader strategies of territorial and landscape management*, having the central purpose of securing the sustainable provision of goods and services needed for socio-economic and cultural development of the communities and for the healthy functioning of the entire territory.

1. Securing land tenure and resource access rights

Securing land tenure and resource access rights is, as indicated, a fundamental requirement for community protected areas to be established and managed effectively. Indeed, in many cases the establishment of community protected areas is a strategy that the people deliberately assume to gain public and formal recognition of their land and resource rights. A few challenges in this regard are shown below.

CHALLENGE 1.1 Legal recognition of traditional lands

Following colonial processes, indigenous and local communities in the region lost their rights to traditional lands and resources, but starting in the second part of the 20th century, and through often painful processes, communities have made progress in regaining their rights. Currently there are more favourable legal and political contexts, but indigenous and rural communities of the region consider that still there is a long way to go before they reach a just and stable situation of legal ownership of their lands.

Legal titles to traditional lands can have different forms in the region. In the Andean countries, most of the land titled in favour of indigenous and rural communities in the highlands is in the form of private, individual property, but part of it is titled as communal land under the responsibility of communal authorities. This is also true for Southern Cone countries, and in these cases most of the big land-title conflicts have been solved in some way. In Chile, the Mapuche communities still maintain long and complicated land claims on forest lands currently held by forest companies and private landowners, and some community conservation efforts are still hampered by conflicts or insecurity of tenure, as they have been established on traditional indigenous lands in the hands of other legal tenants (for example, the indigenous protected areas being established by Huilliche communities on the coastal forest range).

In forest areas of the Amazon and the biogeographic Choco, it is frequent to find indigenous or community territories under collective titles, granted especially in recent times, but most of the traditional lands are still under unsolved claims – for example in Guyana, where the new

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protected areas system is still questioned by indigenous organizations because it will cover some areas claimed by communities but still untitled. In Brazil, as well as in specific areas of other countries, legal recognition of indigenous lands does not imply ownership in terms of property, but indefinite and exclusive possession and usufruct by the respective communities; part of the Yasuni National Park in Ecuador, for example, is a strictly protected indigenous territory of the Huaorani-Tagaeri and Taromenane people, who do not legally own the area but have it in permanent possession and usufruct. The same has been applied also in Ecuador in other indigenous territories included in formal protected areas, and where co-management agreements have been signed recognizing permanent possession and usufruct rights for the communities, as in the case of the Zabalo area of the Cofan people in the Cuyabeno Ecological Reserve.

Thus, legal recognition of land rights is not necessarily synonymous of property rights, individual or collective, and the ILO Convention 169 uses indeed the expression “rights of ownership and possession” to include cases where the law provides only for the second. In any case, and although most communities prefer full property rights, legal recognition of land rights can indeed take the form of permanent or long-term, exclusive possession and usufruct.

The following table shows different forms of community land tenure in three South American countries, as reported by Gasperini (2000):

Country	Legal tenure
Peru	<ol style="list-style-type: none"> 1. Lands under full property of communities 2. Lands ceded in use and usufruct 3. State lands traditionally occupied by communities with state consent 4. Official protected areas overlapping with community lands 5. Communities living in other tenants' properties
Brazil	<ol style="list-style-type: none"> 1. Lands in “no providence” status, meaning with no official status because of lack of demarcation 2. Lands in identification status, i.e. under study for delimitation 3. Lands already delimited, where indigenous communities are recognized as occupants of the land 4. Lands under homologation, i.e. delimited and registered 5. Lands regularized: demarcated, homologated and officially registered as indigenous lands 6. Lands reserved for indigenous communities through a presidential decree. It can be in the form of indigenous reservation, indigenous park, or agricultural colony. 7. Lands under indigenous property, either by donation or private titling (only form where legal property as such exists) 8. Lands in interdiction: provisional delimitation without recognition of indigenous property 9. Lands for resettlement, bought by FUNAI and transferred to indigenous communities
Colombia	<ol style="list-style-type: none"> 1. Indigenous territories called “Resguardos”, with full indigenous property rights.

Fuente: TRESIERRA, Julio (1998). Derechos de los pueblos indígenas sobre los recursos naturales del bosque.

OPTIONS FOR ACTION AND ADVICE

- i. The global conservation movement, and in this case international and national organizations active in South America, should explicitly incorporate in their agenda the support to and encouragement of the establishment and effective management of community protected areas, and to this end, they should commit to supporting legal

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recognition of land and resource rights as a precondition for durable and firm conservation commitments from communities. (See Box 8).

- ii. In some countries, like Guyana, Chile and Argentina, legal frameworks have still to be developed to fully meet the requirements of legal recognition of traditional lands, despite constitutional changes that have happened all over the region and that have included provisions on this matter. In Guyana in particular, the conservation community should actively support negotiations for updating and implementing the Amerindian Act, as inaction on the matter is seriously hampering not only the emergence of community protected areas, but of the whole national protected area system as a whole.
- iii. In many cases, the key action to be developed to help in legal titling of community lands is supporting the communities to carry out their legal processes, and authorities to expedite decisions. For example, the establishment of the Amarakaeri communal reserve in Peru was systematically delayed because of practical problems in getting government officials to clarify land tenure issues in the area. This could have been sped up with more consistent, systematic support.

CHALLENGE 1.2 Demarcation of indigenous and rural communities' territories

Either as a precondition for legal recognition of ownership and access rights, or as an alternative to it, demarcation of the land is a central requirement for tenure security. In the last few years, especially in the Amazon region but also on Western tropical forests and other areas, there has been a strong push for demarcation of collective lands and territories, and in many cases indigenous organizations themselves have done it with the support of external groups. There is still a long distance from legal recognition of lands on paper to secure protection on the ground, and thus demarcation provides the basis for physical control of boundaries and for management planning. This becomes all the more important in the case of community protected areas which are declared by the people themselves, but clearly is something difficult to achieve unless there is external support and unless government agencies are at some point involved and supportive.

In demarcating lands and territories, it is crucial to make use of traditional knowledge and practices for land management, as in traditional land tenure physical boundaries are not as important as the resource frontiers, which are changing and adaptable. But land ownership recognition under modern legal systems requires the identification of physical, permanent boundaries, which should not be done without cultural interpretation of traditional boundaries. A particularly difficult problem is the status of key areas that are regularly "visited" by traditional communities, but are not permanently used and can also be shared with other user communities; this is the case for example of sacred mountains or rivers, at times distant from community settlements but places of fundamental importance to the people. Communities would be normally reluctant to accept complete loss of rights over these areas, although they would recognize that they cannot have full ownership over them. Alternative solutions need to be found in these cases, for example in the form of use agreements, but in any event these places should be identified in the demarcation processes. (See Box 10).

OPTIONS FOR ACTION AND ADVICE

- i. Demarcation of indigenous and community lands should be a priority action in the agenda of the conservation movement, given its relevance especially in forest areas like the Amazon region.
- ii. Demarcation implies not only the physical identification and signalling of borders, but a complex process of recognition and mapping of the territory, which is now done through community mapping techniques. There is a significant degree of experience

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in the region about these mapping processes, which have had the great advantage of simultaneously doing rapid biodiversity inventories of indigenous lands.

- iii. Within these processes, very often the communities themselves identify areas where they would like to see protection measures established, and make decisions about creating their own protected areas. Accompaniment of the communities undertaking these actions by conservation organizations can rapidly result in the appropriate identification and establishment of community protected areas. The example of the San Miguel-Bermejo Ecological Reserve of the Cofan people in Ecuador is a good example of this.

CHALLENGE 1.3 Effective protection of territorial boundaries against external threats

Once demarcation of lands and traditional resource areas is done, and steps are taken for legal recognition of lands and territories, boundaries of the entire area, and particularly of any area identified for special conservation purposes, should be strictly protected, using both community and state-supported human and material resources. This is particularly important in areas where there are conflicts over lands and resources, and where competition for them could easily lead to encroachment and abuse by external forces. In the Amazon region and some other forest areas of South America, communities have often equated protection of territorial boundaries with protection of conservation areas, as both have the same objective in that external forces equally threaten people's resources and biodiversity. Effective protection of territorial boundaries start with awareness-raising campaigns directed at the general public about communities lands and territories and the need to respect them – campaigns that cannot be run by the communities themselves but should be the responsibility of government agencies and support institutions. (See Box 9).

OPTIONS FOR ACTION AND ADVICE

- i. Indigenous and community lands and territories, and specifically the community protected areas established on them, need support to protect their borders. To this end, conservation agencies should team up with government agencies and the communities to set up control and protection mechanisms of areas that communities identify as priorities.
- ii. Government agencies and development cooperation institutions need to be briefed about the importance of protecting the boundaries of community protected areas, as frequently they are threatened as a result of development actions.

CHALLENGE 1.4 Identification and legal recognition of resource access rights

Recognition of access rights refers for example to mobile resources and to resources located in areas owned or occupied by the state or by other stakeholders. This include the identification of areas of cultural use and importance, like sacred sites, and as indicated above should be taken into account when carrying out demarcation of traditional lands. Identification of such resources require the involvement of traditional knowledge holders, as most of these resources and places would be used customarily and may not be known to everybody in the communities, even less to government agencies and outsiders. Despite some of these resources not being of critical importance for the physical survival of the people, they may be of critical importance in the cultural sense, and in some cases they are areas where occasional resource use reduces pressure over the permanent territory, for example in times of drought or scarcity. This has also been typically the case of official protected areas having terminated traditional use of certain resources like fuelwood, game,

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water, pastures, building materials, etc., which has led to increasing pressure over neighbouring lands since communities significantly depend on such resources. Tenure and resource access security is inseparable from the devolution of resource rights in those cases, but it implies complicated challenges in terms of legal recognition of access rights, especially in cases of conflicting private interests and of state lands where in principle individual users cannot have overriding rights that may affect other users. An illustrative example is the proposed protected area of Pulmari in the Mapuche region of Eastern Argentina (see Box 12).

OPTIONS FOR ACTION AND ADVICE

- i. Careful participatory mapping of community lands, particularly of existing or proposed community protected areas, should lead to the identification of resources traditionally used by the people outside the boundaries of their lands, and to a detailed description of the uses. Based on this, proposals should be made on measures to recognize use rights, and to include them in protection measures applied to the community lands.
- ii. Very often, recognition of use rights outside community lands require special agreements with landowners or government agencies to guarantee continued uses, and also for the establishment of protection measures. Conservation organizations are in a position to support these agreements based on the experience gained in other places of the world. In Mexico, for example, the state of San Luis Potosi recognized use rights over a long pilgrimage route used by the Huichol indigenous communities outside their traditional lands, facilitated agreements with owners and other users, and declared the area a Natural and Cultural Reserve, where such traditional uses by the indigenous population are allowed. In the North of Russia, the Kytalyk Reserve, established on the basis of an agreement with the Even people on their traditional lands, was extended over an area that the communities considered sacred and was afar from the traditional grazing and hunting grounds.
- iii. Legal frameworks in the region need to be better adapted to understand, accept and protect traditional access use rights, and to facilitate the implementation of measures to enforce them. Community protected areas will be more effective in protecting areas where such resources are hosted if communities feel confident about their long-term capacity to continue using them. To this end, conservation agencies and institutions interested in community protected areas should provide support and advice to governments, in line with provisions of the ILO Convention 169.

CHALLENGE 1.5 Recognition of customary regulations and institutions for dealing with tenure conflicts

In many places in the region, land tenure is insecure not only because of the denial of rights to traditional lands and resources, but also due to the erosion of traditional, communal institutions that were formerly in charge of conflict management based on custom. The lack of recognition of these institutions by nation states and their subsequent erosion prompted and aggravated many conflicts, affecting the sense of territorial security that is required to substantiate community commitments to conservation. A clear example of this problem is water management, which in many countries of the region was transferred from the communities and landowners to the state, under the argument of the national interest as water is a common resource for the whole country. In spite of good intentions behind many of such processes, the result was the total takeover of traditional rights and responsibilities that used to regulate water use and sharing, especially in mountain and other areas subject to cyclical scarcity, which prompted many conflicts among communities and created a sense of insecurity.

OPTIONS FOR ACTION AND ADVICE

Some countries in the region have adopted legal provisions and measures to devolve conflict-management responsibilities to traditional institutions on matters related to land and resource use, particularly when it comes to dealing with internal conflict situations and to relationships with neighbouring communities. To the extent possible, this should be also implemented in other countries and means should be provided to fully enable community institutions to continue playing this role.

CHALLENGE 1.6 Legal recognition of the right to prior informed consent

Developments affecting traditional lands, particularly community protected areas, should be subject to the prior, free, and informed consent of the respective communities. For this to happen, the concept has to be integrated in the legislation of each country, and instruments need to be created for its enforcement. This concept is growing in importance, despite being in a sense new to the existing legal and policy frameworks in South America. Prior informed consent of indigenous and local communities has been introduced in the CBD on matters related to traditional knowledge, and is increasingly accepted in other international and national contexts with a broader significance – included in Ecuador and other Andean countries in the full sense of consent to any action taking place in traditional lands. Prior informed consent is a fundamental requirement for conservation of traditional lands and more particularly for effective management of community protected areas, as up to now the situation has been that governments usually decide on any action affecting traditional lands without the consent of their owners and users, for the "public interest" which in many cases has meant unsustainable development practices. Prior informed consent is proposed here as a dimension of tenure security, in the sense of full capacity for enforcement of protection of lands by owner communities.

OPTIONS FOR ACTION AND ADVICE

- i. New legal frameworks in some countries having ratified the ILO Convention 169 and having undertaken development of instruments for implementation of the CBD are increasingly considering incorporation of the right to prior informed consent on matters beyond traditional knowledge. This trend should be supported and encouraged, as it has evident conservation benefits for the entire lands and territories of indigenous and local communities, and more in particular for community protected areas.
- ii. Prior informed consent should be integrated into and regulated through management plans of community protected areas. This way, both prior informed consent and management plans would become mutually supportive safeguards for community protected areas.

2. Strengthening and Ensuring the Integrity of Local Cultures

The effective, long-term management of community protected areas requires a minimum of strength and integrity of the local culture, so that community institutions can perform their management duties based on the credibility, confidence and support from the population. This is particularly important when it comes to formulating and enforcing resource use regulations.

The majority of community-initiated protected areas in the region seem to have been established by indigenous communities having the following characteristics:

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- Functioning and solid community institutions, whether fully traditional or combining tradition and modern elements;
- A strong leadership exercised by community leaders, in most cases both elders embodying the traditional authority and young leaders trained in dealing with external institutions and the broader society;
- Strong ties of the community to their ancestral lands and resources, leading to a collective sense of caring for the land;
- A strong sense of cultural identity, expressed for example in a living native language and in own, culture-based, collective practices;
- A still vital body of traditional ecological knowledge, which allows community leaders and members to understand key management and protection issues and needs related specifically to their lands and resources.

Similar characteristics can be found in government-declared areas where communities have regained rights and currently play a key role in management processes and institutions.

Cultural identity and strength depends on a number of factors, some of them difficult to influence. Some indigenous and rural communities are undergoing rapid cultural change in the region, and younger generations in particular seem in many cases unlikely to follow the same paths as their ancestors in terms of attachment to cultural practices and elements, and even in terms of links to the lands.

In this context, community protected areas often need support in terms of strengthening the local culture so that their own values for protecting the land are not lost in the process of cultural change.

CHALLENGE 2.1 Strengthening community institutions

Community protected areas require functioning and solid community institutions, whether fully based on tradition or combining traditional and modern elements. In cases where communities live in relative isolation, with limited contact with external forces, and where intervention or support from other actors is not an immediate necessity, traditional institutions are likely to be still vital and functioning, and few, if any, elements from modern institution-building may be required; this is observed for example in the Territorial Reserve for protection of the rights of the Yora, Yine, and Amahuaca isolated indigenous peoples in the Department of Madre de Dios in Peru (mentioned in Box 13), where this non-contacted peoples would not in principle require any external intervention to strengthen their traditional institutions, on condition that the borders of their territory is respected; it is also the case of the Intangible Zones of the Tagaeri and Taromenane peoples in the Ecuadorian Amazon. But most cases of protected areas established and managed through some kind of negotiation with governments have shown to necessitate of measures to strengthen and even create community institutions, to enable people face the new challenges of protected areas management. The Cofan people have entrusted management of their Bermejo Ecological Reserve in Ecuador to a newly created indigenous NGO, the Sobrevivencia Cofan Foundation (Box 9); the people of the Kaaya-lya National Park in Bolivia created also an indigenous NGO called the Ivi Iyambae Foundation as the operative arm of the indigenous organization; and in most cases, organizations such as Federations and Coordinating bodies have emerged as institutions merging traditional authorities and modern organizational models. In all cases, however, the challenge is clear: these organizations have to be strong and dynamic enough to fulfil their tasks, both with regards to their internal obligations to communities and land management, and also externally to serve as able interlocutors of the government and other stakeholders.

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- i. Community organizations in the current conditions need a supportive legal framework at the national level, not only to gain credibility before external actors, but also to provide guarantees to community members about their ability to play their role in the context of frequent negotiations, including on matters such as obtaining financial resources for management of their areas. This does not mean that legislative frameworks can impose organizational models to communities; it rather means that legislation should provide means for recognition of culture-based institutions as entirely legitimate and entitled to all rights and mandates as other social organizations in any given country. Thus, reviewing and when necessary amending current legislation on matters related to community organization is an important task.
- ii. Capacity building on matters relevant to community organizations' creation and strengthening is a key component of any strategy to ensure effective protected areas management by communities. This involves, inter alia, training, support for the development of action plans, provision of equipment and aid to improve communications between the community authorities and the people, facilitation of contacts and exchange with other community organizations having gained experience in similar fields, etc. In the case of the Pulmari process in Argentina (see Box 12), two capacity-building experiences were critical in the development of the community proposals and the negotiations with the government: a capacity building project offered to the Mapuche organizations by WWF forest programme at the outset, and a support action by the Spanish Cooperation Agency at crucial moments of the long and complex negotiation with government agencies. Similarly the Yawaa-Jee organization has counted on the support from GTZ for creating institutional structures for management of the reserve (Box 10), and the same has happened in many other cases.
- iii. But capacity building at the level of community organizations cannot be successful alone. The other side of the coin is increased flexibility and cultural openness on the side of government institutions, especially protected area agencies, on issues related to how organizations for protected areas management should be structured and operated. Often, government agencies have tried to impose their organizational models, as states have done with traditional communities many times in the past; the very structure of indigenous community organizations in many places of South America is still the result of colonial impositions, such as the *Cabildo* of Ecuador and the *Capitania* in Bolivia (both Spanish terms and institutions). It has to be accepted in government circles that communities have the liberty to choose the organizational models that best suit their needs and culture; this is the only way in which organizations can be truly representative. Then they will certainly choose also their particular ways to evolve and change.

CHALLENGE 2.2 Strengthening community leadership

A strong leadership exercised by community leaders, in most cases both elders embodying the traditional authority and young leaders trained in dealing with external institutions and the broader society, has been a key factor in successful protected areas management by communities. On the one hand, the authority and leadership of the elders continue to be critical for community action and for institutions with vital connections with the people; this is of great importance in protected areas, as traditional authorities embody the knowledge and experience of the community in management of their lands and resources. On the other hand, increasingly the elders alone cannot deal with all aspects that negotiation with governments and other stakeholders require; new, young leadership with access to formal education and closer contact with the broader society has shown to be fundamental for long-term success. This was early understood by the Awa Federation in Ecuador (Box 18), who soon set up a process for training young people on both technical and legal and political

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aspects of management of their territory. The Cofan people, based on their own experience of inter-cultural leadership, have put strong emphasis on training young leaders; and the same appears to be currently a major effort of communities everywhere.

OPTIONS FOR ACTION AND ADVICE

- i. Clearly two sets of actions need to be put in place: one directed at supporting traditional authorities, and a second one dealing with the needs of the young leadership. As for the first one, actions are required internally in the communities and externally, protected areas management offer the opportunity to widely use the elders' knowledge and expertise, which is a very useful way of strengthening their authority. Externally, dissemination of information about who they are, what they know and do, how they handle community issues, etc., can educate other stakeholders about the importance of traditional leadership.
- ii. As for the training and preparation of young leaders, the most important issue to be looked at is formal education. It has been indicated that formal education has had most of the time perverse results for indigenous and traditional communities, in that it has undermined traditional institutions, has led to loss of traditional knowledge, has introduced sets of values different from those of the communities, etc. But on the other hand, sensitive, inter-cultural formal education is an asset of the greatest importance and usefulness for communities and young leaders. Working on this front is then a critical step for strengthening community leadership in the long-term.
- iii. Involving both elders and young leaders in a variety of processes is extremely beneficial for strong community leadership. Especially in communities having undergone change, the links between the old and the young tend to weaken and joint action and cooperation become difficult. But activities where both groups can exchange and share ideas, knowledge and experience can help restore the inter-generational links and give all of them broader perspectives. In many experiences of community mapping (for example in the Kaa-ya Iya National Park, the Awa Reserve, the Cofan Bermejo Reserve, and others), efforts have been made to facilitate joint work and exchange between old and young leaders, with great benefit as this facilitates the convergence of tradition and modern knowledge.

CHALLENGE 2.3 Strengthening community attachment to lands and resources

Strong ties of the community to their ancestral lands and resources leads to a collective sense of caring for the land and to long-term commitment and interest. However, changes are taking place that may have the result of weakening these ties and turning nature simply into resources to be exploited for the short-time gain. Many communities have already experienced this problem, in cases where they have been expelled from their traditional lands, or their territories have been encroached, or the market economy has drastically altered the traditional patterns of land use, or their cultures have suffered from aggressive intrusion from the dominant society. Facilitating restoration of the links between the people and their lands, and supporting actions to keep them alive and vital, can be key strategies for success. Clearly in cases of communities with vital cultures this may not be needed, but in others community organizations may well be in need of actions to support them in this direction.

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- i. The formulation of Life Plans, as in the case of the Ingano and the Awa peoples, is playing an interesting role in the sense that it not only helps galvanize a community vision for their territory, but is also encouraging the people, especially the young, to look at their lands in a more caring and hopeful way. Therefore, planning of protected areas management should not be separated and distinct from planning for the community's future: both are inseparable parts of a vision that seeks a healthy community within a healthy environment.
- ii. Revitalization and strengthening of traditional knowledge is another key strategy to strengthen the links between the people and the territory. This can be done in multiple ways, but the fundamental principle is to ensure inter-generational transmission of knowledge about the territory and the resources, since traditional knowledge about nature is not merely academic, but is also linked to uses, values, and roles – therefore is a dimension of the links between people and nature.
- iii. Within this context, again the importance of sensitive, culture-based community education should not be underestimated. Formal education in the old paradigm has been a strong power breaking the links between the people and their land, and pulling the young people towards completely different cultural models; this should be and can be transformed. In indigenous areas of Colombia, Ecuador, Peru and Bolivia, for example, the educational system has undergone profound reform and in many communities is now a truly community institution, that strongly communicates to the young the traditional values about the land.

CHALLENGE 2.4 Supporting cultural identity

A strong sense of cultural identity, expressed for example in a living native language and in own, culture-based, collective practices, is a complementary dimension of a sense of caring for the land. It implies the survival of a vital body of traditional ecological knowledge, which allows community leaders and members to understand key management and protection issues and needs, in relation to their lands and resources. It implies maintaining alive the community values and institutions. It implies also maintaining and encouraging a sense of pride in the communities about what they are and the heritage they have.

OPTIONS FOR ACTION AND ADVICE

- i. The actions suggested in previous sections go all in the direction of supporting cultural identity and strength. But some other actions can be suggested. For example, in several protected areas inhabited by traditional communities in several parts of the world, a common practice is the organization of cultural activities (festivals or other cultural events) where the people celebrate their cultures, enjoy their artistic manifestations, and show also their pride for their lands and the beauty of their territories. These activities have strong impact internally, but also contribute to positioning the culture as a vital part of a national heritage, this confirming the role of the communities in managing their protected areas.
- ii. An apparently simple measure contributes greatly in the minds of the people to this objective: maintaining, respecting, and enriching the ethnonimia of the places. It has been a deplorable trend of protected area managers and agencies that of changing traditional names of places with other names that mean to people of the region; in Ecuador, protected area managers changed the name “romerillo” that people use to give to their forests, with *Podocarpus*, which is the Latin name for the same species, and the Park became then the “Podocarpus National Park” – a name that means nothing to people. Whenever possible, local, culture and tradition-based toponymies should be conserved and restored.

3. Supporting collective rights related to biodiversity conservation and use

Collective rights were at the basis of land tenure and resource access patterns in traditional cultures in the region. This, however, was drastically altered by successive interventions, especially since the establishment of the new republics, as these sought to destroy communal property systems through the imposition of private, individual ownership. In most of the Western coast and the Andean region individual ownership became predominant at all levels following agrarian reforms, including within indigenous communities where families were turned into owners of small plots.

As Roldan (2002) notes, indigenous communities actively resisted in many countries the imposition of individual property systems, and in fact in many cases collective rights did not disappear from communities' customary law and continued to be practised. Collective rights even made their way into modern legislation in the form of the maintenance of communal rights over certain resources including portions of land; for example, the Indigenous Law of Chile (Law 19253 of 1993), considered a typical sample of the old legal paradigm on indigenous peoples' rights, recognizes in its Article 12 that "ownership of indigenous lands under this article will have as right-holders either indigenous individuals or indigenous communities as defined in the present law". The same is found for example in Argentina's Constitution of 1994, whose Article 75 mandates the Congress "to recognize the legal status of indigenous communities and the communal possession and ownership of the lands they traditionally occupy".

In more recent laws adopted in South American countries, collective rights are more strongly recognized as important parts of indigenous and other communities' cultures and needs. The 1998 Constitution of Ecuador, for example, recognizes in its Article 84 a bundle of 15 types of collective rights of indigenous and afro-Ecuadorian peoples, including collective rights to traditional lands. It can be anticipated that the recognition of collective rights will be a growing trend in South American legislation, as it has been increasingly happening in all countries of the Amazon region (for conceptual discussions on collective land rights in South America and some statistical data, see for example Roldan, 2002; Plant and Hvalkof, 2001).

From the conservation perspective, collective rights can have great impact. First of all, when applied to land, they are the basis for maintaining the integrity of the territory and avoiding ecological fragmentation, which is in turn a key requirement for meaningful biodiversity conservation. Secondly, collective rights provide a strong basis for the building and functioning of community institutions, which are indispensable for sound, long-term land and resource management. Thirdly, they strengthen the role of customary law as related to land management, and of traditional knowledge applied to broader territorial and landscape units.

CHALLENGE 3.1 Codification of collective rights

Collective rights are not well known and understood outside the communities, and even within some communities they are being lost due to cultural change and to the influence of a society that is based on concepts of individual rights and on "positive" law (in the sense of produced by appointed law makers and formally coded). The relevant question is: do collective rights of peoples and communities, based on customary law, have to be coded for them to be recognized, respected and implemented?

From the perspective of traditional cultures and communities, it would appear that the answer is no, i.e. collective rights based on customary law are sufficiently understood and accepted.

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But, from the perspective of the broader society, some of these rights need some form of codification, so that everybody, within and outside the communities, know and accept their existence and value. It would be necessary to identify which of these collective rights relevant to natural resource management and protected areas require such a codification, and in which form this can be done. In the case of Ecuador, as indicated earlier, 15 of these rights have been identified are included in the national constitution; some of them have been further developed in specific laws, and others are currently under more detailed codification. Although communities are still entitled to the exercising of their customary law, their collective rights have already been subject of codification and therefore are now valid in the entire country.

OPTIONS FOR ACTION AND ADVICE

- i. Identification of collective rights relevant to natural resource use and protected areas management should be a first task on this front, as undertaking codification of broader bodies of customary law may prove a very long and complex process. A few rights are already well known in general, and it should not be difficult in a particular country or region to identify others that may be critical. The most important element will be certainly to get a good understanding of how collective rights apply to land tenure and to regulation of access to natural resources. Another important issue will be benefit sharing mechanisms (see *infra* on community benefits).
- ii. Analysis of the room offered by current legislation and legislative processes for the incorporation of collective rights, and of likely strategies to achieve this goal.
- iii. Generally, it would be useful to disseminate information and raise awareness about the importance and meaning of collective rights, especially among law makers and politicians. This might be particularly important in civil law countries, where incorporation of customary law tends to be more difficult than in common-law countries.

CHALLENGE 3.2 Revitalization of relevant customary rights

It has been indicated that in South America a general trend, especially since the birth of the independent Republics in the XIX century, was the forced abolition by the dominant society of collective land rights based on customary law – and in many cases indeed rights that were recognized as collective by colonial powers; other collective rights have suffered from the same tendency since that time, including most recently traditional knowledge related rights, where the interest of commercial sectors and some governments is clearly to treat them as individual rights subject to patent regimes. In this context, and as part of a broader process of cultural change and pressure from the broader society, many communities have seen their collective rights systems weakened and altered. To what extent this process is reversible, it is a difficult question to answer. There are cases where collective land rights can still be revitalized and enforced; in other cases, communities themselves prefer not to go back to collective rights systems and rather reinforce private, individual property as it gives individuals and families greater security and flexibility. But even in places where individual land rights are the norm for communities, there might be areas of their customary law where collective rights are still functional and important – as indicated earlier, for example, most indigenous and peasant communities in Andean regions, even having systems based on individual property, still conserve certain areas of land under collective rights, like high-altitude grazing areas and forests. In several places, this is in fact the basis for the establishment of community protected areas. Further, collective rights may apply to other very important areas of natural resource use, such as water – rivers and lakes. In South American countries, irrigation and consumption water is also in general individually managed in terms of rights, either as property or as use rights; but access to sources, rivers or lakes tends to be more a question of tradition and collective rights. These, and other custom-based rights can be revitalized to provide a sound basis to protected areas establishment and management.

OPTIONS FOR ACTION AND ADVICE

- i. Actions suggested in the previous point are relevant for this issue as well, in that identification and possible incorporation of some collective and customary rights in legislative bodies, together with wide promotion of their importance and usefulness, is a necessary and effective step for their revitalization.
- ii. There is again, as suggested earlier, a strong case here for reform of educational systems in areas inhabited by indigenous and local communities. The school at all levels should be an instrument for revalorization of customs and traditions, including collective rights and institutions in charge of their enforcement.

CHALLENGE 3.3 Development of innovative mechanisms to allow communities protect their lands regardless of their land rights systems

In those countries of South America where collective land rights are recognized and communities have the legal power to make decisions over all of their lands and resources, such as the Andean countries, the options for the establishment and management of protected areas are basically at hand, at least from the land ownership perspective and provided that communities have their legal land titles. But in those places where collective land and resource rights are not the norm or do not exist at all in the legislation, options are more difficult for communities.

This is particularly the case of the indigenous and rural communities of Chile, where the law, with the exceptions indicated *supra*, does not really incorporate custom-based collective land and resource rights. As a reflection of this, even the most progressive environmental legislation being developed to provide support to the establishment and management of private protected areas, does not contemplate any special provision for community lands; communities are indeed treated in this respect just as the sum of individual land owners, so at the moment of declaring a community protected area, community members just have to associate themselves under the figure of an association. Whether this may change in the future or not, in the sense of providing wider options to communities, is difficult to predict; but meanwhile, it is necessary to find mechanisms under which communities, even without having their collective rights recognized – and indeed even without conserving collective rights, can still make use of legal mechanisms to have significant areas of their lands protected, beyond individual plot boundaries. This may require on the one hand the push for legislative reform, in terms of the creation of legal options that can be applied to a variety of situations; on the other, the exploration with the communities about ways in which they can use the existing legislation.

In South America, the legal instruments for the establishment of private protected areas (private in the sense of having owners others than the state, therefore individuals, communities, cooperatives, associations, corporations, etc.) are still in their infancy. In Colombia, the environment law created the figure of “protected areas of the civil society”, where all areas under private property are lumped together; although these areas are not part of the national protected areas system, there is growing recognition of their importance, and in fact it can be said that a protected areas meta-system exists where state and civil society areas are integrated at certain levels. In other countries, this figure is significantly less clear, but the trend of the establishment of private protected areas has been growing remarkably (see for example Brown and Mitchell, 1999; CODEFF, s.d.); at least eight countries in the region have networks or associations of private reserves, some including community protected areas. This, however, is happening *de facto*, practically in complete absence of supportive, appropriate legislation. The same is applicable to all types of private protected areas, i.e. those declared by their owners.

OPTIONS FOR ACTION AND ADVICE

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- i. An examination of current legislation backing the establishment of protected areas in private lands should provide indications about options that communities may have, at least on an interim basis until more appropriate legislation is in place.
- ii. Clearly the next step is to undertake legislative reform for the establishment of private protected areas in general, i.e. areas created by land-owners, and in particular by communities. Here both options have to be considered – lands under communal ownership and lands under individual ownership. Associative forms are likely to be the solution for the latter systems.
- iii. In this context, answers have to be found to the common legal prescription in South America about indigenous lands not being subject to any obligation that creates real rights over them, as frequently community protected areas imply the creation of some form of obligation of the type of easement, lease, rental, etc.

CHALLENGE 3.4 Creation of mechanisms for monitoring rights and responsibilities

Monitoring of how community protected areas perform in relation to their conservation objectives has some differences from the way it is applied in state-owned and managed protected areas, in the sense that management effectiveness depends, among other factors, on the way community rights and responsibilities are implemented. Unfortunately, in South America there is not yet any significant experience in this field, as community protected areas are in many cases a new experience themselves, and in others their existence has not been even acknowledged by states and the society. In the case of state protected areas that are currently under community management or co-management, mechanisms for monitoring have been certainly designed and generally included in agreements, but little is known about their implementation, and also they seem to be mostly measures for monitoring performance in a rather conventional way. There are cases where designation of areas has included objectives related to strengthening community organizations and supporting community rights and self-development (as in the AltoFragua - Indiwasi National Park and the proposed Mataven conservation territory, see Boxes 7 and 15), but in terms of monitoring how this is accomplished it is still too early to draw lessons. In any event, this is an area where innovative thinking is required. A broader project on monitoring co-management arrangements with indigenous peoples, conducted by Julia Gardner in coordination with the Co-Management Working Group (CMWG) is expected to provide insights into this crucial aspect.

OPTIONS FOR ACTION AND ADVICE

- i. Examining the lessons of Julia Gardner's project on monitoring co-management arrangements with indigenous peoples should be included in relevant programmes within WCPA and TILCEPA, with a view to promoting those lessons in broader circles. In the sense of this section, an interesting focus should be on how co-management arrangements strengthen community rights and also community responsibilities on protected areas management.
- ii. The experience of private protected areas of South America, which has accumulated a great deal of experience in several countries, could also offer useful lessons in this field. As private protected areas have grown in most countries with little, if any, legal and official support, they have had to develop their management and monitoring tools with remarkable initiative and innovation, and with no doubt on matters related to monitoring of owner's rights and obligations they can offer valuable lessons.

4. Securing collective benefits from conservation

Successful experiences of community-based protected areas management has shown to be based on the realization by the community that conserving the land and resources will result

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in benefits for the entire community and also for its members, and that the collective commitment can be sustained in the long term if everybody is certain of such benefits. Community benefits go usually much beyond economic benefits – although these are certainly fundamental. A benefit clearly identified by communities is land tenure security, which is explained in terms of protected areas being a safeguard against external threats to the community lands and resources – not merely to nature, but to the community rights, to resources and livelihoods, to the land as such, and even to the physical well-being of individuals and families. The third benefit that communities identify is the strengthening of institutions and customs for self-government, as community protected areas are seen as areas where communities can exercise their own police and government powers to enforce conservation regulations. Protected areas are seen also as a useful instrument to solidify or regain links with younger generations, as communities fear that young people will inevitably emigrate from the communities if the resources degrade and the land ceases to be plentiful in resources. A living, vital environment within the communities gives reason for the young people to assume management responsibilities and continue honouring management traditions.

CHALLENGE 4.1 Identify potential collective and individual benefits from community protected areas

Communities usually understand very well the array of benefits that for the whole group and for individuals can bring protection and sustainable management of their lands and resources, in the context of strengthened, custom-based practices. But there are many potential benefits that communities may not necessarily be familiar with, as they originate from situations not known to them. Ecotourism is a potential source of benefits that many communities have been already exploring, but for others this may not be clear – or even advisable. In some places, communities have been exploring commercial use of some biological resources, including through arrangements with external institutions and private companies; while some are cautious about the implications of such developments, it is certainly something that should not be excluded a priori, and rather should be examined in depth so as to clear any doubts and provide better foundations for any conclusion or position.

In private protected areas a new instrument being explored actively in the region is *conservation easements*, a legal figure originating in old European land management systems. Easements allow for the sharing of benefits among different land right holders – for example in contiguous lands or among successive users of the same areas, and establish obligations whenever management provides benefits to others. For example, a tenant or an industry could have an easement obligation over a contiguous community protected area that provides pure water to them; whereas the community could accept obligations because contiguous landowners provide protection against encroachment of the area. In this case, it would be a system of mutual ecological easements.

The commons systems of Wales, an institution originated in medieval times, are also said to provide interesting lessons on this matter. In Australia and New Zealand, leasing of indigenous lands for conservation is a well-known institution. And so on. The region would largely benefit from a review of these experiences with some reflection on whether they can be adapted to the particular conditions of the region, in legal, political, and cultural terms. It has been already indicated that currently legal provisions in South America do not permit the establishment of obligations of any kind over indigenous lands – and this has been already in discussion in Chile, for example, in relation to whether indigenous communities of the country can implement conservation easements when creating protected areas. This requires careful consideration, as the mentioned legal provisions have been created with the purpose of legally protecting indigenous communities from a number of threats, like losing the land as a result of mortgages, or fraudulent trade of lands, etc., that is abuses against indigenous communities that have been very common in the past. Removing legal protection measures may not be advisable in the short term, but other means are required to open avenues through which innovative instruments can work.

OPTIONS FOR ACTION AND ADVICE

- i. Several areas reviewed in this report have already gained some experience in ecotourism – such as the Cofan areas, Kaaya-Iya, Awa, the Mapuche Mapu Lahual protected areas network, Yawaa Jee, and others. It is safe to predict that community protected areas will increasingly integrate ecotourism activities, as it appears as a handy avenue for alternative sources of income. Worldwide, there is abundant information on community-based ecotourism, although at the level of protected areas it is the conventional “nature-oriented” tourism which predominates. Reviewing existing literature and experience would help understand how benefits of this kind can be promoted and supported whenever communities wish to have them in their protected areas management agenda.
- ii. Several explorations have been made about potential sources of funding for official protected areas; much less so for community protected areas. This is an urgent need, which involves both resource requirements for effective management, and tangible benefits to the communities. The experience of private protected areas in South America would be certainly valuable, as many of them have made explorations on arrangements such as conservation easements and others.
- iii. Benefits don't have to be necessarily economic or monetary; they can be of varied nature, and as indicated earlier, the most important benefit that communities perceive from protected areas is their function in terms of protecting the territory, the resources, the people, the community assets. In this sense, supporting community protected areas implies helping them identify and obtain a wide array of benefits.

CHALLENGE 4.2 Develop incentive systems for providing individual and collective benefits

Benefits are themselves incentives for community protected areas, but we are looking here at incentive systems that can be developed from governmental agencies in charge of biodiversity conservation and sustainable development, to support communities in a more permanent, stable, and organized way. Generally in South America, countries have legislative instruments that provide protection and assistance to community lands, especially indigenous peoples' lands, as it has been indicated earlier in relation to such lands not being subject to obligations like mortgages, taxes, etc. This is applied in general to all indigenous lands, so it is not a specific management incentive. In some cases, compensation payments have been explored as permanent incentives for conserving community lands, and as payments for opportunity costs of conservation. There is no sufficient evidence that this mechanism works sustainably, and thus better assessment seems to be required. In South American countries, unfortunately the economic situation does not allow governments the establishment of incentive systems based on financial flows from public funds to community lands, as it happens in developed countries – even in terms of providing perverse incentives. In this situation, other sources should be sought – from international funding to private contributions.

But as already said, incentive systems should also consider non-financial benefits, although some degree of investment will be required most of the time. They can imply for example priority in development of certain infrastructure, like community longhouses or sanitary equipment; priority in training in certain fields; dedicated personnel to provide technical assistance; etc.

The Awa people have developed a powerful incentive system through sustainable forest management, where a strong community institution is entitled to control trading of timber and non-timber products, handles certification processes under FSC standards, and links with fair trade markets. There seems to be indeed an interesting potential in market mechanisms that combine ecological certification, socio-cultural certification, and fair trade networks. The experience is however limited in the region, among other reasons because these approaches involve in most cases some degree of financial investments to get the production process going, as well as training and other inputs not necessarily easily accessible to communities.

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OPTIONS FOR ACTION AND ADVICE

- i. Examining previous experience of incentive systems existing in other regions (in Europe for example) for conservation of private lands would be useful – although it is clear that the same pattern of compensation and subsidies is inapplicable in South America; any lessons should be adapted to the particular situation of the region.
- ii. Private protected areas in the region (and in other regions also public protected areas) have started to implement certification systems at the area level, using management effectiveness standards as the basis for certification. This is an area where significant controversy and uncertainty exists, but it might be worth further analysing the approach, and learning lessons for example from Europe and Central America, where certification is implemented more widely. In those regions, certification of good management provides priority access to tourism markets, where the essence of the incentive lies. But in addition, it extends to community services and products, and in some cases management certification at the protected area level even includes socio-cultural criteria – like community participation and conservation of traditions.

CHALLENGE 4.3 Ensure that benefits are reinvested in conservation as needed

Existing information on community protected areas in the region does not permit to assess whether this fundamental requirement for sustainability is sufficiently incorporated in management strategies. Certainly the bigger, official areas with some years of working under co-management arrangements have looked into financial sustainability, as in the case of Kaaya-Iya, where a trust fund is being established to provide for long-term financial help; but whether the concept of setting aside part of the benefits for reinvestment in conservation is working or not is for the moment difficult to assess. In any case, it is worth insisting in its importance, as it makes part of the philosophy of collective, long-term responsibilities of the communities – and it has proved to work well in other regions of the world.

Investing in conservation in community protected areas means first of all securing protection of the territory and the area, especially in conditions of threats to their integrity. The Cofan people highlight (Box 9) how important it is to build and maintain clear physical boundaries; this is why demarcation of indigenous lands has become a great priority for indigenous peoples of tropical South America. Demarcation and trail maintenance is costly; again in the case of the Cofan Bermejo Reserve, the organization reports that the basic protection activities at the start – i.e. “boundary trail work, guard stations, training of monitors, a good and legally binding GPS survey...” were worth an investment of USD50,000.

But investment in conservation of community protected areas is not simply funding patrolling and protection activities. It involves education and training of community members; strengthening of the organization; equipment for communications and for information sharing; etc. These activities mean that setting aside some resources to fund them is not perceived by the community as a burden or a big sacrifice – they are normally prepared to do it. But of course a minimum base of secured revenues is essential.

OPTIONS FOR ACTION AND ADVICE

- i. Advising communities about financial implications of long-term management is an important task that conservation organizations and protected area agencies can carry out in support of the design of financial sustainability systems for their areas; this should be done using the available literature and through lessons from experience, including from other regions of the world. For example, the Campfire project and the Namibia community conservancies have accumulated a wealth of knowledge on handling both benefits and investments in conservation.
- ii. In the development of co-management agreements, legal resolutions recognizing community protected areas, management plans or other instruments where rights and

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obligations for community protected areas are set out, provisions should be included on mechanisms for setting aside protected area revenues for conservation. If needed, the issue should be discussed at length with community organizations and members, so that everybody is persuaded of the usefulness of this approach.

5. Understanding and valuing biological diversity as a resource for the people

Within community protected areas, biological diversity is seen as a resource for the people and a permanent source of tangible benefits. Communities see no artificial separation between using and preserving, as protection of lands means to them a way of avoiding destruction, not an instrument to avoiding use. Even strict-protection sites like sacred places are subject to some kind of use by community members with special rights, and regulations are often understood as giving some order to human activities without constraining the satisfaction of needs, and /or as temporary measures for ensuring enhanced benefits in the future. Currently, this notion of conservation-with-use is more broadly accepted by conservation agencies, as it is not essentially different from the objectives and concepts of the CBD, and is increasingly accepted in national legislation. However, it is a notion still difficult to be accepted in many national parks and reserves, where indigenous or local communities live but have not been active part in designation and management.

CHALLENGE 5.1 Conservation for the people: the importance of the debate

The experience of community protected areas and co-management of protected areas in South America in the last decade, since the 1992 IV World Parks Congress and the Rio Conference, leads to the conclusion that we are witnessing the emergence of a new protected areas paradigm in the region. This is consistently happening on the ground, and is already being reflected in very important – although still insufficient, legal and policy changes in almost all countries of South America. The new paradigm, where indigenous and local communities' rights are finally recognized, local people are entitled to full or collaborative protected areas management of official protected areas, and communities' conservation efforts through community protected areas or other strategies are recognized and supported, seems to have become a reality and an irreversible trend.

However, debating about conservation with, by and for the people is still seen in many circles as mere political correctness, and government bureaucracies in some countries continue to be reluctant to engage in serious and frank discussion on the issue. Moreover, something even more strange is the same reluctance in large conservation organizations, mainly US-based, active – and very influential, in the region.

Promoting and feeding this discussion is of great importance, and should not be seen simply in terms of lobbying for community and indigenous rights, as unfortunately in some cases is done by rights activists. Open and serious discussion is necessary because this is not just a question of rights – it is also an issue of conservation and sustainable management, and conservation success cannot be just taken for granted on the basis of recognition of rights. The situation in South America is far too complex to believe that recognition of traditional land and resource rights is going to solve per se conservation problems in indigenous and community lands. There is a deep economic crisis affecting all countries in the region, in some cases the deepest in history; free riders are taking advantage of deregulation brought by neoliberal models and the current economic climate, and are increasing unsustainable exploitation including by recruiting indigenous communities to provide timber, gold, wildlife, and other products; corporations are equally using to their advantage the difficulties governments have to enforce their environmental regulations; poverty increasingly push people towards unsustainable practices; etc. In these conditions, any affirmation that devolution of rights would suffice is untrue. Further, the claim of some indigenous rights activists, in the North and also in

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domestic circles, that protected areas will be no longer required and should be degazetted once territorial rights are recognized, is extremely dangerous and in practice serves the interests of corporations and free riders, who are keen to use deregulation to their advantage.

Thus the debate on conservation and people remains urgent and actual, and should be seriously undertaken by all sectors involved – including of course indigenous and community organizations themselves. Only open and responsible discussion can help understand better the great challenges of conservation – under any paradigm.

OPTIONS FOR ACTION AND ADVICE

- i. Large conservation organizations can play a critical role in prompting, feeding, and orientating the discussion on the issue, as they stock a great deal of experience and knowledge about the conservation implications, and also because of their access to all stakeholders – governments, communities, NGOs, technical bodies, etc. Therefore, these organizations should be asked to take the lead in fostering and supporting the discussion on the technical front – while of course the political front remains an area for community and political organizations to deal with primarily.
- ii. Information sharing is a great need, and challenge, for serious and productive debate. While in the last few years the flow of information has increased enormously in the region, and even community organizations are in a great proportion now equipped to access and handle electronic information, critical gaps still exist, not least because of language barriers (in the case of indigenous communities and also in terms of accessing information on non-national languages). Again, on this matter large conservation NGOs, inter-governmental bodies, experts, and others can provide help to communities and local organizations.
- iii. The results of useful debate should feed law-making and conflict negotiation processes. Very often groups having technical expertise in the region fear that getting involved in legal and political processes may affect their “neutral” status, given the inevitable political nature of many of the issues at stake. But this is not helpful, as we are at a point where decisions based on good advice are needed, as fortunately many fundamental principles have already made their way into national constitutions and environmental legislation – insufficient this may still be.

CHALLENGE 5.2 A range of biodiversity uses in community protected areas

Planning community protected areas requires incorporation of traditional knowledge as much as of techniques and knowledge from formalized science. Both elements should identify the range of possible uses of lands and resources within protected areas, so as to meet economic, social and cultural needs of the communities while at the same time ensuring sustainability and maintenance of the protection standards. A very useful approach used in many community and co-managed protected areas in South America has been community mapping and custom-based zonation, which gives the required information about traditional use and also the potential of the areas to support other forms of use. In areas such as Kaaya-Iya, the Awa reserve, the Alto Fragua-Indiwasi Park and others, the indicated approach has led to the planning of sustainable use activities such as forest certification, wildlife management, and ecotourism, besides other subsistence activities such as small-scale agriculture, hunting and gathering. A wide approach is recommendable in identifying such uses, going beyond a narrow concept of “traditional lifestyles” that very often has served to put pressure on communities in the direction of rejecting change and going backwards in terms of economic development. Apart from economic activities, other community uses would normally include practice of spirituality and a range of cultural manifestations.

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OPTIONS FOR ACTION AND ADVICE

- i. Community mapping and community-based zonation of protected areas should be more widely promoted as an approach to protected areas planning and management. There is at disposal a considerable deal of information and expertise in this field, such as *Indigenous Landscape*, by Mac Chapin and Bill Threlkeld, 2001, and *Participatory 3-Dimensional Modelling: Guiding Principles and Applications*, by Giacomo Rambaldi and Jasmin Callosa-Tarr, 2002; the first of these publications reports among others on the Kaaya-Iya community mapping in Bolivia.
- ii. Many organizations have acquired a vast experience in sustainable resource use with indigenous communities in the region; this is also a valuable tool which should be looked into by community organizations and others provide support to planning of sound local development.
- iii. As it has been suggested earlier, a combination of tools provided by ecological certification, socio-cultural certification, and fair trade can offer important support to communities in the planning of their economic activities in their protected areas. Examining relevant experiences, such as that of the Awa Reserve in Ecuador, would also be useful in these processes.

CHALLENGE 5.3 Categories in relation to biodiversity uses

The issue of protected area categories, nationally and internationally, has been in discussion for some time in terms of how they apply to community protected areas; the issue is not easily solved, as many considerations are relevant. Generally, it is felt on the communities' side that existing categories are not responsive enough to the situation in which communities manage their areas and the uses they make of their resources. On the other hand, internationally it has been highlighted the fact that the 1994 protected area categories do account for communities, especially indigenous, presence and potential contribution to protected areas management, and that further using the system would facilitate understanding and implementing the categories.

Whatever the case, at the national level there is clearly a problem and many gaps in this sense in practically all South American countries. On the one hand, existing protected areas under co-management with indigenous and local communities often are classified in categories incompatible with current uses and situations; many national parks, for example, resemble more Category VI than Category II areas; and many areas that should be classified under Category V are currently in different categories. On the other hand, most community protected areas that for various reasons do not fit into national protected area systems are either lacking any form of legal support, therefore not ascribed to any category, or figure as areas of special use, as in the cases of community protection forests in Ecuador, civil society private reserves in Colombia, several types of private reserves in Chile, etc., none of them areas with legal status as part of national systems. It is not certainly that ascription to any particular category brings necessarily additional benefits to communities or to the areas as such, but it helps organize management objectives by providing a conceptual, technical framework and a vision for future development. Further, at the national level it is important to have an array of different categories to reflect varying degrees and forms of human use and intervention, and community protected areas are one of the key components of such systems.

As categories are essentially a reflection of those different degrees and types of human intervention, critical elements to look at when defining categories and classifying areas are community use of natural resources within protected areas – both actual and possible, having in mind what has been already explained in terms of the inextricable links between conservation and use in community protected areas. Thus, before asking what categories any particular areas should have for better biodiversity conservation, the first question to ask is what communities need from the land for their sustainable development, and then to examine whether ecosystems in those lands can provide for meeting such needs and how. This is the basic framework under which management objectives, and therefore classification, should be undertaken.

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OPTIONS FOR ACTION AND ADVICE

- i. Generally, the first need in relation to categories is to promote better understanding of their meaning, internationally and nationally, in relation to human uses and community needs; this is still lacking in the theory and practice of conservation organizations and protected area standards.
- ii. Category systems have to be dynamic, subject to constant change based on experience and on the development of new technical tools; categories are not written in stone and are only a technical fiction, whose usefulness depends on how they serve conservation purposes within concrete and changing realities. Therefore, promotion of a concept of dynamics, adaptation, and change is required in relation to category systems, nationally and internationally.
- iii. It seems evident that current categories, internationally and in most South American countries, need revision and updating – which may or may not imply creating new categories. Similarly, most areas inhabited by communities seem to need substantial reclassification, especially in countries where protected areas laws have not changed after 1994 – which is the case of many countries in the region. The process seems to be flowing at the national level from new environmental laws, to new biodiversity laws, to updated forestry laws, to updated protected areas legislation, to revision of the existing categories, to redesigning of national protected area systems. This process, though logic, may delay considerably immediate changes required in protected areas – such as reclassification, especially in areas under community management or co-management, and therefore more flexibility is needed in the form these processes of legal change are taking place.

CHALLENGE 5.4 Linking community protected areas to national biodiversity strategies

As indicated earlier, most community protected areas are currently outside national protected area systems, as it happens also with private reserves; only areas officially declared and thus formally co-managed are part of national systems. In some countries, notably Colombia and Ecuador, private (including community) reserves are recognized as a conservation tool within biodiversity, forestry and environmental legislation, but implementation of this provision is still lacking sufficient instruments. In most South American countries, from the perspective of private reserves a considerable amount of work is being done in the search of appropriate legislative instruments to support such areas, and to adequately frame this practice within national biodiversity strategies and action plans. In the case of Chile, for example, the conservation community has considerably advanced the process of developing a specific legal instrument for private reserves, and it is likely that current proposals will make their way soon into the national congress for approval.

However, not always these instruments sufficiently address the specificities of community protected areas, and not always offer sufficient guidance as to how these areas will be integrated in practice into national biodiversity strategies. Unless there is clear legal support for community protected areas, it is unlikely that they will have a prominent figure, as they should, in national biodiversity strategies, and there are several legal complications in making new protected area instruments work for community protected areas in the region. One of them is the usual provisions of indigenous lands legislation, which are not always compatible; another one is the lack of recognition of customary-law mechanisms in protected areas legislation; also, conflicts exist in some cases between attributions of protected area authorities at the municipality level and government of indigenous and community lands; etc. In any case, pushing for an appropriate recognition of the roles and contributions of community protected areas in national biodiversity strategies is an important task ahead.

OPTIONS FOR ACTION AND ADVICE

- i. Lessons from countries in South America having made progress in incorporating private and community reserves in national legislation and national biodiversity strategies should be shared broadly and should be discussed, with a view to providing guidance and support

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- to other countries for similar processes. Similar exercises done for other regions in the world would be also useful.
- ii. The interests of the EPP project and other bodies in assessing and if possible quantifying the extent of community protected areas and their contributions to biodiversity conservation are worth supporting, as there is really little information on this matter, which does not facilitate processes such as explicit integration of community protected areas in national legislation and biodiversity policies.

6. Apply planning approaches to the broader territory

Community protected areas need the application of planning approaches that conceive them not as isolated entities but as organic parts of a broader territory, where interconnectedness with agriculture, forestry, and other lands and activities is as important as protection of particular spots. Protection measures need to be integral elements of broader strategies of territorial management, having the central purpose of securing the sustainable provision of goods and services needed for socio-economic and cultural development of the communities and for the healthy functioning of the entire territory. In this sense, a view of conserving and managing the broader territory and the landscape is linked to what communities in several places call currently their “Life Plans”, i.e. integral plans for long-term, sustainable development of the communities and the people. These are for example the cases of the Indiwasi National Park in Colombia and the Awa Reserve in Ecuador (see Boxes 7 and 18), where the Ingano and the Awa peoples respectively have identified their community protected areas as instruments for integrated development of the entirety of their territories, and as strategies organically tied to sustainable management of the forests and their resources.

CHALLENGE 6.1 Support ecological assessments of the broader territories

As suggested earlier, community mapping, ethnocartography tools, and other forms of assessment of community lands with their direct and strong involvement should be widely supported and implemented, based on an already rich body of experience existing in the region, in Latin America, and in other regions of the developing world. One of the reasons of the importance of community mapping is precisely that it tries to understand the connections in the landscape, not just assess the ecological hotspots that protected areas are meant to protect; and that such understanding of the landscape is based on the communities’ views and practices, which provides a basis for their interests and commitments in sustainable managing their whole territory. In the case of the Awa people in Ecuador, for example (See Box 18), their broader territory, called “Awa Communal Settlement Forest Reserve”, was first assessed and mapped using ethnocartography tools, and it was only as a result of that process that the Awa Centres decided the establishment of their Life Reserve as a core area of strict protection within their territory; that mapping process also allowed them to identify the areas for sustainable community forestry, settlements, agricultural plots, etc. The same is true for other areas of the region, such as the Alto Fragua-Indiwasi park in Colombia, the Mapu Lahual network in Chile, the Kaa-yaa Iya Reserve (one of the first indigenous territories of the region mapped with ethnocartography tools), and others. In the case of the Cofan Bermejo Reserve in Ecuador, the process started with ecological assessments as part of the communities’ land claims, and it was through these actions that the community realized the great ecological importance of the area and the need for a protection status for the whole block of land. Thus, as shown in these experiences, ideally ecological assessment and planning of the broader territory should logically precede the establishment of the community protected areas and the specific assessments applied to them.

In practice, however, very often it works the other way around, and that is also appropriate if both parts are accomplished, i.e. assessment and planning of the entire territory as well as of the protected areas. Especially in cases of official protected areas, the focus has been put on the area’s lands, not on

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the community territory, but at some moment interest has shifted to the broader community lands. This happened, for example, in the Podocarpus National Park in Ecuador, where ecological assessments of the Eastern sections of the Park raised the attention about its bufferzone – an indigenous land with as much biological wealth as the Park itself, and where management is now being planned in an integrated way including community lands under protection.

OPTIONS FOR ACTION AND ADVICE

- i. Conservation organizations and protected area agencies should promote more widely and actively the implementation of ecological assessments of indigenous and community lands in South America, using a landscape approach in combination with on-the-ground community mapping, and with a focus broader than protected areas.
- ii. Planning standards for community protected areas should be clearly framed in this concept of integration in the wider territory and the wider landscape. Producing guidelines or sets of recommendations on this and other issues related to ecological assessment and planning of community protected areas could be a useful contribution from WCPA or other conservation bodies.

CHALLENGE 6.2 Build the capacity to manage for protection and production

Capacity building is a widely recognized need for effective, long-term management of community protected areas. Communities themselves have insisted repeatedly on their need for support on this front, and have in many occasions undertaken themselves capacity building initiatives. In point 2.1 the issue has already been addressed, and some of the community initiatives registered have been shown; perhaps the most notable initiatives of this kind registered for the region are those of the Awa people and the Kaaya-Iya Reserve, but outside South America well-known relevant experiences are those of the Kuna people in Panama, through the Pemasky project (ecology and management project of the Kuna lands), the UZACHI (Union of Zapotec and Chinantec Communities) training system in Oaxaca, Mexico, and the URACCAN (University of the Atlantic Coast) programme in Nicaragua..

OPTIONS FOR ACTION AND ADVICE

- i. Assessing capacity building needs in a broad and systematic way in the region, in relation to community protected areas, would be a very useful action to help plan support interventions in a more systematic and efficient manner.
- ii. Capacity building for community protected areas should be understood not only in terms of those areas, but more broadly in terms of management of the whole territory and the broader landscape, including for economic activities. On training matters, as much as on assessment, planning and implementation, moving beyond boundaries is indispensable in the case of communities.

CHALLENGE 6.3 Apply flexible approaches to zoning

It follows from the previous sections that zoning of community protected areas requires a flexible approach, due basically to the integration of the areas with the broader lands and the inevitably changing human activities and human uses. The principle here is that in community reserves, protection is a function of community needs and uses, not the opposite, thus management has to adapt to community development needs – certainly within the carrying capacity of the lands. Usually zoning will integrate strict protection areas, intensive use areas (basically for settlements and agriculture), special use areas (mainly for ecotourism, community and visitor recreation, and education), cultural use areas (such as for ceremonial purposes, which in some cases may coincide with strict protection

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sites), sustainable timber production areas, hunting and gathering areas, etc. Borders between them will change according to human uses, natural events, and emerging opportunities for example for expanding ecotourism; this need for flexibility should be provided for in management plans and zoning processes.

OPTIONS FOR ACTION AND ADVICE

- i. Learning from zoning with traditional communities, for example in ethnocartography processes, would be very useful for all sectors of the region involved in managing and supporting community protected areas. Organizations like WCPA and others could team up community organizations and specialized institutions to produce guidance and training materials as needed.
- ii. Also, conservation organizations should review themselves their own thinking about zoning with people, in the framework of the protected areas paradigm advocated here and emerging in the region. Learning, therefore, is not only for local practitioners and community members, but also – and perhaps primarily for staff from conservation organizations and protected area agencies.

Annexes

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Boxes

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18	The Awa Life Reserve of Ecuador

1. Protected Areas in South America				
COUNTRY		PROTECTED AREAS		
Name	Area (sq.km)	No.	Area (sq.km)	%
Argentina	2,779,221.00	244	125808.67	4.526760196
Bolivia	1,098,581.00	37	178187.41	16.21977897
Brazil	8,511,996.00	542	525991.11	6.179409741
Chile	736,903.00	87	141420.67	19.1912192
Colombia	1,141,748.00	95	93665.15	8.203662279
Ecuador	256,370.00	25	127424	49.7031634
French Guiana	91,000.00	3	1080.18	1.187010989
Guyana	215,083.00	1	585.59	0.272262336
Paraguay	406,752.00	20	14011.37	3.444696031
Peru	1,285,216.00	34	67606.01	5.260283874
Suriname	163,820.00	14	8042.9	4.909595898
Uruguay	176,215.00	13	477.05	0.270720427
Venezuela	912,050.00	129	435820.12	47.78467409

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Total	17,774,955.00	1244	1720120.23	9.677212854
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Source:

Summary of protected areas recorded in the UNEP-WCMC Protected Areas Database. 2002.

2. Indigenous Population in South American countries			
Country	Total Population	Indigenous population	Percentage
Argentina	36,955,182	369,551	1.00
Bolivia	8,329,000	5,913,590	71.00
Brazil	166,113,000	332,226	0.20
Chile	15,211,000	1,216,880	8.00
Colombia	39,685,655	793,713	2.00
Ecuador	12,920,000	5,555,600	43.00
French Guiana	100,000	4,000	4.00
Guyana	697,286	56,294	8.00
Paraguay	5,585,828	167,574	3.00
Peru	27,013,000	12,696,110	47.00
Surinam	431,303	25,878	6.00
Venezuela	23,542,649	470,852	2.00
Uruguay	3,278,000	524	0.016
Total	339,861,903	27,602,792	8.12

Source: Roldan, 2002.

3. Overlap between National Parks and indigenous territories (Resguardos) in Colombia				
National Park	Indigenous Groups	Park Area (has)	Resguardo Area	% Overlap
Amacayacu	Tikuna	274,614.63	10,156.37	3.70%
	Tikuna, Yagua, Cocama		32,675.49	11.90%
Cahuinari	Yucuna, Matapi, Tanimuka	560,871.22	17,540.70	3.13%
	Witoto (Murui), Bora		500,274.80	89.20%
Catatumbo-Bari	Bari (Barira, Motilon)	164,220.99	109,396.34	66.62%
El Cocuy	Tunebo (U'wa)	308,726.53	10,989.51	3.56%
Utria	Ni	75,671.22	52,890.70	69.90%
	Embera (Catio, Chami, Epera)		28.17	0.04%
La Paya	Siona (Ganteyabain)	409,749.20	16,122.49	3.93%
	Witoto (Murui)		3,970.40	0.97%
Las Orquideas	Ni	31,387.20	4,501.59	14.34%
Macuira	Ni	25,959.58	12,474.03	48.05%
	Wayuu (Guajiro)		13,485.55	51.95%

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Nevado Del Huila	Paez (Nasa)	84,642.42	21, 802.18	25.76%
Paramillo	Embera (Catio, Chami, Epera)	468,233.06	114, 697.78	24.50%
Purace	Yanacona (Mitimae)	76,911.40	385.70	0.50%
	Paez (Nasa)		2, 701.14	3.51%
Sierra Nevada De Santa Marta	Kogui (Kagaba)	417,555.69	305, 553.46	73.18%
	Arhuaco (Ijka, Bitikua)		69, 904.02	16.74%
Nukak	Cubeo, Otros	860,455.83	12.01	0.00%
	Maku (Cagua, Nukak, Ubde, Judpa)		18, 244.12	2.12%
Puinawai	Curripaco (Baniva)	1,073,036.29	756, 386.22	70.49%
	Puinave		310, 377.94	28.93%
Sub-Total		4,832,035.25	2, 384, 570.71	49.35%
El Tuparro	Zicuani	548,000	n.a.	n.a.
Los Katíos	Embera	72,000	n.a.	n.a.
Munchique	Páez	44,000	n.a.	n.a.
Sanquianga	Afro-Colombian	80,000	n.a.	n.a.
Tayrona	Kogui-Arhuaco	15,000	n.a.	n.a.
Total		5,591,035.25		

Sources:

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- 2002 WCMC Protected Areas Database

4. Indigenous Peoples Living in Protected Areas of the Amazon Region of Bolivia		
Protected Area	Area (has)	Indigenous peoples
Amboro National Park	837600	Unidentified
Madidi National Park	1895750	Tacana, Mositene, Ese' Eija
Cotapata National Park	58620	Aymara
Kaaya-ya National Park	3441115	Izoceño, Chiquitano, Ayoreo
Isiboro Secure National Park	1200000	Moxeño, Yuracaré, Chimane
Pilón Lajas Biological Reserve	400000	Chimane, Mositene, Tacana, Ese'Eija, Reyesanas
Beni Biological Station	135000	Chimane
Manuripi Meta National Reserve	1884375	Araona, Cavireño, Chácobo
Eva Mositenes APC	225000	Chimane, Mositene
Ríos Blanco y Negro National Reserve	1400000	Guaraye, Chiquitano, Sirionó

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Iténez Fiscal Reserve	1500500	Baure
Carrasco National Park	s.d.	Yuqui

Sources:

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- 2002 WCMC Protected Areas Database

5. Indigenous Peoples Living in Protected Areas of the Amazon Region of Ecuador

Protected Area	Area (has)	Indigenous peoples
Llanganates National Park	219707	Quichua
Podocarpus National Park	146280	Shuar
Sangay National Park	517765	Shuar, Quichua
Sumaco Napo-Galeras National Park	205249	Quichua
Yasuní National Park	982000	Huaorani (Tagaeri, Taromenane), Quichua, Shuar
Limoncocha Biological Reserve	4613	Quichua
Antisana Ecological Reserve	120000	Quichua
Cayambe Coca National Park	403103	Cofan, Quichua
Cuyabeno Fauna Reserve	603380	Cofan, Quichua, Shuar, Siona, Secoya
El Cóndor Bi-National Park	s.d.	Shuar, Achuar
Cofan-Bermejo Ecological Reserve	50000	Cofan

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- 2002 WCMC Protected Areas Database
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6. Indigenous Peoples Living in Protected Areas of the Amazon Region of Peru

Protected Area	Area (has)	Indigenous peoples
Manu National Park	1532806	Machiguenga-Pano, Wachipaeri, Yora
Yanachaga-Chemillen National Park	122000	Yanesha
Bahuaja-Sonene National Park	325000	Ese'Eija
Pacaya- Samiria National Reserve	2080000	Cocama, Cocamilla
Manú Reserved Zone	257000	Mashco-Piro, Machiguengas
Apurimac Reserved Zone	1669200	Ashaningas, Machiguengas, Piro
Tambopata-Candamo Reserved Zone	1043998	Ese'Eija
Río Mazán Reserved Zone	s. d.	Quechuas y Yaguas
Río Pastaza Reserved Zone	s. d.	Quechuas, Achual, Condoshi
San Matías-San Carlos Protected Forest	145818	Yanhesa, Ashaninkas
Alto Mayo Protected Forest	182000	Aguarunas

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Yanesha Communal Reserve	34744	Yanesha
Pastaza-Morona-Marañón National Forest	375000	Quichua, Huambisa, Aguaruna, Candoshi
Mariscal Cáceres National Forest	137448	Quechua-Pueblo Lamista
Biavo-Cordillera Azul National Forest	2068508	Cashibo-Cacataibo
Alexander Von Humboldt National Forest	469745	Cashibo-Cacataibo

Sources:

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- 2002 WCMC Protected Areas Database
- Oviedo 2001

7. The Alto Fragua – Indiwasi National Park in Colombia

The Alto Fragua-Indiwasi National Park was created in February 2002, after negotiations involving the Colombian government, the Association of indigenous Ingano Councils and the Amazon Conservation Team, an environmental NGO focusing on projects to assist the Ingano Indians and other indigenous groups in the Amazon basin. The Park is located on the piedmont of the Colombian Amazon on the headwaters of the Fragua River.

Inventories conducted by Colombia's von Humboldt Institute determined that Indiwasi National Park - formally known in Spanish as Parque Natural Nacional Alto Fragua-Indiwasi - is part of a region that has the highest biodiversity in the country and is also one of the top hotspots of the world. The site will protect various ecosystems of the tropical Andes including highly endangered humid sub-Andean forests, endemic species such as the spectacled bear (*Tremarctos ornatus*), and sacred sites of unique cultural value.

Under the terms of the decree that created the Park, the Ingano will be the principal actors in the design and management of the park. The area – whose name means House of the Sun in the Ingano language, is a sacred place for the indigenous communities. This is one of the reason why traditional authorities have insisted that the area's management should be entrusted to them. Although several protected areas of Colombia share management responsibilities with indigenous and local communities, this is the first one where the indigenous people are fully in charge.

The creation of the Park has been a long dream of the Ingano communities of the Amazon Piedmont, for whom it makes natural part of their Life Plan, or "Plan de Vida", that is, a broader, long-term vision for the entirety of their territory and the region.

The creation of Indiwasi National Park represents an historic precedent for the indigenous people of Colombia, by implementing a new approach of co-management in which the Ingano Indians will be the principal actors in the design and management of the site.

According to Wairanina Jacanamijoy, Coordinator of the Ingano Life Plan and former Governor of the Ingano people, "The political process by which the Park was created opens the door for a meaningful dialogue between indigenous communities and the government. And it highlights the cultural importance of an area which has been internationally recognized for its extraordinary diversity in flora and fauna."

For Juan Carlos Riascos, Director of Colombia's National Park Service at the time of the designation of the Park, "this park has the double objective of protecting biological diversity in a vital area that connects Andean and Amazonian biota and sites of high cultural significance for the Ingano people. The National Park Service commends the Tandachiridu Inganokuna, the Instituto von Humboldt, the UMIYAC - Union of Yage Healers of the Colombian Amazon, and the Amazon Conservation Team for their leadership and commitment in preserving this important

territory. We urge other entities in Latin America and the world to adopt intercultural approaches that can assure the protection of natural resources through strengthening the management capacity of indigenous communities."

8. The Kaa-ya Iya National Park in Bolivia

The Kaa-ya Iya National Park was officially declared in September 1995. The category corresponds to IUCN Management Categories II and VI. The Kaa-ya Iya National Park is administered and managed jointly by the Ministry of Sustainable Development and Planning and the indigenous organization Capitanía del Alto y Bajo Izozog (CABI).

By Bolivian law, the 'Capitanias' are indigenous municipalities that own and administer the land under their jurisdiction. In 1993, the new Agrarian Reform Law (INRA) first recognised Bolivia as a multiethnic and multicultural country. This law allowed for the existence of community land ownership and legalised the creation of indigenous territories (Territorio Comunitario de Origen - TCO). It was not until these provisions on legal land titling were implemented in the Kaa-ya Iya area that CABI and the indigenous communities were fully involved in management of the Park, and that many conservation problems started to be effectively addressed. For the indigenous communities represented in CABI, legal recognition of their TCO was the primary condition for any meaningful conservation commitment for their lands.

CABI is the long-standing political authority structure of the Guarani people of the Izozog. The organisation first obtained its legal recognition in 1990 under the name of API (Association of Izoceño Farmers). In the late 1980's, CABI contributed significantly to social mobilisation. Partly in response to this, the early 1990's ushered in reforms that led to the decentralisation of many aspects of governance to local municipalities, with organisations such as CABI given an active role in local government. These reforms also coincided with national and international support for the environment and indigenous peoples. CABI is acting through an indigenous NGO called the Ivi Iyambae Foundation, which was established in 1993.

The Management Committee of the Kaa-ya Iya National Park was established in 1996. This committee is constituted by the area's director and members of SERNAP, CABI, WCS, local municipalities, a community group of Chiquitanos (TURUBO), the Ayoreo Community of Santa Teresita and the group of women of the Izozog indigenous communities (CIMO); indigenous participation in the Committee is therefore decisive. The committee has the mandate to participate in the definition of policies for the management of the Park.

Source: *Beltrán 2000*.

9. The Cofan Bermejo Ecological Reserve in Ecuador

The Cofan Bermejo Ecological Reserve was created in January 2002, on 50,000 hectares of traditional lands of the Cofan people in the Ecuadorian Amazon. The area was declared at the initiative and on request from the Cofan communities of the area, concerned that dangerous developments announced for the region would affect the integrity and values of the territory. Communities did not have any legal ownership of the land, despite records of four centuries of

inhabitation.

A Cofan indigenous leader reports that, in the middle of negotiations with the Ecuadorian government for the legalization of the lands and declaration of the protected area, the Environment Ministry, at that moment the legal guardian of the area, offered the legalization of the lands if the Cofan organizations were able to create a boundary trail, conduct an accurate survey, and develop a management plan for them. "This was an incredible offer, he says, in that it basically allowed the Cofan people to determine their own boundaries according to ancestral usage and claims. The creation of a visible boundary trail is extremely important at the local level, as this is usually accepted by both mestizo and indigenous colonists as a definitive boundary".

The Cofan Bermejo Ecological Reserve possesses a very high biological diversity, due to its dramatic altitudinal range (450 to 2800 masl), and to the isolation of its various sections due to natural barriers and geological events. These factors have been also critical in maintaining the area protected from colonization and development.

Located in the headwaters of the San Miguel river system, this block presently is home to over two hundred Cofans, living in three separate communities. It is unarguably ancestral territory- the Spanish mention Cofan occupation of the area as early as 1556. It is still wild and pristine, with no roads, no oil development, no mining, and very little extractive lumbering. It harbors an incredible and unique biodiversity, including one new species of squirrel and perhaps two new species of primate. It is virtually unstudied, unmapped, and unknown except to the Cofan people who live there.

The key element in the negotiation with the Ecuadorian government was the recognition of collective territorial rights for the communities over the entire area. Desultory attempts to legalize this land area had met with opposition from the Ecuadorean government through the years. The primary concern voiced by officials was that such a large area of land should be turned over to so few individuals. The Cofan people did not press to gain legalization of the area during those years, partly because of the government's ambivalent stance and partly because of lack of organizational skills and political savvy. And for many years, the isolation of the area kept legalization from being a priority for the communities living there. Starting in 1999, however, this situation changed dramatically.

The first change came with the building of a new road through the area. The Interoceanic Highway, as it is called, is largely funded by the Brazilian government, in hopes of creating a commercial avenue to the Pacific. This highway has now cut along the edge of the San Miguel lands, fomenting an aggressive colonization of the southern area of this important area.

The second change was the result of high prices of oil. Tecpecuador, an affiliate of the Argentine giant Techint, acquired the concession for the central part of the Cofan land area, and was actively exploring for oil in this region. Preliminary results suggested that there is a commercial quantity of oil to be found within Cofan lands.

The third major impact was the civil war in Colombia just to the north of the region. This war has forced colonists out of the border regions of both Ecuador and Colombia. These refugees increase pressure in the northern area of the Cofan lands as they seek new lands.

Finally, negotiations with the government were successful, and the Reserve was created officially according to the Cofan proposals and based on a series of evaluations and inventories.

Management of the Reserve is entrusted to the Indigenous Federation of the Cofan Nation of Ecuador (FEINCE), who in turn delegates operations to the Cofan NGO Fundación Sobrevivencia Cofán.

Source: Fundación Sobrevivencia Cofán.

10. The Yawa Jee Indigenous Reserve in Ecuador

The Yawa Jee Indigenous Reserve in Ecuador is a self-declared community protected area of the Yawa Jee indigenous organization of the Pastaza province in Ecuador. It was established as a result of a long process of demarcation and inventory of their traditional lands, which led to the recognition by the communities that the resources were at risk due to the rapid development of adjacent areas in the context of oil exploitation and ranching. Demarcation of the land was supported by external groups, who provided financial and technical help, and was instrumental to gain legal recognition of land titles by the government.

Currently, the German Society for Technical Cooperation (GTZ) supports the Yawa Jee community organization to enable it to manage the forest conservation areas, such that the conservation of their biological diversity is ensured and they continue providing livelihood security for the local population. The project thus underscores the importance of local knowledge for biodiversity conservation and the rights of indigenous communities.

Main tasks being developed by the community are:

- Preparation of a management plan, based on ecological evaluations that combine traditional knowledge and external technical expertise.
- Establishment of management structures for the protected area, in order that biodiversity conservation efforts are sustained by solid institutions.
- Professionalization and systematization of ecotourism activities. Yawa Jee already runs small-scale ecotourism operations. However, these are still improvised in many aspects. The community wishes to enhance its entrepreneurial capabilities, notably with respect to marketing and cooperation with national tour operators and travel agencies.

Source: Yawa Jee Project, GTZ Programme for Implementing the CBD.

11. The 'Loma Santa' in Bolivia: virtual protected areas

Much interest has arisen around the discovery of the meaning of the 'Loma Santa' (Holly Hill) for the conservation of biodiversity in the Bolivian Amazon. The Loma Santa appears to be a net of virtual representations of sacred places that translates into physical conservation areas established on ancient settlement platforms.

In the 70s, large archaeological sites were discovered on the lowland plains of the Bolivian Amazon, following low-altitude flights that showed a series of complexes that for some archaeologists would reflect the existence of a civilization comparable to the Mayas. Impressive works of terracing, channels, hills and platforms over an area of about 10,000sq. km. in the Llanos de Moxos (department of Beni), showed in fact that ancient settlements in the area practised complex land-use planning and management, only possible through a highly developed social structure. According to experts, the city of Trinidad, Beni's Capital, would have been built on one of 20,000 terraces identified in the Beni savannahs. The influence of this land-management system would have extended to as far as northern Argentina and the actual territories of Paraguay and Uruguay.

For the current inhabitants of the region, the Moxeños, the hills of this landscape conserve a very special role and a meaning.

Within the traditional culture of the Chimane, Siriono, Yuracare, and Moxeño peoples, essential aspects of their knowledge and tradition are transmitted through pilgrimages that follow the search of a mythical place, the Loma Santa. This initiation trips are at the same time voyages of

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discovery and schools of perpetuation of the tradition and the knowledge.

For some indigenous groups, the Loma Santa is a huge terrace where wildlife thrives and where the forest is particularly rich, as it is taken care of by the “big brother of the Amazon forest” – a deity that looks after all creatures and ensure their wellbeing. Similarly, the Loma Santa would be the ideal place for the communities, as they would enjoy an immensurable richness of natural resources and would be equally protected by the deities.

The myth of the Loma Santa, for some the result of religious synchretism, is now reinforced by the threats that the communities perceive on their lands and resources. The Loma Santa becomes an element of cultural cohesion and identification, and provides a “vision” about community lands protected from dangers and external influences. The Loma Santa may be present therefore in recent arrangements that indigenous communities of the Bolivian Amazon undertake with government, to turn their traditional territories into protected areas - a trend that seems to be growing and producing interesting results in terms of conservation and tenure security for the communities who, finally, may find there their Loma Santa.

Source: Garcia and Pasquis, 2001.

12. The Pulmarí Protected Indigenous Territory in Argentina

The Mapuche people of the Neuquen area have been struggling for some time for the recuperation of land and resource rights in the Pulmari area. In the process of claiming their rights, they made reference to a particular place where they traditionally placed sacred values and where a powerful symbol, the Rewe (a wooden and stone monument representing a traditional tree of values, or cosmic tree, of the Mapuche culture), had been built by the communities in ancient times for ritual purposes. The Rewe fulfilled also a totemic function, as it was a representation of the Mapuche clans and therefore was a symbol of cultural unity, belonging and identity.

In this capacity, the Pulmari Rewe indicated indeed that the area, although not located in the actual settlements area, was of great cultural importance to the communities; it embodied the spirit and the meaning of their common origins.

The communities proposed the creation of a protected indigenous territory in their lands, once legally recognized, and took the Rewe as a symbol not only of sacredness, but also of biodiversity protection. Negotiations had been unsuccessful for a long time, until a more sensitive administration of the protected areas system of Argentina took office in 2000 and opened up a process that led finally to an agreement on a number of principles and procedures. It is hoped that this will result soon in the formal establishment of the Pulmari Protected Indigenous Territory, and to new co-management agreements for existing official protected areas inhabited by indigenous communities.

In May 2000, a Co-management Committee was established in the area, with the participation of the Mapuche communities, the National Parks Service and the Provincial Government. Some time after the establishment of the Committee, the Spanish Cooperation Agency, AECI, decided to fund a project that would provide support to the whole process and to the communities' search for alternative sources of income.

The Co-management Committee is meant to give way to a second body, a Management Board where representation from the Mapuche communities on the one hand, and the government and cooperation agencies on the other, would be held in parity.

The Co-management Committee was the result of an agreement where the concerned parties established that:

1. The concept that the process should be based upon is the recognition of the rights of

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the communities over their territory, not simply their lands, and the territory has a much broader cultural meaning;

2. Co-management as a key approach to sharing rights and responsibilities, based on the recognition that the indigenous communities have much to contribute to conservation from their own cultural background;
3. Recognition of the inextricable links between conservation of biological diversity and conservation of cultural diversity, principle that is illustrated in the respect for the Rewe as the central philosophical element of the Mapuche culture and community life.

Source: Neuquen Mapuche Confederation, 2002.

13. The Amarakaeri Communal Reserve in Peru

On April 19, 2002, after a six-year struggle by the Native Federation of the Madre de Dios River and Tributaries (FENAMAD) and their allies, the Peruvian government established the Territorial Reserve for protection of the rights of the Yora, Yine, and Amahuaca isolated indigenous peoples in the Department of Madre de Dios. The Reserve is about one million has.

On 11 Mayo 2002, the government also established the Amarakaeri Communal Reserve in Madre de Dios, protecting the ancestral indigenous territory of the Harakmbut. The Reserve encompasses 402,335.62 has and was established as a result of ten years of efforts by FENAMAD and supporters.

Despite these legal advances, the isolated indigenous tribes in Madre de Dios remain threatened by thousands of loggers operating illegally in their territory, threatening their lives, and devastating stands of mahogany and tropical cedar.

Already in 1986, at the Rimanacuy (big meeting) of Pucallpa, the native communities of the Harakmbut people proposed the creation of the Amarakaeri Communal Reserve; in 1989, the VI Congress of the Native Federation of the Madre de Dios River and Tributaries (FENAMAD) endorsed the proposal and made the formal request to the government for the creation of the Reserve.

The indigenous Federation reckons that a key element of success in the final part of the process was the convergence of different social actors interested in sound land-use planning for the region; thus, the joint efforts of the most relevant unions of rural people of the region – indigenous federations, farmers, small timber enterprises, nut gatherers and artisanal miners, based on a common interest for sustainability and mutual respect, finally achieved what the indigenous organizations had been struggling for over a decade.

The next step for the communities is the recognition of their coordinating body as the Management Committee of the Reserve.

Source: Amazon Alliance, 2002; FENAMAD, 2002.

14. The Mapu Lahual Indigenous Protected Areas in the Coastal Range of Southern Chile

The Coastal Range Temperate Rainforests of Southern Chile is a unique forest complex, part of the once vast Valdivian Forests, long time threatened by logging, the establishment of forest plantations, road building, and unplanned tourist developments.

This coastal remnant of the Valdivian forest contains outstanding biodiversity and extremely high levels of endemism, attributable to the history of the coastal range as a forest refuge surviving multiple Andean glaciations and volcanic disturbances. Coastal Valdivian Rainforest species can be traced back to the Tertiary period (7 to 11 million years ago) and to the ancient Gondwana continent (around 160 million years ago). The Coastal Valdivian Rainforest harbours unique species such as the huillin (river otter) and the only forests of "olivillo" (*Aextoxicon punctatum*), an endemic species that only exists in the Valdivia forest. This is one of the last frontier temperate rainforests in the world.

The area is the traditional homeland of the Mapuche-Huilliche people, who have conserved the largest tracts of native forest in the area, despite having been denied for a long time their rights to considerable portion of the forestlands, now in the hands of wealthy tenants living far away in the cities.

The Huilliche are one of the territorial entities that compose the Mapuche people; in pre-colonial times, they used to control a vast area of land to the South and the East, up to the Argentinean pampas. In the Mapuche language, Huilli Mapu means "lands of the South".

The Huilliche have a particular relationship with the coastal forests. They possess a vast knowledge of forest species, both plants and animals, their potential uses and their functions in the ecosystem, and they consider the forest to be a central part of the landscape; disappearance of this forest would be for them a great loss.

Their spirituality is also closely linked to the forest. For them, the natural world is populated by *ngens*, the spirits owners of wild nature, created from the beginning to take care of the different elements of the universe: *ngen-mapu* owns and looks after the land, *ngen-mawida* is the spirit of the native forests, *ngen-pewen* is the spirit of the great Araucaria, and so on; all creatures belong to *ngens*. In the upper sections of the forests, all along the range, there are particular places where the spirits of the forest live; when crossing those areas, they walk silently, paying respect to the spirits of the forest, and trying not to alter the places' calmness. Ensuring the integrity of the mountain forests, the spirits' homeland, is a guarantee of protection and wellbeing for the communities.

The Huilliche have experienced great stress as a result of the deprivation of their rights to the large parts of the coastal forests, and of having witnessed the destruction of vast forest areas. The realization that CONAF, the National Forest Corporation in charge of protected areas in Chile, had made important changes in the way the government understands and manages relationships with communities, prompted in several Huilliche communities of the area of Maicolpue Southward a proposal for the creation of indigenous protected areas in the coastal forestlands. This is becoming and increasingly powerful idea, as the construction of a coastal highway threatens again the integrity of the area. The Huilliches tabled proposals for zoning of the broader region, based on their knowledge of the forest and development expectations of their communities, and consider forest protected areas in their lands as a key component of zoning plans. The process gave birth to six indigenous protected areas covering key ecosystems in the Coastal Range, and to a new Mapuche organization in the Osorno province called Mapu Lahual Network of Indigenous Parks (Red de Parques Indígenas Mapu Lahual). Mapu Lahual means "land of alerces" (*Alerce*, *Fitzroya cupressoides*, is a native tree of the area that has been recorded to live more than three thousand years).

Sources:

The Coastal Range Coalition (Coalición para la Conservación de la Cordillera de la Costa -

a collection of environmental and sustainable development organizations based in the Lakes Region of Southern Chile). 2002.

David Tecklin, WWF Valdivia Ecoregion Coordinator, 2003.

15. The Mataven Indigenous Territory (Resguardo) of Colombia

It is estimated that over 50% of the species within Colombian territory are concentrated in the Amazon region. Besides being home to a great richness of species, several sectors of the Amazon are characterized by complex mosaics of ecosystems with high endemic levels. The Matavén Forest is a clear example of such biological and ecological singularity. It constitutes the farthest north-eastern section of the Colombian Amazon and presents enclaves of savanna in its northern limits, reflecting the transition toward the ecoregion of Orinoquia. There are caatingas of the upper Orinoco and Negro rivers, which are not only unique ecosystems of the entire Amazon basin but also the most extensive 'flooding forest' (varzea) of the Colombian Amazon. This geographical location makes the Matavén Forest a region especially rich in species, many of which are endemic, and very heterogeneous at the level of ecosystems.

This region, which is between the Vichada, Orinoco, Guaviare and Chupave rivers in the northern part of the Colombian Amazon, administratively belongs to the municipality of Cumaribo in the department of Vichada. The region takes its name after the Matavén river, which goes through from east to west.

The conditions are appropriate in the Matavén Forest for drawing together traditional productive systems, based on the diversification and the dynamics in regenerating the tropical ecosystems and conserving its biotic richness. The original ecosystems have not altered much, and the territory is under the collective ownership of the indigenous communities (resguardos). These same communities have proposed that the central zone of the Matavén Forest be destined for the conservation of its biodiversity.

Of the total 2,150,000 hectares that constitute the Matavén Forest, 970,000 hectares are encompassed within sixteen (16) indigenous resguardos that form a protective belt around the central area. There is a population of 10,449 inhabitants living in the 16 resguardos, which belong to six different ethno-linguistic groups: Sikuni, Piapoco, Piaroa, Puinave, Curripaco and Cubeo.

In the center of this 'belt' of resguardos, there is a 1,180,000- hectare zone that is well conserved and largely uninhabited. At its western end, however, the Matavén Forest is threatened by a strong process of colonization, linked to the illicit cultivation of coca leaf, which is increasingly advancing towards the Chupave channel.

The six indigenous groups that inhabit the Matavén Forest provide valuable knowledge, not only of the environment, its natural resources and its seasonal cycles, but also of the ecological guidelines that human beings must follow so that societies can live together in harmony with the different ecosystems. The bringing together of these different cultural features enables their projection of a global development for the region, from different perspectives and utilising a range of experimental alternatives, based on the daily reality of those who historically have known how to manage their environment in a sustainable way.

The protected area has not been yet formally established, but the process towards this objective is underway. The idea originated in 1998, when the indigenous authorities requested the Colombian government the titling of their lands under the figure of an indigenous *resguardo* (territory) dedicated to conservation. The area will be administered by a council of traditional authorities of the six ethnic groups. It is a unique experience of six different indigenous peoples requesting the establishment of a protected area in their

collective territory.

Source: *Emilce Mora Jaime, Etnollano Foundation*

16. The Pashpanshu Indigenous Biological Reserve in Ecuador

The San Virgilio community of the Pastaza Province in the Ecuadorian Amazon established a community reserve in their traditional lands, located at the head waters of the Curaray River. The community is actively defending the area against oil developments in the region. This is the account from Bolivar Santi, Curaka of the community of San Virgilio:

“This sacred place called ‘Cupal Yacu Pungo Yana Rumi’ is the ancestral territory whose natural boundaries lie between Witahuai Urco, Gastañas, Taruga Urrco, the Añango river, the Chapana territory, Villano, the Chuyayacu community, and the Bolivar Colony. This sacred homeland was officially renamed the Community of San Virgilio 85 years ago after the great leader [curaka] Virgilio Santi Yuu, who ensured that this whole territory be forever protected as the Paspanshu Indigenous Biological Reserve - a homeland where the ancient sciences of nature be passed on from generation to generation, undisturbed by the invasion of ecological disasters. At the moment it is under the responsibility of the heirs of the Santi family who are Bolivar Santi and Rafael Santi, and their respective children. These territories were given and signed by the word of their grandparents in which is defined like an ancestral foundation for a natural way of life”.

Source: *Bolivar Santi, Curaka of the community of San Virgilio – CONFENIAE. 2001.*

17. Community Involvement in the Los Flamencos National Reserve of Chile

The Los Flamencos National Reserve of Chile was created in 1990; it consists of seven different sectors of the jurisdiction of San Pedro de Atacama in the El Loa Province. The sectors, which make up 73,986 hectares altogether, are the following: Tara - Aguas Calientes Salt Deposit, Pujsa Salt Deposit, Lagoons Miscanti and Miñiques; Atacama Salt Deposit (Soncor), Atacama Salt Deposit (Aguas Calientes Lagoon), Moon Valley and Tambillo (mesquite woods).

Between August 2001 and March 2002, the project Participative Management by the Atacameño Communities of the Los Flamencos Reserve was implemented in the region, involving the communities of San Pedro de Atacama, Peine, Socaire, Talabre, Camar, Toconao, Solor, Coyo, Quito, Sequitor, Solcor and Larache.

The El Loa Province is a unique region of Chile. The Lican Antai (Atacameño) people have settled there for about five thousand years, producing a characteristic set of traditional management practices and a rich culture. The environments of *puna* and salt deposits harbour many endemic species, associated with highly specialized ecosystems and unique landscapes.

As for cultural resources, there are archeological sites in the north sector of the Tara salt deposit and also sectors surrounding the lagoons Miscanti and Miñiques. The archeological site of Tulo, in the Moon Valley sector, is a village composed of mud huts with circular bases. A great part of the village is buried under the sand, but there is an excavated sector,

with a replica of the huts.

On the other side, in the Miscanti and Miñiques lagoons sector, traditional livestock activities are practiced by pre-mountain range communities, especially in Socaire.

Co-management of the Reserve is based upon provisions of the Indigenous Law of Chile, which in its Article 35 establishes that in cases where protected areas fall within indigenous development areas, "participation of the respective communities in co-management of protected areas will be considered". The project centered around three main objectives: capacity building for communities on protected areas management; development of a co-management model; and establishment of the required agreements for implementing co-management.

As a result of the process, as of July 2002 three sectors of the Reserve - Soncor, Miscanti and Miñiques, and Aldea de Tolor, are managed by the Toconao, Socaire and Coyo communities, respectively. In the following months, management of the Moon Valley by the communities of Solor and San Pedro de Atacama was to be reached.

Source: Walter Imilan O., Grupo de Investigaciones Agrarias. 2003.

18. The Awa Life Reserve of Ecuador

The Awá indigenous people are settled on both sides of the eastern boundary between Ecuador and Colombia. In Ecuador, the Awá inhabit a forested area representing the last of the South Pacific tropical forests. About 4,500 Awa people live in 21 communities in the provinces of Carchi, Esmeraldas, and Imbabura.

The Awá Region contains an unusually high level of biological diversity. It also harbours the main remaining example of western equatorial forests. Ecuador's northwest is part of the Pacific province Choco bioregion which contains a high level of species endemism concentrated in two or three centers. The Awá Region probably includes one of these. Of the 25 life zones classified in Ecuador, 12 are registered in the western forests; 11 of these are found in the Awá Region. (Lehm, 1993).

Following a complex process of land delimitation and demarcation, the "Awa Communal Settlement Forest Reserve" was declared by the Ecuadorian government in 1988. The Reserve covers about 120,000has of tropical forest, where the Awa communities, represented by their organization the Federation of Awa Centres (FCAE), develops programmes of sustainable forest management and protection of the territory.

The territorial struggles by the Awa to defend their communal forests from pressure from the timber and mining industries and colonization, benefited at the beginning from the difficult access to the North Western part of the country. Over the past years, the opening up and paving of two new highways crossing the region facilitated the activities of several timber companies and the consequent disappearance of the forest.

Because of this, FCAE decided to launch its own project for community-based forest management, with the aim of providing sustainable income to its communities, conserve its forests and counteract pressure by the companies. In the process of analysis of the forest situation and definition of proposals, the Awa communities established 3 basic items that have served in the development of this project: it must be administrated and led by FCAE; the use of heavy machinery in the extraction of timber from Awa territory will be prohibited; the benefits will be equitably shared on the basis of agreements that the communities will establish with FCAE. The first task was to reach agreements and consensus over the delimitation of an area of 1980 hectares of communal forest in Mataje, containing a high

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diversity of endemic wood species. Inventories carried out by the Awa Forest Team, a technical group of trained Awa professionals, identified high degrees of diversity and endemism in the forest; indeed the team discovered three tree species new to science (Cuasaluzán and Levy, s.d.).

Within this context, the Awa Federation decided in 1998 the establishment of Life Reserve (Reserva de la Vida), over 17,000ha of communal forest, where human activities will be strictly regulated. This is the core zone of the Awa territory.