

Advancing legal security for the indigenous territories of Madre de Dios and Cusco



The project secured titles for five indigenous communities covering **64,000 hectares** and signed an agreement with the Ministry of Culture that strengthens systems for protecting peoples in voluntary isolation in the Madre de Dios Territorial Reserve, which covers more than 800,000 hectares, — in 19 months

Project duration
14 October 2015
to 15 April 2017

Peru has made significant progress in recognizing the land and forest rights of Indigenous Peoples through laws—but limited progress implementing the titling of collective rights on the ground. Throughout Peru, indigenous communities have insecure land tenure and their lands and forests are threatened by tourism, mining, illegal logging, and infrastructure projects. This puts communities at risk of losing the lands that sustain them, and their forests at risk from deforestation pressures.





Madre de Dios, a relatively small region of the Peruvian Amazon, is emblematic of much of Peru with regard to community titling. Seven Indigenous Peoples live in 33 communities in the region, with a total population of about 890 people. Many of these communities require clarification of their territorial claims to secure their land titles in the public record. Madre de Dios is also home to Indigenous Peoples in Voluntary Isolation or Initial Contact (PIACVI), whose lives and lands are threatened by incursions from illegal loggers and miners, despite protections mandated by international law. They are vulnerable to common diseases and contact with the outside world can be fatal.

With technical and financial assistance from the Tenure Facility, The Native Federation of the River Madre de Dios and Tributaries (FENAMAD) and the Peruvian Society for Environmental Law (SPDA) overcame longstanding obstacles to accelerate titling for Indigenous Peoples, defended the rights of PIACVI, and resolved land conflicts. Together with the Regional Government of Madre de Dios (GOREMAD), they tested a unique partnership between an indigenous federation, an NGO, and a regional government that can be scaled to resolve longstanding conflicts over land tenure throughout the country.

“In the past, the indigenous territories in Madre de Dios were quite extensive. Unfortunately, our titles did not recognize the full extent of our lands, and we were limited in many ways. We withstood the pressures of miners, invading settlers and authorities who still do not understand the principles by which we live. Historically, we have been the caretakers of all the territory and of all the resources. Our work is of great importance, and not an obstacle to development of the country, as some government officials believe.”

— Julio Ricardo Cusurichi, President, FENAMAD





Villagers of Boca Pariamanu use global positioning technology to map the boundaries of their territory.

Results

- The project secured titles and consolidated land-use plans for five Indigenous Peoples' communities covering 64,000 hectares and home to a population of 890 people.
- It achieved this success through a unique partnership between an indigenous federation, an NGO, and a regional government that can be scaled throughout the country to resolve longstanding land conflicts.
- The pilot built momentum for completing the titling process of all Indigenous Peoples' communities in Madre de Dios, and improved the government's capacity to fulfil its obligations to respect rights and protect forests.
- The project improved management of 27,000 hectares of titled forest and trained 121 indigenous community members in forest monitoring and protection.
- It resolved a conflict over 3,000 hectares between an indigenous territory and a tourist concession, allowing the community to move forward with securing title to its lands.
- FENAMAD and SPDA developed a signed agreement with the Ministry of Culture to carry out joint actions in favor of indigenous peoples in Madre de Dios, including measures to strengthen systems for protecting peoples in voluntary isolation in the Madre de Dios Territorial Reserve, which covers more than 800,000 hectares.
- The project contributed to the Ministry of Culture's new strategy for strengthening the titling of Indigenous Peoples' lands.
- The project provided technical assistance to the national DISPARC agency and Inter-American Development Bank-funded PTRT3 titling project.
- SPDA and FENEMAD contributed to the Agriculture Committee of the Peruvian Congress' agenda on the need for changes to the legal framework to better recognize indigenous rights.
- SPDA expanded awareness of solutions to insecure land tenure in Peru by publishing "A first look: the legal situation of rural land tenure in Peru," which recommended policy and regulation reforms.
- The project supported the development of national guidelines for the classification of soils, which is required for titling indigenous community lands.
- FENAMAD developed a university course in indigenous rights and trained 25 indigenous leaders at the Pontifical Catholic University of Peru.

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Boca Pariamanu established its territorial boundaries and resolved conflicts with mines

Boca Pariamanu is a community of 22 families, with a population of 85. They are members of the Arahua ethnic group. The community could not receive official title to their lands without determining the geographic coordinates of its land and resolving overlapping rights with two chestnut concessions and mines. With technical support from FENAMAD, the residents established the boundaries of their territory using modern technology. Their map was adopted by the community's General Assembly as well as by the government. The community has not yet received official collective title. However, with its territorial boundaries clearly defined, it was able to resolve the land conflicts with the mines and one chestnut concession. The community is currently negotiating with the second chestnut concession, and expects a favorable outcome soon. When this conflict is resolved, the government will be able to process Boca Pariamanu's title. Although this process will take time, the residents of Boca Pariamanu are already better equipped to protect their land rights and their forestland, and negotiate with miners and others who threaten the territory they depend on for their livelihoods.



the **TENURE FACILITY**

The Tenure Facility is the first and only international, multi-stakeholder institution exclusively focused on securing land and forest rights for Indigenous Peoples and local communities. It provides grants to implement tenure reform within existing government and international structures and shares the knowledge, innovations and tools that emerge. Launched in 2014 by the Rights and Resources Initiative (RRI), the Tenure Facility is dedicated to scaling up recognition of collective land and forest rights globally. The Tenure Facility is an international foundation registered in Sweden.

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