

Forest management in Bolivian indigenous territories

Recommendations for CSOs



Summary

- In Bolivia, indigenous communities can obtain collective ownership titles over (parts of) their ancestral lands. The area with a collective title is known as a native indigenous territory. As a legal figure, it provides indigenous communities with far going and irreversible collective rights over their lands that are recognised by the Bolivian Constitution.
- Many of Bolivia's indigenous territories located in the lowlands are heavily forested. The collective title includes the exclusive right to extract the forest resources in the territory for subsistence and commercial purposes.
- We consulted indigenous leaders and practitioners and asked them about forest management in indigenous territories, the outcomes on people's livelihoods and the environment, the bottlenecks, and the potential role of civil society organisations (CSOs) in improving these outcomes.
- Respondents highlighted that, according to Bolivia's Forest Law, community forestry organisations that want to log within their indigenous territory need to comply with forest management requirements that are complex and expensive. This makes them dependent on outside actors with knowledge and capital, i.e., forest engineers and private enterprises. The dependency results in an unequal relationship between indigenous communities and external private actors.
- Agreements are often made between individuals from within the community that take on leadership roles within the community forest organisations (i.e., people with access to training, capital and political connections) and private actors from outside. These agreements are unequal and tend to lack transparency. And, if there are benefit-sharing arrangements, they are often only partially followed, if at all. As a result, financial gains accrue to a select number of people, with limited overall community benefits.
- Regardless of the difficulties, forest management in indigenous territories has undoubtedly increased financial benefits for communities, and is widely considered key to reduce deforestation. CSOs will need to lobby with the government to adjust the regulations for commercial timber harvesting to the local realities in indigenous territories, and to monitor compliance with benefit-sharing regulations, to avoid elite capture. More broadly, CSOs will need to strengthen local governance of the territories, by building capacity of leaders and grassroots organisations.

Introduction

In 1996, Bolivia enacted a new land reform law, which recognises the right of indigenous people to demand and receive collective ownership over the territories they traditionally occupy, as well as exclusive user rights to all renewable natural resources on their land. These are rights that they were previously denied. Moreover, the political constitution that was enacted in 2009 gives indigenous peoples the right of self-governance and autonomy over their ancestral territories. Once a collective ownership title has been awarded, the indigenous territory is indivisible, imprescriptible, inalienable and irreversible, and not subject to taxes on agricultural property. The territory cannot be reverted to public domain, except where biodiversity conservation and protection, or national infrastructure interests take precedence. In such cases, the law states that the community should be compensated.

Currently, there are 58 legally recognised indigenous territories in the eastern Bolivian lowlands, covering 12.5 million hectares, of which 50% is forested. Within an indigenous territory, there are no restrictions on the use of forest resources for subsistence. The commercial use of forest resources in the territory is subject to the conditions as formulated in a forest management plan. Deforestation rates are currently very low compared to those outside of the territories, and there is great potential to improve indigenous people's livelihoods through sustainable community-based forestry.

Approach

We conducted a review of three of Bolivia's indigenous territories—Monteverde, Lomerío, and Guarayos— together covering a surface of over 2.5 million hectares of mostly forested lands. We focussed on: (i) the outcomes of this collective tenure model in terms of livelihoods and forest conservation; (ii) the conditions and constraints for achieving positive outcomes; and (iii) the potential role of CSOs in improving the outcomes. The review consisted of the following four stages:

1. Description of the tenure model based on information from secondary sources.
2. Assessment of outcomes, conditions and limitations, through interviews with 17 key informants, including academics, CSO representatives and indigenous leaders of Monteverde, Lomerío, and Guarayos.
3. A workshop with participation of 22 people representing the three aforementioned territories, and CSOs working in these territories.
4. Analysis, synthesis and write up (in this stage we also conducted an analysis of deforestation in the Monte Verde and Lomerío territories).

Results

Tenure security

According to respondents, a highly favorable condition in indigenous territories is the fact that the collective rights are recognised by the Bolivian Constitution and are irreversible. This is widely considered to contribute to indigenous people's tenure security, regardless of the loopholes and inconsistencies that may exist in the law that regulates the governance of the territory and the use and management of natural resources.

Governance of indigenous territories

The indigenous people of Bolivia have managed to get collective ownership over their land after a long and historical fight for recognition from the government. But the development of governance structures by the representatives of some of the indigenous groups is complicated. During the interviews, some respondents wondered if the indigenous people still remember the sacrifices they made to have their territories recognised. They stressed that legal ownership is not enough to conserve the territories, if its inhabitants do not exercise their collective rights.

There is limited participation of the inhabitants of the indigenous territories in decision-making processes related to the way their territory is managed. Nor do people exercise control over the way the natural resources (and the benefits derived from them) are used. People tend to have little factual knowledge and understanding of their rights and the laws that regulate the use of land and resources in the territories. This negatively affects the ability of the indigenous peoples to self-govern. In general, respondents are worried about people gradually losing knowledge of, and interest in, their customs and traditions, including small-scale subsistence agriculture. According to respondents, the loss of traditions and increased individualistic behaviour to access money makes collective decision-making for the common good a formidable challenge.

Forest management and dependence on outsiders

The current Forest Law (#1700) focusses primarily on forest management by the private sector. The law prescribes a number of administrative, organisational, and financial prerequisites for forest management, which are difficult to comply with for indigenous communities and the organisations in charge of implementing the forest management plans (community forestry organisations). The development of a forest management plan is especially costly, because of the required forest inventory (10% of the area). Once the forest management plan is approved, yearly harvesting plans have to be made based on 100% inventories of the commercial species to actually get logging permits. Logging itself is also expensive, as logs have to be extracted from the forest to be transformed in a sawmill, which implies high operational costs for the construction of roads, and the

use of heavy machinery to extract, lift and transport the logs. It is prohibited to transform logs inside the forest with mobile equipment, which hinders the development of forest management systems adapted to local aspirations and possibilities. Thus, to comply with the regulations, communities are 'forced' to engage in contractual 'partnerships' with private companies or intermediaries.

Livelihood outcomes

Forest management has increased the financial benefits from forest use in indigenous hands. Depending on the communities and its leaders, this money is invested in collective goods (e.g., health care), individual goods (e.g., higher education), or captured primarily by those in charge and the indigenous leaders themselves. Respondents stressed that community members who are in charge of timber sales may not follow the benefit-sharing arrangements as specified in the forest management plans, and use a part of the benefits for personal gain. Consequently, respondents say, the expectation that income from timber sales would lead to improved livelihoods for the inhabitants of the indigenous territories are not always met. Moreover, as mentioned above, many communities depend on the capital from outsiders to access their natural resources, and this is often under unequal and unfavorable conditions.

To reduce their dependence on the capital of timber enterprises or intermediaries, communities would need to be able to pre-finance at least the development of the yearly harvesting plan. This would enhance their negotiation position. Within indigenous communities, there is usually limited awareness and understanding of opportunities to access credit. And of those communities that did manage to access credit, most have ended up paying fines for not complying with payments, because they were insufficiently aware of the repayment conditions managed by the banks. Financial institutions, on their turn, have very little knowledge of the role of indigenous communities in the timber value chain, and have no mechanisms to offer services to communities with collective land rights. Moreover, investments in indigenous territories are considered risky. The difficulty to access, and wisely use, credit and other financial products exacerbates the dependency on outsiders—it undermines the communities' negotiation position and reduces benefits.

Conservation outcomes

The *Instituto Boliviano de Investigación Forestal* (IBIF) conducted an analysis of deforestation in indigenous territories of Monte Verde, Lomerío and Guarayos, and found lower deforestation rates in areas under approved

forest management plans that have on-going timber harvesting, in comparison with areas with approved forest management plans where timber harvesting has been discontinued (Table 1).

This is mostly explained by their location. Forest areas within indigenous territories that border the agricultural frontier are under pressure from encroachment by outsiders. In response, these areas were put under forest management, to recuperate and protect the forest. However, this has not always been successful. As a consequence, timber harvesting was discontinued, while deforestation due to encroachment continued. The government is virtually absent in helping to protect or recuperate these transformed areas. In areas that are located further from the agricultural frontier, it is easier for the indigenous communities to monitor illegal activities and take immediate action, by making encroachers (or community members who want to lease out or sell the land) understand that the area has been placed under forest management and can therefore not be converted to agricultural land.

Although, in general, livelihoods may not have been improved as expected, economic benefits and the large investments made by individuals and communities to get their forest management plan of the ground, generate an important sense of ownership that fosters monitoring and protection of these areas by their users. It also shows the importance of economic benefits for people to defend the areas, not only because they can make money out of it, but also because they need money to be able to monitor forest areas. These areas are large and often rather inaccessible, so monitoring is costly, requiring motorbikes, gasoline, oil and food, among others.

Recommendations for CSOs

In general terms, CSOs have two important roles to play, according to respondents. First, they need to support indigenous representative organisations. This includes helping them with: developing and implementing strategies for the management of indigenous territories; establishing functional self-determination or autonomous indigenous governments; and strengthening local governance of the territories by building capacity of leaders and grassroots organisations. Second, CSOs need to train and convince actors in the forest sector to move from industrial timber harvesting only (as promoted by the current Forest Law) to a more inclusive mode of production. A more inclusive forestry sector is based on long-term and equitable relations between communities,

Table 1. Deforestation (1996-2018) in areas with forest management plans, with and without timber harvesting

	Area (ha)	Deforestation (ha)	%
Forest management plans with timber harvesting	1,253,503	7,031	0.56
Forest management plans without timber harvesting	135,563	16,308	12.03

farmers and private actors. To achieve this, CSOs need to lobby the government to adjust the regulations for commercial timber harvesting to the local realities in indigenous territories.

Based on the interviews and workshop we identify the following recommendations for CSOs.

Capacity building and organisation

- Joint training for communities and CSOs on collaborative programme and project development, implementation and monitoring. This is needed to better adapt the work of CSOs to the needs of communities, and to train communities in communicating the way they envision collaboration.
- Develop innovative monitoring systems and build capacity at the local level to apply them, so that indigenous people can effectively monitor the use of their territories.
- Capacity building of public sector forest officers and private sector forest professionals to adequately assist and monitor the implementation of community forest management plans, including compliance with internal regulations related to organisation and administration.
- Develop stronger relationships between indigenous people and community forest organisations, the forest service and other government entities, so they can work together to identify illegal activities in indigenous territories (such as illegal logging and land trafficking), and implement the appropriate sanctions.
- Gather information on negative and positive aspects of the management of indigenous territories, to be shared with the indigenous population.
- Build knowledge and awareness among indigenous communities regarding options to access credit and repayment conditions.
- Strengthen the voice of women and youth in decision making on the use and management of the indigenous territories, and build capacity of grassroots organisations so they can exercise control over their territories and their leaders.

- Strengthen community-level awareness and application of indigenous jurisdiction.

Lobby and advocacy

Provide policy makers with evidence-based information and policy advice related to:

- The impact of the Forest Law (# 1700) on land and forest management practices and livelihoods of indigenous and farmer communities.
- Alternative forest management systems that are adapted to the aspirations and possibilities of local communities.
- Land- and forest management systems developed jointly with indigenous and farmer communities.
- The position of community forestry organisations in the timber value chain, and the barriers to their legal establishment and development.
- The potential of non-timber forest products for local economic development in the indigenous territories, and the barriers to their further development.
- Lobby for the adaptation of government agencies' implementation strategies, in order to enhance collaboration between the public sector and indigenous and farmer organisations.
- In collaboration with indigenous and farmer organisations, lobby for regulatory changes in support of community forestry organisations, such as a regulation that enables a community forestry organisation to establish itself legally as a community forestry enterprise, with a specific applicable tax regime, and access to external financing.
- Lobby and advocacy targeted at financial institutions, to develop mechanisms to offer accessible financial services to communities with collective land rights.
- Lobby for the adaptation of regulations on the use and commercialisation of non-timber forest products in indigenous territories to reduce the costs of elaborating and implementing management plans for non-timber forest products.
- Lobby for the local monitoring and control of internal indigenous regulations on territorial management by government agencies to reduce elite capture.

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