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## EMPHASIZING INDIGENOUS PEOPLES' PERSPECTIVES IN REDD+ PROGRAMS IN PERU

By  
Centro de Culturas Indígenas  
el Perú/Center of Indigenous  
Cultures of Peru  
(CHIRAPAQ)

## BRIEF VIEW ON CLIMATE CHANGE NEGOTIATIONS IN INTERNATIONAL CONTEXT

Climate change is a result of industrial development and world consumption of energy that increasingly demands burning of oil, gas and carbon which is responsible for GHG (greenhouse gas) emissions of carbon dioxide (CO<sub>2</sub>), methane, among others. This reality is ironic for Peru and the rest of the Latin American countries because they contribute a total of 2.5 per cent of GHG emissions but they suffer the impacts of climate change.

Historical data shows that industrialized countries have bigger responsibilities for CO<sub>2</sub> production compared to developing countries. Since the 20th century, two regions have been the biggest producers of CO<sub>2</sub>—these are the United States of America and European countries belonging to the Organization for Economic Cooperation and Development (OECD). These regions have emitted most of the 60 per cent of world emissions.

China, India and Russia are the other countries that have been increasing their emissions of GHG due to their recent industrial and economic development. The other countries in the world called “other economies” represent only 16.5 per cent of the total world emissions.

In 1995, the UNFCCC (UN Framework Convention on Climate Change) was established as a space where the states can discuss efforts and determine actions to address climate change. The Conference of Parties (COP) is the supreme body of the Convention; it is the highest decision-making authority. One of the most important COP was COP 3 in 1997 where the Kyoto Protocol (KP) was approved. Through this binding instrument, the parties expressed commitment to reduce between 2008 and 2012 their GHG emissions with an average of 5.2 per cent of the

corresponding emissions in 1990. To achieve this goal, financial mechanisms were created such as the Clean Development Mechanisms (CDM), Joint Implementation (JI) and Emissions Trading (ET). This agreement allows developed countries to reduce their GHG emissions by executing projects in developing countries but not changing their industrial and energy matrix.

In COP 11, eight years after the approval of KP, the discussions for its implementation began. Questions about the new mechanism were also discussed. In COP 13, forest conservation was emphasized because of the high GHG absorption capacity of forests.

UNFCCC recognizes that some of the climate change effects may consist of altered lengths of crops seasons, reduced water availability, extreme values of temperature, floods, droughts, fires, and increased plagues. Indigenous peoples will be affected by climate change as foreseen by the Intergovernmental Panel on Climate Change (IPCC)<sup>1</sup> due to loss of biodiversity for their food and survival, alteration in their cultural life because of change in seasons and species movement, disturbed traditional practices of hunting, fishing and stockbreeding, and increased mortality due to infectious diseases resulting from rise in temperatures.<sup>2</sup>

It is worth mentioning that most forests worldwide are found in indigenous peoples lands. According to Food and Agriculture Organization (FAO) (2008), close to 1,600 million people depend on forests including 60 million indigenous peoples who depend completely on forests for their food support, medicines and/or building materials.

But climate change is not the only matter that affects indigenous peoples. Although Amazonian rainforests absorb 15 per cent of CO<sub>2</sub>, they are constantly threatened by legal and illegal logging, dams and roads construction, expansion of cities, expansion of agriculture and cattle raising, migrations, and extractive industries.

In this context, negotiations of REDD became one of the most important issues in COP 15, in Copenhagen. Some arguments, however, were controversial for indigenous peoples. Main arguments are in Table 1:

**Table 1.** Indigenous peoples' concerns on REDD by topic

Topic	
Climate change	Measures of carbon capture are inexact. It is not the real solution.
Territories and resources	There is no regulation system to ensure and protect indigenous peoples' rights of their lands and territories, free transit in the forests, border forests and expansion of the legal boundaries of the indigenous communities. Historic experiences are the main reason for their concerns.
Culture	Amazonian indigenous peoples live in forest, which is the main part of their cultural and spiritual values; it is not completely for commerce.
Gender	The role of woman in agriculture and forestry, collection and other activities could be affected as long as exclusive concession for REDD or preservation criteria could be strengthened.
Moral	Polluting industries and countries should not pay to continue polluting and deteriorating the environment.

## CLIMATE CHANGE, FOREST AND INDIGENOUS PEOPLES IN THE NATIONAL CONTEXT

According to Tyndall Center, Peru is the third country that will suffer from climate change impacts due to extreme climate events, ranging from severe droughts to landslides and rushing rivers. Table 2 identifies the main impacts of climate change in Peru related to Andean and Amazonian regions.

Although impacts such as those indicated in the table above were identified, there is no systematic mechanism until now to monitor, quantify and value them. Systematic monitoring is very important because climate change impacts on indigenous peoples are not only economic; climate change affects their right to live in their territories because of migrations, disease or flood. Climate change also affects their livelihood. Because of reduced water sources, they get only limited number of fish in rivers or lakes. They also find difficulties to seed, harvest, hunt or collect fruits due to irregular conditions.

**Table 2.** Impacts of climate change in Andean and Amazonian regions

Impact	Effects	Areas
Water sources	Reduced fresh water sources. Incidence of bowel diseases, specially in vulnerable groups (pregnant women and children under 2 years)	Andean region
Fishing	Reduced egg-laying areas for fishes due to decreased body of water. Decreased traditional fishing.	Amazonian region
Flood	Higher raining intensity would lead to flood and overflowing.	Andean and Amazonian regions
Ecosystems and species	Biodiversity loss reduced subsistence resources for food, health and income generation. Limitation of ancient activities development such as hunting (men) and collection (women and children).	Andean and Amazonian regions
Agriculture	Instability of seeding and harvesting campaign jeopardizes the food production	Andean and Amazonian regions
Plagues	Increased temperature results in loss of harvest due to plagues. Reduced subsistence and exchange products	Andean and Amazonian regions
Diseases	Proliferation of infectious diseases (uta, dengue fever, malaria) and increase in mortality rate, especially vulnerable groups (pregnant women and children under 2 years old).	Andean and Amazonian regions
Migrations	Lost culture and ancient knowledge of men and women to coexist with nature	Andean and Amazonian regions

The following paragraphs present some characteristics of Amazonian communities in order to portray the impacts of climate change on these communities. The Census of 2007<sup>3</sup> indicates that there are at least 332,975 Amazonian indigenous people who live in 1,788 communities. These individuals belong to 51 Amazonian indigenous groups. Although they represent only 1.18 per cent of the national population, they reside in 11 out of 25 political regions. Regions with the largest number of indigenous communities are Loreto, Ucayali, Amazonas and Junin (See Table 3).

**Table 3.** Population, communities and Amazonian peoples by political region

Political region	Indigenous Population	Amazonian communities	Amazonian peoples
Loreto	105,900	705	28
Junín	73,637	238	4
Amazonas	52,153	254	2
Ucayali	40,407	257	15
San Martín	21,416	90	3
Pasco	16,414	113	2
Cusco	15,230	70	5
Madre de Dios	4,005	30	14
Others	3,813	31	6
Total	332,975	1,788	----

Source: NISI, Final results of indigenous communities, 2007.

The life of Amazonian indigenous people depends on the forest. Its biodiversity still keep them healthy. It is reflected in the Census that 33 per cent of the indigenous population seek folk healers, 36.6 per cent heal themselves and 69.5 per cent continues to use medicinal plants together with western medicines. They combine healing methods.<sup>4</sup>

Subsistence activities like collection, hunting, fishing and small agriculture are based on the sustainable use of rainforest. Small agriculture is itinerant since the soil nutrients run out fast. The Amazonian rainforest fertility depends on the exchange of Amazonian and Andean waters through rivers and rain.

The Amazonian people have developed adaptation practices and they have understood the climatic, biological, physical and geographic diversity of their domains throughout the years. For instance, before the rainy season, Amazonian people identify adequate soil to make it into a small farm. This choice is generally guided by the behavior of some insects. Also, they recognize the best land by its color and texture. They take care of basins that preserve trees of the mountains; they avoid soil erosion; they check the course of the rivers; and they reforest degraded areas through the traditional system.

Amazonian women are engaged in planting, weeding, harvesting and taking care of organic garden. Men, since their childhood, are trained in entering the forest for hunting, small agriculture and fishing. Women have an important role in their community as they are responsible for nurturing and transferring practices of their culture, (such as songs, dances, food and medicine preparation, craftwork, among others), collection of fruits and subsistence food, production of pottery, baskets and indigenous textiles (for domestic use, exchange or sale). They are also in charge of collecting log and water and of feeding animals (minor animals or cattle).

However, in the Amazonian region, women have little opportunities to participate in leadership because men are the leaders of opinion as a result of their chances for education. Men are able to speak in two languages, the indigenous language and Spanish.

Amazonian communities and peoples are organized in national, regional or provincial organizations. These organizations lead the development of proposals of their communities and they ensure that their community's rights are respected. These organizations also mediate when there are internal conflicts with neighboring communities.

Unfortunately, unequal economic systems have deteriorated indigenous culture. The ancestral values of indigenous communities regarding forest preservation have declined because of the necessity to buy goods and services despite low income. Some Amazonian communities and families rent lands for temporary farming mainly of corn and coffee. Most of the communities are exposed to pressure from loggers to sell timber in unfair and inequitable conditions. This topic will be discussed in the next section.

### *Drivers of Deforestation.*

Since 1970, the Peruvian State has developed laws and economic policies to make the Amazonian region productive. The State has promoted migration from the Andean and Coast regions to Amazonian rainforests to expand the agricultural frontier. It has likewise promoted investment in hydrocarbon, mining, hydraulic energy and recently, in biofuel and timber production. To provide better access to the area and to integrate the Amazonian region to the country, the State has built roads.

There was also a law that changed the legal situation of Amazonian people. Before 1970, Amazonian people did not live in communities; in fact, they used to manage huge extensions of forests to practice agriculture, fishing, hunting, collecting and others. These territories, however, were not recognized by the new laws. In order to legalize their territories, the Amazonian indigenous groups had to lose part of their territories and began to live in communities with legal titles. This political context has changed the traditional life of indigenous peoples because the Peruvian State has the political, technical and legal power to make concessions over the rainforest.

Amazonian people practice small agriculture especially on rivers' shores. They burn small forest extensions (which vary from 0.25 to 1 ha) to seed cereal-growing crops such as potatoes, beans, corns, leguminous plants, mandioca, banana and peanuts for self consumption. With such livelihood, they get low income which cannot adequately satisfy their needs such as education, health service, communication, transportation, among others. Because soil requires eight to 10 years to rest and reconstitute its fertility, Amazonian families look every two or three years for adequate lands to make "itinerant farming." This activity; however, cannot be called "deforestation" because it is only small scale.

According to national data in the year 2000, rainforest covered 53.5 per cent<sup>5</sup> of the national territory and the Amazonian region has more than 95 per cent of the total forest area (See Tables 4 and 5). According to the kind of land tenure, the Protected Natural Areas (PNA) is the most important category (36%), the second is concession forest and forest in production (25%),

the third is communities (13%). Four political regions, where more than 75 per cent of Amazonian indigenous population lives, have the largest rates of deforestation. These regions are: San Martín, Amazonas, Loreto and Junín (See Table 6).

The change in land use is one of the main reasons for deforestation.<sup>6</sup> Primary rainforests are converted to secondary forest/agriculture which comprises 44 per cent of the total area; secondary forest is 28 per cent, pasture is 16 per cent, agriculture is 10 per cent and area without vegetation is one per cent. It is necessary to measure and quantify deforested areas caused by other economic activities especially those called mega projects and those generated by illegal activities such as illegal logging and drug trafficking (See Figure 3).

It is important to highlight that more than a third of Amazonian communities have illegal logging (31%) as main problem in addition to hydrocarbon exploitation (9.1%). Only 19 out of 1,786 Amazonian communities are not affected by illegal logging.

**Table 4.** Forest surface of Peru by natural region

Natural region	Percentage (%)	Km <sup>2</sup>
Coast	2.58	18,820.00
Highlands	1.33	9,700.00
Rainforest	96.09	702,180.00
Total	100.00	730,700.00

Source: Virtual encyclopedia "Ecology of Peru". Available at [http://www.peruecologico.com.pe/lib\\_c19.htm](http://www.peruecologico.com.pe/lib_c19.htm). Accessed on 18.08.2010.

**Table 5.** Rainforest surface of Peru

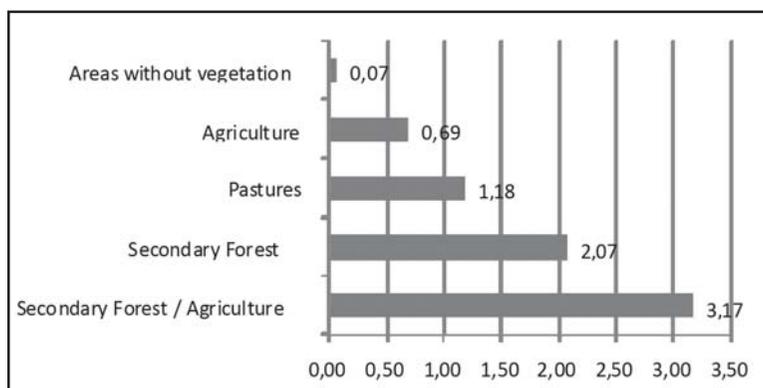
Area	Kilometres <sup>2</sup>	Percentage (%)
Peru	1,285,215.60	100.00
Rainforest (1990)	701,560.00	54.57
Rainforest (2000)	692,213.00	53.86
Rainforest (2005)	687,420.00	53.49

Source: CEPAL, 2009.

**Table 6.** Deforested area in Peru by political regions

Political region	Deforested area (Ha)	Percentage (%)
San Martín	1,327,736.15	18.51
Amazonas	1,001,540.11	13.96
Loreto	945,642.15	13.18
Junín	734,303.77	10.24
Others	3,163,731.79	44.11
Total	7,172,953.97	100.00

Source: National Institute of Natural Resources – NINR<sup>7</sup> (2000).

**Figure 1.** Deforestation rate by change of land use (Millions of hectares)

Source: NINR, 2000.

There are other activities that have to be addressed carefully because of their impact on deforestation. These are: migrations, increase in population, unplanned human settlements and expansion of cities. Population in the Amazonian region has more than doubled between 1940 and 2007. Today, it represents 13.4 per cent of the national population, who have begun to enlarge the economic system based on rainforest exploitation, commercial agriculture or illegal mining.

Illegal cultivation of coca leaf is another cause of deforestation. This activity is mainly practiced by people who migrated to the Amazonian region. The construction of roads also affects the rainforest, protected natural areas and indigenous peoples themselves. The construction of the 1,071.30 kilometer South Inter-Oceanic Corridor caused the deforestation of 90,506 hect-

ares of rainforest only in the Amazonian region of Puno. This deforestation was not only caused by the construction but also migration from several provinces to areas near the road.

Since Amazonian peoples were forced to live in communities and the State had as policy to make the Amazonian area productive, the livelihood, traditional practices and culture of Amazonian peoples were affected. First, they did not own enough territory to obtain resources; their food and nourishment are not like they used to be. Hunting and fishing have become more difficult for them now because they were compelled to stay in a different place. Also, concessions and illegal logging had a significant impact on their life because rainforests are cut down and the biodiversity in them is disturbed.

Amazonian communities had to make a forest management plan to manage their own rainforest but they did not have the technical capacities required. Loggers offer help to them but communities are constrained to sell their timber to the loggers. Once communities lose part of their rainforest, their territory is compromised.

Deforestation, education and health services, need of income, migration, economic activities and the state power over all Peruvian territory are the most important factors that impact on the culture of Amazonian peoples. All of these have been affecting the way these people dress, cook and eat. Languages, traditional songs and some spiritual values were affected too. It is important to mention that these factors affect the role of women in Amazonian society. For example, they used to provide cloths, weaves and different handmade instruments to the family but these were replaced by goods from the market.

Another cause of changes experienced by Amazonian peoples is the increase in social conflicts arising from exploitation of renewable and non-renewable resources. Since nature has been part of the life and experience of Amazonian peoples, they reject any exploitation of this such as exploitation of wood, minerals and hydrocarbons because this could diminish their natural resources, increase pollution levels and reduce spaces and life quality of Amazonian families. In more than one third of Amazonian communities, there are potential conflicts due mainly to land tenure. When indigenous people temporarily abandon their

lands because of itinerant agriculture, new inhabitants occupy these lands for breeding of minor animals (poultry). Such conflicts occur because the determination of territory boundary is not according to ancestral practice.

Amazonian organizations in the national and regional levels appeared in 1980 in order to face concerns that affect indigenous people in the area like territory, legal titles, forest management plan, intercultural education and health and indigenous peoples in voluntary isolation. With this objective, these organizations began to use legal instruments to defend their rights. Since then, they have developed different strategies to advocate indigenous peoples' welfare and to lobby for support from the government.

### *Regulation System Framework and International Agreements Related to Indigenous Peoples*

The International Labor Organization Convention 169, known as ILO 169, is the most important international treaty ratified by Peru related to indigenous peoples' rights. According to ILO 169, the State must recognize and protect the lands of indigenous inhabitants as a guarantee for their material and cultural reproduction. The State must also develop public policies that eliminate any type of physical and legal discrimination and inequality before the dominant society.

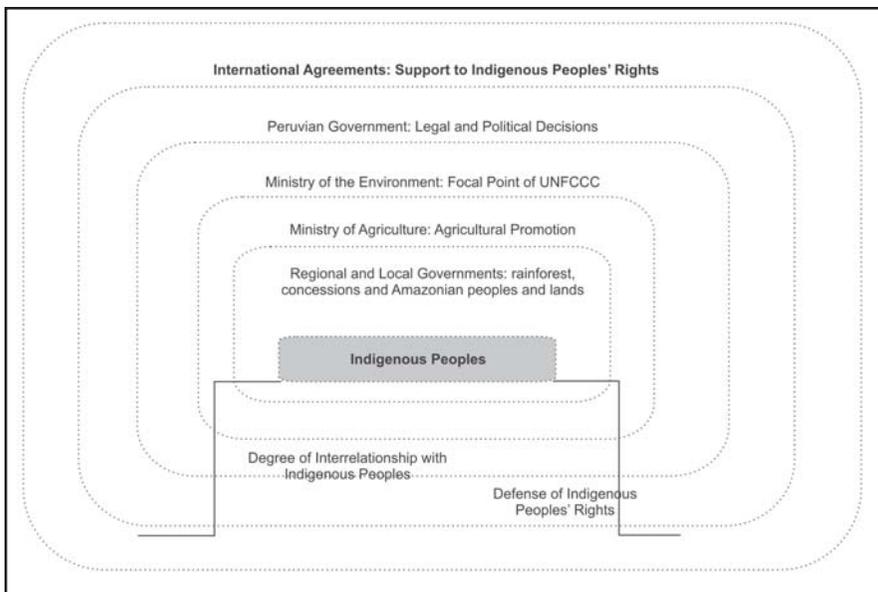
The International Covenant on Civil and Political Rights of 1966, ratified by Peru in 1978, and the International Covenant on Economic, Social and Cultural Rights also of 1966 are other important legal instruments in favor of indigenous peoples' rights.

In the South American Region, Peru signed the Andean Charter for the Promotion and Protection of Human Rights that recognizes indigenous peoples' rights. This Charter reasserts the respect for their collective rights and their customary forms of social organization. Likewise, it recognizes property rights, the use of such property, management and use of natural resources in their lands and territories, and the right to consultation on non-renewable natural resources in their lands. Peru

also signed the Rio Declaration and Agenda 21. Both recognize the need of participation of indigenous peoples in policies that guarantee a sustainable development.

It is important that Peru signed and ratified these international instruments because their governing principles and rights are incorporated in the internal legal system. Because these instruments are founded on the recognition of indigenous peoples' rights, the Government and the Peruvian society as a whole are bound to respect these rights and to enforce means to protect them.

**Figure 2.** Inter-institutional relations with indigenous peoples



### *Legal and Institutional Framework Related to Climate Change, REDD and Indigenous Peoples*

The institution in charge of environmental regulations and climate change is the Ministry of Environment (MINEN) created in 2008. MINEN is the focal point of UNFCCC which is responsible for the National Climate Change Strategy and leader of the National Climate Change Commission. MINEN has decentralized agencies such as the National Service of Protected Natural Areas responsible for the care and preservation of protected natural areas as well as the protection and promotion of the economic development of communities that live in protected natural areas.

The Ministry of Agriculture (MINAG) is in charge of the technical assistance in agricultural and forest activities and it provides support for the sustainable commercialization of resources. MINAG receives support from the Forest and Wildlife Office which is responsible for forest care. The National Water Authority, on the other hand, is in charge of basin management.

Regional and Local Governments are responsible for the supervision of environmental care and sustainable utilization of resources, especially in preservation areas. To perform this, they have the Natural Resources and Environment Division. Governments also protect the peoples' economic development through the promotion of their own regional and local natural resources.

Until now, Amazonian rainforests have been considered a territory to be developed with the help of forest, agricultural and mining concessions, or with preservation and biological research purposes. The value of rainforest as essential element in the life of indigenous peoples and in the mitigation of climate change has not been considered as it deserves in the national legislative body (See Annex 6).

Peru does not have any specific law or policy on REDD. In fact, it is still in process. MINEN has installed the National Commission on Climate Change in May 2009. This August, with the Supreme Decree 009-2010, the structure of NCCC was changed. Now, 29 institutions are considered. Before, indigenous organi-

zations can participate in NCCC discussions but they cannot vote. Now, one indigenous organization can be part of NCCC with voice and vote.

The NCCC is composed of seven work groups and one of them is working in Reducing Emissions from Deforestation and Degradation (REDD). The REDD work group is coordinated by REDD Group (group of civil organizations) while MINEN is the technical secretary. The REDD work group is working in the RPP but the NCCC is the only authority that can approve it. The REDD work group is composed of government and private sectors and civil society groups that specialize in conservation, forest and environment. Indigenous organizations are also consulted.

### *Processing, Designing, Implementing, Monitoring and Evaluating REDD*

Concepts like participation, consultation and consent require to be strengthened and applied in order to implement REDD strategies. According to the ILO 169, these must be in accordance with the law and carried out with good faith.

Environmental laws recognize the natural resources management carried out by indigenous peoples, but the Government reserves the right to grant those resources to concessions as provided by Article 17 of Law No. 26821.

The 1984 Civil Code and its regulations on recognition and registration of Andean and Amazonian communities state a series of requirements that restrict the possibilities of full recognition of rights of indigenous peoples. These could be threats to the full recognition of the indigenous peoples' rights to use their resources through REDD strategies since it would be difficult to have documents certifying their ownership of these resources.

National laws recognize Andean and Amazonian communities and indigenous peoples' territorial rights, but these are subject to a series of requirements such as registration, permanent possession and continuation of their traditional forms of social organization. A critical issue for Andean and Amazonian indigenous peoples is the Civil Code and the Legislative Decree 653

which open the possibility that lands that were granted to them in concession may be declared legally abandoned when they do not occupy these lands and practice agriculture over the rainforest.

This is a very risky situation because Andean and Amazonian ecosystems follow periods that are longer than the established legal term. Therefore, there is a latent threat regarding respect to indigenous peoples' ways of life and use of their land. Although the right to use land is in favor of the indigenous peoples, the subsoil may be granted in concession and this may result to two recognized holders owning the same land, and yet no coordination or resolution mechanisms on the management of a single space have been established.

In Peru, subsoil property rights are different from land property rights. In the legal context and in practice, these are two separate rights. The owner of the land (ground) is not the owner of the subsoil that could have mining or hydrocarbon concessions. Article 954 of the Peruvian Civil Code states that "subsoil property does not comprise natural resources, mineral deposits and archeological remains, or any other goods governed by special laws." This legal provision is consistent with the provisions in the Political Constitution of the Republic of Peru, which by applying the criterion on public property of subsoil, states in Article 66 that "Renewable and non-renewable natural resources are national heritage. The Government has sovereignty over their use." This is a permanent risk and conflict with the Government regarding the possession and usufruct of natural resources.

On the other hand, Protected Natural Areas (PNA) are superimposed with Amazonian lands, which generate the following effects: a) Since PNA are "National Heritage" (Article 66 of the Constitution), the Government decides on how such resources are to be used; b) Protected Natural Areas, except for Private Conservation Areas, are established conclusively (Article 3 of Law No. 26834), i.e., no new Amazonian communities can be created within them once they have been established; c) communities adjacent to PNA may not extend their territory if such extension affects PNA; d) Amazonian communities existing within a PNA must restrict their traditional and non-traditional

activities to those determined in the natural areas management plan. This restriction must be subject to prior consultation, as indicated by the ILO 169. However, it is worth mentioning the case of Santiago Comaninas Reserve, where indigenous peoples were not consulted about the creation of a reserve area.

Given the considerations above, it is apparent that legal possession and access to land and resources are critical aspects for the Amazonian peoples regarding REDD strategies.

One of the main problems faced by indigenous people is the lack of State commitment to systematically and coherently apply internal regulations and international instruments that acknowledge their rights. The implementation of regulations is subject to a series of economic, political and ideological considerations that, in the end, reduce the social effectiveness of formally established rights.

The recent promulgation of Decree Law 102 for facilitating the Free Trade Agreement with the United States evidenced the privilege towards large private investments. For this reason, in May 2009, indigenous communities<sup>8</sup> protested against the State's decision of granting oil exploitation rights in their territories without previous consultation. Subsequently, and after the conflict in the Bagua, Amazonas, the Congress decided to derogate Decrees Law No. 1015 and 1073.

The Amazonian Center of Anthropology and Practical Application carried out a comprehensive analysis of seven decreed laws related to the Amazonian rainforest. Besides 1073 (derogation in progress), it mentions Decree Laws No. 994, 1064, 1079, 1081, 1089, and 1090. Its analysis shows that all violate the Constitution as well as international treaties signed by Peru. On page 27 of such analysis, it states that "the economic policy executed by the government causes indigenous peoples to be unprotected, as the policies are not linked to a protection regime for the collective rights of these peoples." Collective rights are based on territory ownership and recognition of preservation of their livelihoods. For this, they request for "the establishment of adequate policies that permit the sustainable development of these peoples and the natural resources that are part of their ancestral territories."

On the other hand, the Alternative Report 2008 on ILO 169 says that “the President of the Republic, through an opinion article presenting his proposals for the modernization of the State and the development model, questions the existence of Amazonian and Andean communities as a social and historical reality and expresses the need to return such communities’ territories to the State in order to hand them over to large investors.” It also states that “The Peruvian State has not developed regulatory or institutional support that generates conditions for the inclusion of indigenous peoples as right-holders who must be informed about development policies and models that affect them.” Not to say that consensus-building spaces for initiatives have not been created, nor the development vision of indigenous peoples for the design of public policies with an intercultural approach.”

In this regard, an analysis of the effect of these regulations on REDD implementation in Peru involving indigenous peoples may be carried out.

**Table 7.** Current regulations potential negative effects

<b>Topics</b>	<b>State position</b>	<b>Relation to REDD</b>
Self Determination	The State has created ambiguous laws where expect peoples are favored, but so is the promotion of investments. State Sovereignty is exercised for the implementation of its strategies, that is, not taking into account the opinion of the lands’ owners.	It is possible that REDD strategies may be implemented, but not encouraging indigenous peoples’ rights and opportunities.
Territoriality	A land owner is the person who has a property title, not peoples who have rights granted by ancestral patterns. The owner of the land is not owner of the subsoil.	Danger of natural resource exploitation by groups different from Amazonian peoples. Threat of dispossession.
Establishment of an NPA in native territory	The State is free to create ANP where exploitation rights are restricted to native peoples.	Limiting the participation of peoples in REDD processes.

## *National Program Framework*

By strengthening relationships between indigenous peoples, forests and REDD and by taking into account socio-cultural levels (what the forest means for indigenous peoples: spirituality, traditional knowledge and forest management), physical resources (Amazonian communities, land and other resources), environment laws (governments' laws and policies for indigenous peoples, forests and REDD), we may say that REDD would be ideal.

The national environment policy is the base for environment preservation and sustainable use of natural resources. Given its recent implementation in 2009, it has gathered the consensus of diverse national policies in order to harmonize implementation criteria. It integrates the National Strategy on Climate Change (2003) and the recent strategies related to REDD, such as the "Preserving Together" program and the National Strategy to Fight Desertification and Droughts.

The climate change strategy has outlined decentralized action plans to reduce pollution levels and improve the environmental quality through basin management, forest preservation and reforestation. REDD strategies at the State level began in 2009 and intervention methods and payment and incentive systems are just beginning to be designed. Policies, strategies and programs related to natural resource management, rainforest, indigenous peoples and REDD strategies are:

*National Environment Policy:* It encourages the sustainable use and preservation of natural resources, environmental quality and governance, compliance with international environmental commitments, as well as the regulation of aspects related to biosafety and genetic resources for a more efficient protection of the country's public health.

*National Commission on Climate Change:* Follow-up of the public and private sector in the implementation of the United Nations Framework Convention on Climate Change as well as the promotion of the National Strategy on Climate Change.

*National Coordination Group for the Development of Amazonian Peoples:* Preparation of the Comprehensive Plan on Sustainable

Development for Amazonian peoples on the fields of education, health, titling procedures, land formalization and other necessary additional measures.

*National Strategy on Climate Change. Supreme Decree No. 086-2003-PCM:* Reduction of deforestation, migratory agriculture control, surveillance of illegal appropriation of lands, change of land use.

*Program for the Conservation of Amazonian Rainforests: "Conserving together"* program. This program is an initiative of the Ministry of the Environment and is under the implementation stage.

*National Strategy to Fight Desertification and Drought:* Promotion of an effective action against desertification and drought through local innovative programs and international cooperation.

### ***REDD Implementation Process at the National Level***

The Forest Partnership Cooperative Facility (FPCF) was created by the World Bank (WB) in order to support the design and implementation of REDD schemes in developing countries. The FCPF is made up of two independent financial mechanisms: a) Mechanism of Preparation; and b) Mechanism of Carbon Financing. The first one is intended to help developing countries estimate accurately carbon stocks in their forests, emission sources of CO<sub>2</sub> and future emissions. Some of the interested countries will be selected to participate in the second mechanism, which consists of implementation and assessment of REDD pilot programs.<sup>9</sup>

For the application for FCPF fund, the Readiness Plan Idea Note or R-PIN should be submitted to the WB. This document should contain general information on the patterns of land use, deforestation causes, public consultation and potential institutional agreements related to REDD between requesting countries. Peru presented its R-PIN in September 2008.

Following the necessary requirements to apply for FPCF, the country is currently in the preparation process of the Readiness Preparation Proposal (R-PP, known as R-Plan) to be sub-

mitted to the FCPF at the end of this year. The R-PP was socialized to civil organizations and it will be reviewed by key actors of the organized civil society (See Table 8).

**Table 8.** Process of Peruvian State to implement REDD projects

Phase	Process	Peruvian state
I	Presentation of R-PIN.	R-PIN revised and selected by the FCPF committee. Presented in June and approved in September 2008.
II	Formulation of R-Plan.	Participative Preparation of R-Plan. In progress.
III	Conduct studies and activities proposed in R-Plan.	Design of REDD strategies; REDD implementation framework; Reference sceneries; Design national system design of monitoring, reporting and verification; Carbon stocks assessment; Impact analysis; Consultation process.
IV	Implementation of REDD strategies	Investment in programs/projects; Investment in governance, new policies; institutional framework; Initial investment in REDD projects.
V	Payment for environmental services	Design of demonstrative projects; Monitoring, reporting and verification reduced emissions; Payments.

Peruvian state is right on phase II, formulating its R-Plan. While involved civil society groups and government institutions are leading this process, indigenous organizations attempt to be informed and get a sense of this technical process in order for them to claim their rights.

For the formulation of the R-Plan, the following steps should be made: Identification of the forest types (baseline) since every forest and forest species contain different carbon proportion; checking and certification of the CO<sub>2</sub> emission reduction; and valuation according to forest type. A value from US\$10 to 40 of tons per hectare of accumulated CO<sub>2</sub> is estimated worldwide. Carbon credit emission has two modalities: Certificates of Re-

duced Emission, negotiable in the carbon official market, and Voluntary Reductions of Emissions, negotiable in the carbon voluntary markets.

According to Antonio Brack of the Ministry of Environment, the program "Preserving together" has the objective to assist indigenous peoples from Amazonian areas preserve the 11 million hectares out of 66 million hectares of national forests. This program will pay \$10.00 or \$3.70 per ha of preserved forest. Also, indigenous peoples will be trained to take care and watch protected areas and others will be sponsored to study at universities and institutes. This program will begin in 2011 with 84 comunidades asháninkas with 622 mil hectares of forest. This region has problems with illegal production and trafficking of coca leaf.

Also, there are 17 projects directed by civil organizations developed in nine regions. San Martín and Madre de Dios have become the most interesting regions for REDD projects. Both areas cover 10 out of 17 REDD projects.

Unfortunately, there is no a clear process to see the participation of indigenous people especially in those projects that include avoided deforestation and carbon sale.

From the implemented projects, 11 are operated with indigenous communities and the rest with private concessions and ANP (See Table 9 and Figure 3).

REDD work is focused on research of the forest potential known as the REDD baseline. This research supports the determination of the carbon captured quantity for future negotiations. It is worth mentioning that no REDD projects are under negotiation phase yet.

There are parallel addressed issues such as MDL and Forestry Management projects that support the climate change and deforestation processes.

REDD work is carried out exclusively in forest conservation areas, but not in deforested areas, which is where CDM projects are performed. There are 27,356,400 ha of forest which may be used for REDD work because they are historical property of Amazonian communities. These lands are distributed among

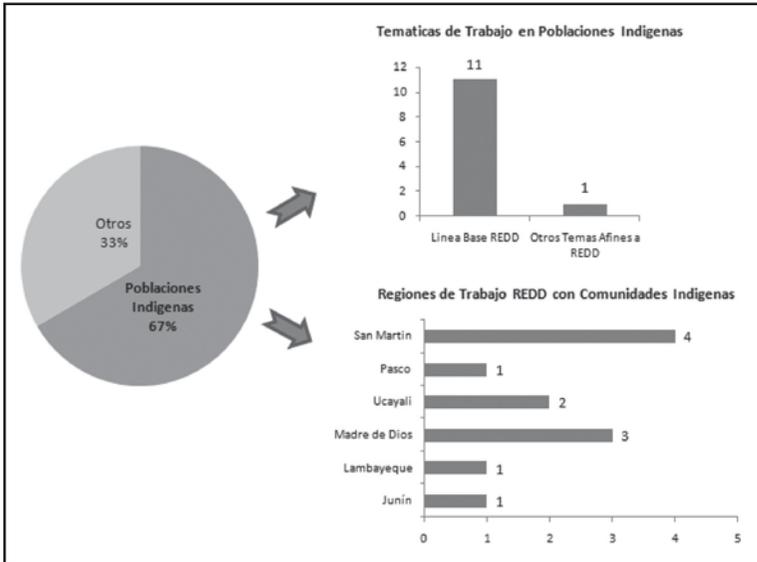
Table 9. REDD Projects in Perú

Institution	Siglas	Projects and Programs	Region	Currently state
Asociación para la Conservación de la Amazonia	ACCA	Línea base de carbono, social y de biodiversidad para la Concesión de Conservación "Los Amigos"	Madre de Dios	Executed, July 2008
Consultora ASESORANDES	ASESORANDES	Manejo comunitario sostenible del bosque y sus recursos, en la Comunidad nativa Bélgica	Madre de Dios	Executed, May 2007
Asociación para la Investigación Integral	AIDER	Investigación REDD como mecanismo de sostenibilidad en la Reserva Nacional Tambopata y el Parque Nacional Bahuaja Sonene.	Madre de Dios	Implementing, March 2009
Asociación para la Investigación Integral	AIDER	REDD en comunidades nativas con certificación forestal FSC en la Amazonía Peruana	Ucayali	Executed, May 2005
Asociación para la Investigación Integral	AIDER	Deforestación evitada por manejo forestal sostenible en concesiones forestales de producción maderable con certificación FSC (Maderacre y Maderya).	Madre de Dios	Executed November 2007
Asociación para la Investigación Integral	AIDER	Proyecto de reforestación José Ignacio Távara. Primer proyecto MDL del Perú.	Piura	Implementing, January 2010
Asociación Amazónicas por la Amazonía	AMPA	Reducción de Emisiones derivadas de la Deforestación y Degradación en la Concesión para Conservación Alto Huayabamba - Ecosistema de Jalca y Yungas. Amazonía Andina.	San Martín	Executed, October 2004

Cámara Nacional Forestal/Asociación para la Investigación Integral	CNF/AIDER	Manejo Sostenible de un Bosque Comunal de Shiringa ( <i>Hevea brasiliensis</i> ) como Alternativa a la Deforestación y Degradación de Bosques en la Amazonía Peruana	Pasco	Executed, April 2006
Conservación Internacional	CI	Proyecto de Carbono Bosque de Protección Alto Mayo	San Martín	Executed, February 2006
Centro de Conservación, Investigación y Manejo de Áreas Naturales	CIMA	Línea base de carbono, social y de biodiversidad, Parque Nacional Cordillera Azul	San Martín	Executed, June 2008
Centro de Investigación de la Selva Alta	CEDISA	Línea de Base del Potencial de Oferta de Reducción de Emisiones Derivadas de la Deforestación y la Degradación en Áreas Naturales Protegidas, Territorios Comunales y Concesiones Forestales en la Selva Alta.	San Martín	Executed, August 2008
Desarrollo Rural Sustentable	DRIS	Programa de desarrollo territorial humano sostenible y de deforestación evitada integral en la Zona de Amortiguamiento de la Reserva de Biosfera del Manu (DEI-MANU) y el Corredor Forestal Pillcopata – Quincemil.	Madre de Dios, Cusco	Executed, October 2007
Red de ecoturismo comunal en Perú.	ECOMUNAL	Análisis de Viabilidad de implementación de proyectos REDD con el Saneamiento Histórico Bosques de Pómac (SHBP).	Lambayeque	Executed, April 2008

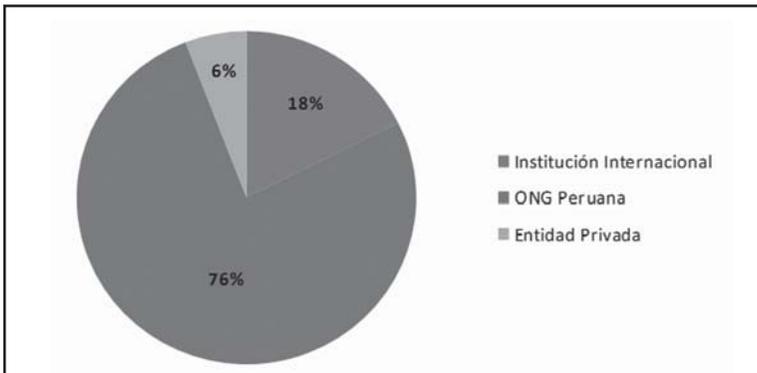
Instituto Bien Común	IBC	Proyecto de Reducción de Emisiones de Carbono por Deforestación y Degradación (REDD) para la protección del territorio indígena Cacataibo.	Ucayali	Executed, November 2008
The Nature Conservancy	TNC	Proyecto Acción Climática Selva Central	Pasco	Executed, February 2005
World Wildlife Fund	WWF	Línea base sobre el potencial de oferta de reducción de emisiones derivadas de la deforestación y la degradación (REDD) en la Amazonía Andina peruana.	Madre de Dios	Executed, February 2009
Mancomunidad del Yacus	YACUS	Área de Conservación Multicomunal Mancomunitaria del Yacus	Junín	Executed, April 2006

Source: Peru REDD Group (2009).

**Figure 3.** REDD Projects implemented in Peru, by region and main actors

different types of forests where technical teams must certify their quality for carbon capture.

It is worthy to mention that among the institutions participating in REDD processes in Peru, there are national and international NGOs and private companies. Among NGOs, AIDER's participation stands out with five projects on this topic. Among international institutions, WWF and Conservation International stand out (See Figure 4).

**Figure 4.** REDD Project, by implementation actor

It is notable that indigenous peoples have been developing REDD projects with support of third parties due to the technical and analytical nature required by the determination of forests types and CO<sub>2</sub> quality and quantity that the forests may capture. This work requires international alliances that support economically and scientifically the forest analysis, because of the high costs of the studies, which also require foreign accreditation. For this reason, indigenous peoples need the support of institutions such as NGOs and international entities. In this regard, indigenous peoples' participation would be focused on forest management processes, that is, once REDD strategies are outlined; the work would integrate the peoples' support in preservation through their livelihoods and traditional knowledge.

### *Issues for Discussion and Challenges*

The implementation of REDD strategies sets the following challenges:

#### **In relation to the superposition of concessions in indigenous territories**

The concessions<sup>10</sup> as legal figure given by the State for the use of renewable and non-renewable natural resources of the subsoil or ground of the same territory have generated conflicts between holders of concession rights and holders of the territory. This legal figure has allowed mining and hydrocarbon concessions to be allowed in indigenous territories and protected natural areas.

In this trend, the Peruvian State has to take care in order to prevent the transfer of these conflicts into REDD strategies when it decides on concessions for the promotion and economic advantage of the environmental services of the rainforests and other natural resources. A coordinated and inter-sectoral work between the MINAG and Ministry of Energy and Mines is recommended to avoid the superpositions in the concessions.

## Legal framework for the use of resources

Three important laws for ordering the legal frame for the Amazon and indigenous peoples are hoped to be approved or to be modified by the Congress and the Executive power. One of these laws is the Forest and Wild Fauna Law that has not been approved since the indigenous organizations impelled the derogation of the 1090 Decree Law<sup>11</sup> because it facilitated the conversion of rainforest into agricultural zones. MINAG, through a process of updating, has produced a draft text of the Forestry and Wild Fauna Law. It has the main objective to ensure the conservation, protection, increase and sustainable use of forests and wild fauna as well as the maintenance and improvement of forest ecosystem services. The authorities concerned must share social, economic and environmental view.

The approval of the Environmental Services Law will govern the use of environmental services with the aim of contributing to the conservation, restoration and sustainable use of natural resources.<sup>12</sup> Both laws have a direct influence on the lives, territories and indigenous resources because these laws, in accordance to ILO 169, require that indigenous people be consulted before any promulgation.

The third is the Consultation Law on Indigenous Peoples that the Executive power has observed in order to guarantee the unitary and sovereign character of the Republic. The Law recognizes the rights of indigenous peoples to be consulted on legislation, program development and administrative measures which directly affect their collective rights. Despite these provisions, the legal and political frame for the recognition and protection of the rights of the indigenous peoples to their lands, territories and resources is still weak, to say the least.

For these reasons, indigenous organizations have the challenge to develop joint proposals and processes of negotiation with the State and the State has the challenge to harmonize development with the rights of indigenous peoples especially when issues on natural resources and property of territories are concerned.

## **Exclusion of indigenous communities from REDD**

Amazonian peoples have adapted to the diverse, complex and variable nature of the tropical forests, and have even generated domesticated biodiversity. However, the current necessity for income generation to meet economic needs and family increase are factors that exert pressure on territories, resources and forest preservation. It is necessary to analyze these problems and what they mean for forest preservation as livelihood for Amazonian communities and, eventually, as income generator within the framework of REDD strategies.

The positions in favor and against REDD strategies may create some division and conflict between Amazonian organizations that choose to try such projects. The opportunities offered by such programs should be disseminated together with how indigenous communities and peoples would participate and who would the allies be. Risks must also be analyzed especially when not all the communities will have the capacity to meet minimum conditions to be attractive for REDD projects due to their size, deforestation percentage, undefined boundaries, coexistence with tenants or other indigenous peoples. This differs from the State's situation which manages Natural Protected Areas with a completely conservationist approach and with large extensions of primary forests.

## **Land tenure conditions of indigenous territories and REDD**

There are preliminary conditions for Amazonian communities and peoples to be benefited by REDD programs:

- Physical-legal reorganization of Amazonian communities' forests, territories and resources;
- Legal framework that strengthens the communities' right to manage, use and enjoy their forest resources.

If these legal framework are not complied with, Amazonian communities may be threatened by the possible increase of preservation concessions in the framework of REDD programs.

It is true that cultural practices have decreased over time due to migration to Amazonian territories, incorporation of foreign technologies, and adoption of external cultural and consumption patterns, among others. One challenge is to recover and demonstrate the effective and appropriate nature of ancestral territory, biodiversity and food management.

### **Needs and gaps of information**

Within the framework of REDD programs, NGOs specializing in forest issues, the State and private companies are better informed; they have finances; and they handle tools and legal frameworks; in other words, they have an advantageous position compared to indigenous organizations with regard to negotiation of carbon capture. Indigenous organizations would need to seek allies in order to find economic and scientific support necessary to venture into REDD strategies.

### **Conservation criteria, REDD and indigenous peoples life**

Currently, Amazonian families clear small areas of forests for agriculture in order to have food for self consumption and to get income. They do this because their territory has been reduced to communities establishing legal boundaries. Even under these conditions, Amazonian families protect Amazonian forest biodiversity in gardens for medicinal and cultural use. At community level, territory is divided into forest protection areas where biodiversity is preserved and used for hunting and collecting fruits. The risk to Amazonian communities is that REDD scheme put more emphasis on legal system that reinforces criteria of conservation. Also, they will face the risk that other stakeholders have technical and legal capacities.

Any scheme of payment for environmental services of forests must incorporate the vision of management and ownership of forests that Amazonian communities have. This is particularly urgent in Peru since the national and regional legislation and institutions do not recognize or protect the rights of indigenous peoples to manage and control their territories and resources according to their traditions. This is the result of the

fact that national legislation is not harmonized with international laws that recognize the rights of indigenous peoples to their lands and territories. Similarly, the State does not provide long-term tenure security for land in a collective way.

The indigenous customary laws and practices promote the conservation and sustainable use of forests for the welfare of current and future generations. In this case, internal mechanisms and monitoring could be considered as social and cultural means to restrain deforestation by outsiders.

### *Actions and Responses*

#### **Participation of indigenous organizations**

Indigenous organizations need to participate in spaces opened by the State for discussion and follow-up of agreements related to climate change. These organizations must present the impacts of climate change and other issues related to it in the social structure and environment of indigenous communities. The role of the youth and women in initiatives to arrest the effects of climate change should also be emphasized.

Amazonian communities may be left out of REDD programs negotiations because, to date, they do not participate directly in negotiations or discussions. The rights won at the international level should be translated in these spaces, but the indigenous organizations should be the ones to emphasize them.

NGOs specializing in the sector are becoming organized to support REDD strategies. Some of them have already developed baseline projects to identify the forests' potential to capture carbon. Likewise, they are leading regional information and dissemination processes related to climate change. In this regard, Andean and Amazonian indigenous organizations should define their participation in the climate change and REDD issue in order to start leadership processes within Amazonian communities.

## **Communities and their claims to enlarge their territory**

Members of indigenous communities should promote negotiations with the State for collective land titling procedures for indigenous communities. They should start the discussion on the effects of extremely reduced limits that were imposed or poorly negotiated on forest sustainability. They must also outline policies and programs for the benefit of deforested Amazonian communities so these can recover their capacity to generate subsistence means with native species.

Amazonian communities have requested to increase their legal recognized areas in order to ensure better access to forest resources. The Peruvian government, however, has shown slow response to this request. In this context, Amazonian organizations have endorsed a national representative to be a mediator between the State and the Amazonian communities. This representative seeks to address concerns that affect Amazonian people. Mainly, Amazonian organizations have been developing initiatives with the objective to include in forest policy the community forest management and life plans of Amazonian communities in their vision of development.

## **Enhancement process of indigenous organizations and indigenous women organizations**

So far, indigenous organizations are getting information on global processes of climate change and REDD. These organizations are getting trained and informed through partnerships with regional governments and NGOs. This process began with the International Summit on Indigenous Peoples and Climate Change when indigenous organizations from all over the world analyzed impacts on climate change. Chirapaq led a national and Latin American process socializing information in the 1st Latin American Summit: Climate Change and Indigenous peoples, 2nd Latin American Summit: Climate Change and Indigenous peoples, Post Copenhagen Round Table "Policies on Climate Change, Indigenous Peoples, and Reduction of Emissions due to Deforestation" and Strategy National Workshop. These meetings work as common spaces to share information, position, conclusions, proposals and concerns among indigenous

experts, governments, UN agencies, NGOs and indigenous organizations from local and regional levels. Indigenous women organizations actively participated in this process of analyzing the pressing concerns on climate change.

## RECOMMENDATIONS FOR THE FUTURE

### *Change the Development View of the State for Amazonian Regions*

Historically, Amazonian region has been seen as an empty territory to be developed, inhabited and made productive. Neither indigenous Amazonian peoples nor their ways of managing and governing their territory, ecosystems and resources were visible to the state. Today, more than before, policies mainly aimed at colonization of Amazonian lands, large agriculture and cattle and logging concessions must be reviewed. The State must protect and promote the real richness in Amazonian region which are its water, biodiversity, environment services and culture.

### *Andean and Amazonian Regions are Interdependent*

The Andes and the Amazonian regions are not divided; they are interdependent. High mountains, glaciers and Andean forests must be taken cared of because the good condition of these ensures better ecological state of rivers and the Upper and Lower Amazonian regions. It is necessary to emphasize this approach in the economic development policies both for the Andes and the Amazonian regions. We have seen that one of the main drivers of deforestation is the Andean migration. It happens because Andean residents look for employment, higher income and land, among others. It is therefore necessary that economic and social policies for the Andean region should address the needs of its inhabitants so that they may become satisfied.

### *Review of Legal Framework for REDD*

REDD is positive because its main objective is to reduce deforestation and degradation. In the case of Peru, deforestation is related to legal logging, agriculture, cattle and migrations; degradation is related to the illegal and unsustainable logging. Both are problems that indigenous communities have been faced with. The Peruvian state needs to review its forest and land tenure policies. Legal concessions for logging are the second category of land tenure while Amazonian communities are claiming to enlarge their territories. On the other hand, there is a problem that is yet to be resolved. This has to do with the question of ownership of the environment services of the forest. It has been a point of argument whether the State, the communities or any kind of concession own these resources. Given these arguments, distinctions or clarifications must be made on the rights of tenure on territories, resources and environment services and the role of each stakeholder who live or develop activities in Amazonian forests. Another important thing to highlight is that REDD strategies could be oriented to conservation of primary forests, but these strategies do not consider deforested areas that must be recovered by Amazonian peoples when these are reforested. In this regard, REDD could be biased. It is necessary to see the forest as a whole which includes primary and deforested forests, Amazonian communities, concessions and natural protected areas.

### *Preparation of Indigenous Organizations to Advocate*

Amazonian indigenous organizations can strongly advocate the promotion of information dissemination, decision-making among organizations, development of positions on climate change and REDD issues and partnerships with organizations and institutions. With these measures, indigenous organizations could participate in spaces opened in regional and national levels to be part of the process and to ensure the respect of their rights. Indigenous peoples organizations, in this regard, need to utilize international instruments that protect their rights and

to evaluate national legislations to show the gaps and contradictions that these have on Amazonian culture.

In recent years, indigenous organizations have gained representation at national level by observing and asking the repeal of laws that promoted privatization of Amazonian rainforest. Subsequent protests and the ILO 169 have also increasingly given voice to indigenous peoples. A law that will facilitate the conduct of community consultations when a proposed project will affect the interests of indigenous peoples is currently being discussed in Congress so indigenous peoples now have few allies in Congress.

## Endnotes

<sup>1</sup> Compiled from: Climate Change and Biodiversity, April 2002, Intergovernmental Panel on Climate Change; and, Stabilization of atmospheric greenhouse gases: Physical, biological and socioeconomic implications. February 1997.

<sup>2</sup> IPCC mentions these potential problems. Until these days there is no studies that show the increase of diseases caused by climate change, among them: malaria, dengue fever, yellow fever others viral disease.

<sup>3</sup> Perú is one of few South American countries that do not include in national Census ethnic variable in order to quantify indigenous peoples who live in rural and urban areas. As a result of this, national statistics is just a reference. To date, there is no consensus on how many indigenous people live in Amazonian territory.

<sup>4</sup> NISI, *Census of indigenous communities in the Peruvian Amazon*.

<sup>5</sup> According with Regional Strategy of Amazonian Biologic Diversity (2005), the 61 per cent of Peru's territory is covered by forest. The forests of the Peruvian Amazon region are distributed in forestry concessions, protected natural areas, Andean and Amazon communities. The Protected Natural Areas (PNA) coincides with part of the territory of the Amazon peoples' traditional use. The forested area occupied by the Amazon communities excluding the PNA is 27,356,400 hectares, which is equivalent to 34.9 per cent of the Peruvian Amazonia. While this area is also under threat of deforestation, only two per cent of the total deforestation is in PNAs and nine per cent in indigenous territories.

<sup>6</sup> Peru has a wide variety of forests that contribute to the development and welfare of society. The forest coverage in Peru is estimated at 68.7 million hectares, (eighth country with the largest forest coverage in the world and second after Brazil in Latin America), of which 92 per cent

of forest are located in the Amazon region. Their several habitats shelter more than 60 per cent of the planet's biodiversity. However, the national deforestation amounts to 150,000 hectare/year, amounting to an accumulated deforestation of 7.2 million hectares in the last decade (1990-2000). The regions with the highest level of deforestation nationwide are San Martín (18.51%) and Amazonas (13.96%). When these are put together, the total rate exceeds one million of hectares.

<sup>7</sup> In Spanish, Instituto Nacional de Recursos Naturales - INRENA.

<sup>8</sup> Aguaruna and Huambisa peoples of the provinces of Bagua and Condorcanqui in the Department of Amazonas.

<sup>9</sup> The World Bank (2009).

<sup>10</sup> According to Text Proposed of Forestry and Wild Fauna Law (2010), the concession is a title given by the State that entitles for natural resource exploitation through public auction (between 10,000 and 40,000 hectares) or public tenders (between 5,000 and 10,000 hectares). Both can be renewable term of 40 years.

<sup>11</sup> 1090 Decree Law was part of the legislative body issued by Executive Power in order to facilitate the implementation of the FTA between the Peruvian and USA governments. Indigenous organizations deployed a series of alliances and movements for derogate Laws that affect their territories and rights.

<sup>12</sup> Adapted from Text of Provision of Environmental Services Law.

## References

- Apaza, P. *Interoceánica significó deforestación de 90 mil hectáreas de bosques*. Los Andes, 15.07.2009, Available at <http://www.bicusa.org/es/Article.11334.aspx>. (accessed on 17.08.2010).
- Balvín, D y Patrón, P. *Carretera Interoceánica Sur. Consideraciones para su aprovechamiento sostenible*. Perú, Asociación Civil Labor y Amigos de la Tierra, 2006.
- Capella, J.; Sandoval, M. *Informe Preliminar sobre Aspectos Jurídicos para el Establecimiento de Esquemas REDD en el Perú*. Lima, Sociedad Peruana de Derecho Ambiental - SPDA, 2009.
- Castro, A. *REDD: El Perú en las negociaciones internacionales*. En: Seminario Taller "Conservando los bosques a través de REDD: Una nueva forma para financiar la conservación de los bosques en Madre de Dios". Available in English: [http://www.amazonconservation.org/pdf/redd\\_Peru\\_in\\_International\\_Negotiations-Augusto\\_Castro\\_Nunez.pdf](http://www.amazonconservation.org/pdf/redd_Peru_in_International_Negotiations-Augusto_Castro_Nunez.pdf). (accessed on 02 Dec 2009).

- Comisión Económica para América Latina – CEPAL. Anuario Estadístico de América Latina y el Caribe 2009. Chile: CEPAL, 2009.
- Consejo Nacional del Ambiente - CONAM. *Inventario Nacional Integrado de Emisiones de Gases de Efecto Invernadero del Perú al año 2005*. Lima, Perú, 2005.
- Consejo Nacional del Ambiente - CONAM. *Informe Nacional sobre el Estado del Ambiente 2002 - 2004*. Lima, Perú, 2006.
- Fondo Nacional del Ambiente - FONAM. *Carbon opportunities in Perú: Project Portfolio 2009*. Available at <http://www.fonamperu.org/general/documentos/Summarya.pdf>. (accessed on 04 Dec 2009).
- Food and Agriculture Organization of the United Nations - FAO.
- Global Forest Resources Assessment 2005: Progress towards sustainable forest management. *FAO, Forestry Paper N° 147*. Roma, Italia, 2006.
- Grupo REDD Perú. *¿Quiénes somos?* Available at [http://www.gruporeddperu.org/index.php?option=com\\_content&view=article&id=2%3Aqsomos&catid=1%3Acontenido&Itemid=1](http://www.gruporeddperu.org/index.php?option=com_content&view=article&id=2%3Aqsomos&catid=1%3Acontenido&Itemid=1). (accessed on 29 Nov. 2009).
- Gutierrez, M. *El bien común y la gestión sostenible de la biodiversidad amazónica: La geomática aplicada a los territorios indígenas*. SEPIA VIII Perú, el problema agrario en debate. Lima, julio 2000.
- Instituto Nacional de Estadística e Informática - INEI. *II Censo de comunidades indígenas de la amazonía*. Lima, Perú, 2007.
- Instituto Nacional de Recursos Naturales - INRENA. *Mapa de Deforestación de la Amazonía Peruana al año 2000 – Memoria Descriptiva*. Lima, Perú, 2000.
- Ministerio del Ambiente - MINAM. Programa de Conservación de Bosques Amazónicos. Notas de prensa, Junio N° 6, 2009. Available at [http://www.minam.gob.pe/index.php?option=com\\_content&view=article&id=273:minam-pone-en-marcha-programa-de-conservacion-de-bosques-amazonicos&catid=1:noticias&Itemid=21](http://www.minam.gob.pe/index.php?option=com_content&view=article&id=273:minam-pone-en-marcha-programa-de-conservacion-de-bosques-amazonicos&catid=1:noticias&Itemid=21). (accessed on 25 Nov. 2009).
- Ministerio del Ambiente - MINAM. *Programa Conservando Juntos. Compensación por Conservación de Bosques con Comunidades Nativas Amazónicas para superar la pobreza*. Lima, Perú, 2009.
- Poveda, R. *Recursos Naturales en el Perú: La oportunidad de un país diferente*. Lima, Perú, 2006.
- Secretaría General de la Comunidad Andina. *El cambio climático no tiene fronteras. Impacto del cambio climático en el Comunidad Andina*. Lima, Mayo, 2008.

## Annexes

### Annex 1. Forest surface by natural región (square kilometres)

Geographic region	Natural forest	Planted forest	Total
Costa	18,700	120	18,820
Sierra	7,000	2,700	9,700
Selva	702,000	180	702,180
Total	727,700	3,000	730,000

Source: Enciclopedia Virtual "Ecología del Perú."

Available at [http://www.peruecologico.com.pe/lib\\_c19.htm](http://www.peruecologico.com.pe/lib_c19.htm). Accessed on 18 August 2010.

### Annex 2. Concessions awarded by Peruvian state

Type of concession	Number	Surface (Ha)	Region
Timber (by public bid)	171	2,871,925	Ucayali
	85	1,267,111	Madre de Dios
	34	494,668	San Martín
	48	285,661	Huánuco
	250	2,641,624	Loreto
Sub Total	588	7,560,989	
Timber (adequate)	15	256,794	Madre de Dios, San Martín, Loreto, Ucayali, Junín and Pasco
Other forest products	934	793,459	Madre de Dios
Ecotourism	25	55,412	Madre de Dios, Loreto y Ucayali
Preservation	16	423,094	Madre de Dios, Loreto y Ucayali
Reforestation	282	135,142	Madre de Dios, Pasco, Junín, Ucayali, Piura y Lima
TOTAL	1,860	9,224,890	
Peru's Surface		128,521,560	
% of Peru in concession		7.18	

Source: MINAG, 2009.

**Annex 3.** National system of natural areas protected by Peruvian State

<b>Category</b>	<b>Total/Category</b>	<b>Ha/Category (Accumulated)</b>
National Parks	11	7,821,658.03
National Sanctuaries	7	263,982.06
Historical Sanctuaries	4	41,279.38
National Reserves	11	3,279,445.25
Wild Life Refuges	2	8,591.91
Landscape Reserves	2	651,818.48
Communities Reserves	6	1,658,900.95
Protection Forests	6	389,986.99
Game Reserves	2	124,735.00
Reserve Areas	9	4,787,128.15
<b>TOTAL</b>	<b>60</b>	<b>19,027,526.20</b>
<b>Peru Surface</b>		<b>128,521,560.00</b>
<b>% del Peru Protected</b>		<b>14.80</b>

Source: INRENA, 2006.

**Annex 4.** Title deeds from Andean and Amazonian communities

Region	Total Communities	Andean Communities		Amazonian Communities	
		Number	%	Number	%
Amazonas	221	52	23.53	169	76.47
Ancash	345	345	100	0	0
Apurimac	442	442	100	0	0
Arequipa	100	100	100	0	0
Ayacucho	578	577	99.83	1	0.17
Cajamarca	109	107	98.17	2	1.83
Cusco	939	886	94.36	53	5.64
Huancavelica	565	565	100	0	0
Huanuco	266	257	96.62	9	3.38
Ica	9	9	100	0	0
Junin	563	389	69.09	174	30.91
La Libertad	120	120	100	0	0
Lambayeque	25	25	100	0	0
Lima	287	287	100	0	0
Loreto	612	75	12.25	537	87.75
Madre de Dios	24	0	0	24	100
Moquegua	75	75	100	0	0
Pasco	188	73	38.83	115	61.17
Piura	136	136	100	0	0
Puno	1,251	1,251	100	0	0
San Martin	31	1	3.23	30	96.77
Tacna	46	46	100	0	0
Ucayali	231	0	0	231	100
<b>Total</b>	<b>7,163</b>	<b>5,818</b>	<b>81.22</b>	<b>1,345</b>	<b>18.78</b>

Source: Especial Project of Titled Land, 2002.

**Annex 5. Principals' commitment of UNFCCC by Conference of Parties**

<b>COP</b>	<b>Outcomes Assessment</b>
1995 – COP 1	Proposals started to face climate change, but no real commitment taken on emissions reduction.
1996 – COP 2	Lack of progress noted on emissions reduction.
1997 – COP 3	Parties signed Kyoto Protocol, whereby they commit to reduce emissions of the six major greenhouse gases to 1990 levels. This conference marks the start of a true global awareness on the climate change issues.
1998 – COP 4	Action Plan Adoption setting deadlines to reach agreements on proposed mechanisms in Kyoto, and policies to be implemented.
1999 – COP 5	Penalties in case commitment agreed upon in Kyoto are not fulfilled.
2000 – COP 6	Nuclear energy was excluded from Clean Development Mechanism.
2001 – COP 7	Australia, Canada, Russia and Japan avoided any type of agreement with legal consequences. Clean Development Mechanisms are introduced.
2002 – COP 8	Critics to implementation costs of Kyoto Protocol.
2003 – COP 9	Parties agreed on a 6% increase on the budget, a guide for forestation projects and launch of the Fund for the Climate Change designed to finance activities in less developed countries.
2004 – COP 10	Russia ratifies the Kyoto Protocol.
2005 – COP 11	Representatives from 180 countries get together to finally bring into action the Kyoto Protocol and start a new international debate on what will happen after the agreement expires in 2012.
2006 – COP 12	Interchange from technical experiences and MDL implementation promoted.
2007 – COP 13	Plan posed to pay developing countries for carbon value stored in their forests or REDD, since it is believed these payments may help revert deforestation and being a good alternative to relieve climate change. The most important strategy for the negotiation of a new agreement is considered as well.
2008 – COP 14	COP 13 approaches consolidated.
2010 – COP 15	A new agreement will be discussed around the climate regime replacing the Kyoto Protocol since 2012.

Annex 6. Peruvian legislation on natural resources and indigenous peoples

Sector	Peruvian Legislation	Importance	Institution
<b>Transsectoral</b>	Article 89. Political Constitution of the Republic of Peru, 1993	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Peruvian Population</li> <li>- Amazonian communities' existence and legal status are recognized</li> </ul>	Peruvian Government
	Law No. 27972. Organic Law of Municipalities	<ul style="list-style-type: none"> <li>- Scope: Local</li> <li>- Impact: Indigenous peoples' settlements.</li> <li>- Promotes the appropriate local application of environmental management methods.</li> <li>- Promotes protection and preservation of the environment</li> </ul>	
	Law No. 27867. Organic Law of Regional Governments	<ul style="list-style-type: none"> <li>- Scope: Regional</li> <li>- Impact: Indigenous peoples' settlements, social and gender promotion and development</li> <li>- Grants permits, authorizations and forest concessions</li> <li>- Audit of compliance with environmental and forest policies</li> <li>- Promotes sustainable and profitable projects</li> <li>- Promotes biodiversity preservation</li> </ul>	

<b>Environmental</b>	Law No. 28611. General Environmental Law	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Natural resources and indigenous peoples</li> <li>- States basic principles and rules to ensure a sustainable environment. There are no regulations yet</li> </ul>	<b>MINEN</b>
	Legislative Decree No. 613. Code of Environment and Natural Resources	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Natural resources</li> <li>- Provides guidelines on environment preservation and protection</li> </ul>	
	Law No. 28245. Framework Law for the National Environmental Management System	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Management of natural resources</li> <li>- Guidelines for a sustainable environmental management</li> </ul>	
<b>Climate Change</b>	Law No. 28852. Private Investment in reforestation and agroforestry Promotion	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Forest concessions</li> <li>- Gives relevance to sustainable development of forest plantation</li> </ul>	<b>MINAG</b>
<b>Water and Basin Management</b>	Law No. 29338. Water Resources Law	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Nationwide Basin Management, including indigenous peoples' territories</li> <li>- Controls the use and management of water resources and basins</li> </ul>	<b>NAW<sup>1</sup>–MINAG</b>

<b>Forests and Use of natural areas of indigenous peoples</b>	<ul style="list-style-type: none"> <li>- Law No. 27308. Forest and Wildlife Law</li> </ul>	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Natural resources management within indigenous peoples' territories</li> <li>- Promotes national forest development</li> <li>- Promotes reforestation</li> <li>- Incorporation of environmental services in national projects</li> </ul>	<b>DFFS-MINAG</b>
	<ul style="list-style-type: none"> <li>- Law No. 26834. Protected Natural Areas Law</li> </ul>	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Protected natural areas, indigenous peoples and use of their territories</li> </ul>	<b>NSNPA<sup>2</sup>-MINEN</b>
<b>Indigenous Peoples</b>	<ul style="list-style-type: none"> <li>- Law No. 22175. Indigenous Peoples and Jungle and Cloud Forest Development Law</li> </ul>	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Promotion of life quality in the Amazonian region</li> <li>- Aims at creating an agricultural structure that contributes to the comprehensive development of the jungle regions</li> </ul>	<b>MINAG</b>
	<ul style="list-style-type: none"> <li>- Law No. 20653. Indigenous Peoples and Agricultural Promotion in Amazonian regions Law</li> </ul>	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Titling of indigenous peoples</li> <li>- Promotes legal recognition of Amazonian communities' territories, living them legal status.</li> <li>- Defines a forest resources development plan and agricultural activities that contribute to the comprehensive development and improvement of indigenous peoples' lives in the Amazonian region</li> </ul>	<b>MINEN</b>

<b>Indigenous Peoples</b>	Law No. 27811. Protection System for Indigenous Peoples' Collective Knowledge Law	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Protection of indigenous peoples' culture and gender-related issues</li> <li>- Recognizes people and indigenous peoples' rights and powers to decide on their collective knowledge related to biological resources, and the protection of their rights on them</li> </ul>	NIFTIP <sup>3</sup>
<b>Private Investment</b>	Law No. 26505. Law on Private Investment in the Development of Economic Activities within the National Territory and the Andean Communities' and Indigenous Peoples' Territories	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Promotion on private investment in natural resources, including indigenous peoples' territories</li> <li>- Executes assignment agreements where Andean communities and indigenous peoples have the preferential right to sustainable use of the natural resources in their common lands, duly recognized</li> </ul>	MINEN, MINAG
<b>Economic development</b>	Law No 26821. Organic Law for the Sustainable Use of Natural Resources	<ul style="list-style-type: none"> <li>- Scope: National</li> <li>- Impact: Use of natural resources in indigenous peoples' territories</li> <li>- Gives authority to grant rights on natural resources</li> <li>- Applies provisions on sustainable use of natural resources</li> </ul>	MINAG

<sup>1</sup> In Spanish, Autoridad Nacional del Agua - ANA.

<sup>2</sup> In Spanish, Servicio Nacional de Áreas Naturales Protegidas por el Estado - SERNANP. In English, National Service of Natural Protected Areas.

<sup>3</sup> In Spanish, Instituto Nacional de Defensa de la Competencia y la Propiedad Intelectual - INDECOPI. In English, National Institute of Fair Trading and Intellectual Property - NIFTIP.