



Seminar and Workshops in Peru, August 2007

From 21-23 August, the Peruvian Center for Social Studies (*Centro Peruano de Estudios Sociales* – CEPES) hosted a seminar entitled “Campesino Communities Today”, which I attended. This event brought together more than 80 participants to discuss the context and direction of development in campesino communities, both in Peru and in other Latin American countries. Participants came from universities, NGOs, farmers’ organizations and international agencies.

In addition to considering experiences from within Peru, the seminar included presentations by researchers and civil society organizers from Bolivia, Colombia, Ecuador, Guatemala, Mexico and Venezuela, who shared experiences from their countries. Colleagues from FAO (Rome and Managua) and the University of Manchester also took part, made presentations on negotiated territorial development and on conflicts between campesino communities and extractive industries. The final day of activity included a workshop on monitoring and indicators, as related to land tenure security, and consideration by the participants from other Latin American countries as to the potential objectives and coordination of such monitoring work at a regional level.

The purposes of this memo are to:

1. Recap key issues that were discussed regarding campesino communities in the seminar
2. Provide an update on CEPES monitoring initiative, in context of key issues for ILC in moving forward with work in this area
3. Identify key concerns and potential roles that ILC may plan with respect to mining and extractive industries, based on discussions in the seminar

The notes that follow are my impressions from the seminar discussions. While limited by the brief nature of my visit, hopefully they may spark ideas for further discussion among ILC members and secretariat working in Latin America about areas for collaboration around monitoring and strengthening knowledge- and action-networks, and provide some useful comparisons for members and partners in other regions. Questions and comments are welcome.

Campesino Communities: Background and Current Context

In most of the countries discussed during the seminar, agrarian reform campaigns beginning in the early 20th Century resulted in some form of recognition by the state of campesino communities, as a legal entity with juridical personality and/or as a subject of land rights (Colombia is the exception among the cases presented.) In this context, the establishment of campesinos communities with rights to communal territories intended to

achieve a more equitable distribution of land, including through redistribution of former hacienda lands, and restorative justice for indigenous groups.

In the 1990s, land reforms in countries such as Mexico and Peru have sought to stimulate capital investment in rural areas by recognizing individual rights to communal lands. Nonetheless, campesino communities still manage a significant percentage of rural land. In Mexico, *ejidos* make up 57 percent of tenure subjects and 43 percent of tenure objects, compared to private lands which make up 28 percent of tenure subjects and 37 of tenure objects. In Peru, more than 6,000 campesino communities exist, in areas that comprise 56 percent of the country's agricultural lands. These figures suggest that campesino communities must remain central to any discussion of both sustainable rural development and national development more broadly, give both the significant population and land areas which they encompass.

The seminar highlighted a number of current social and economic trends that are taking place both within and outside of campesino communities, which need to be considered when addressing the roles of campesino communities in development. These include:

- Increasing migration by working-age men and women, both domestically and internationally – half of all Guatemalan emigrants are campesinos, as are 40 percent of Mexican emigrants.¹
- Aging of communities, both in terms of persons recognized as members of campesino community by their institutions, and in terms of persons actively engaged in agriculture and natural resource management.²
- Decreasing plot sizes and increasing land fragmentation.
- Growing disconnect between young people in campesinos communities and their community institutions, and decreasing involvement by youth in agriculture.
- Urbanization or “de-ruralization” as towns expand closer to or overlap with campesino community territories; this trend is increasing the value of lands in campesinos communities.
- Rapidly (and exponentially) increasing competition for land and natural resources by commercial farming, including biofuel producers, and extractive industries.

Campesino communities exist in context of institutional and normative pluralism, i.e., multiple sets of laws and institutions that provide for and administer land rights. In some cases, agreements made among community members regarding land and resource access

¹ Migration is also a growing phenomenon among indigenous peoples' communities, such as in Ecuador where 500,000 people have moved from indigenous areas to cities in the past ten years.

² These issues are linked in cases such as in the Bolivian altiplano, where only landholders are recognized as campesinos community members. This excludes youth - and even many of their parents - from enjoying membership in the communities, as their grandparents are the ones generally recognized as the landholders.

are well respected, and the much greater challenge is to ensure that the state recognizes the land rights of the community.

Not all institutions are on equal footing, as evidenced when rights provided for by different pieces of the legal framework come into conflict – in practice, the state will often recognize rights claimed by mining industry (i.e., claimed under mining laws) over campesino community rights. Consultation processes related to external investment which exist in law are not consistently followed in practice, limiting ability of campesinos community members to defend their rights via both the political and legal systems.

Biofuels have emerged as a key issue in some countries, raising concerns about a “food versus fuel” tradeoff. It is difficult to prevent farmers from selling crops to biofuel producers, if they can receive higher prices; however, if land rights themselves are ceded to biofuel producers, this may permanently remove land from domestic food production chains. In Guatemala, the expansion of oil palm and other plantation crops is transforming men and women in indigenous communities from independent farmers into wage-earning farm laborers.

In practice, agricultural lands within campesinos communities tend to be managed by families, and treated as *de facto* household property. In Peru, the family is the unit of management for 98 percent of agriculture that takes place within campesinos communities. Transfers of communal land between families take place; in some cases these transactions are separate from the external markets in which latifundistas operate. In other cases, unauthorized sale of communal lands (e.g., of ejidal land in Mexico) takes place, as rising land value increases demand for communal land. This illustrates how market forces are affecting campesinos communities, even if the land markets themselves are segmented under the normative framework.

The titling process in Mexico is helping to increase recognition of land rights by neighbors, but thus far is not extending credit to rural areas for agricultural production – there still little interest on the part of commercial financial sector for making investments in agriculture, particularly smallholder agriculture.

While agricultural land tends to be managed by households, common property is also a significant feature within campesinos communities. In Mexico, nearly one-quarter of ejidos are located in forest communities, and manage more than 50 percent of the country’s forest areas. In Peru, more than 70 percent of communal land is managed as commons, with community members enjoying usufruct rights to pastures, forests and other territorial resources. Maintaining secure access to these commons (i.e., by all community members) and ensuring sustainable use may become a challenge, if there is trend toward individualization; the seminar did not address this in much detail. This question of balancing the rights and interests of both households and communities was also raised during the workshop session on territorial development. It may be useful to examine this in more detail, through cases of how NTD or other participatory approaches are being applied.

While campesinos communities have existed in this formal manner and in many cases have enjoyed some forms of state recognition for decades, seminar participants noted that issues that concern *campesinos* and their communities still largely remain outside the mainstream of national policy development. This partly reflects the social changes and institutional challenges described above, through which the identity and connection of individuals and social sub-groups (particularly youth) with campesino communities is not always strong. They also reflects an orientation of national politics that chooses not to see campesinos communities or value their concerns, particularly when they are in conflict with other more powerful interests, such as commercial investors.

In this regard, there may be links between the institutional dynamics within a campesino community – particularly whether/how social and cultural institutions adapt to changing social contexts and develop more inclusive processes for decision-making – and the power dynamics between communities and external actors. Given the potential implications for community empowerment activities, this issue may be worth exploring further among ILC network members, to identify how stronger and more inclusive community institutions may increase the leverage of campesinos communities to confront external threats to land tenure security and other basic rights.

Monitoring and Indicators

In the workshop session on the final day, CEPES presented a proposal for using indicators of land access and tenure security, as part of broader efforts to place and sustain the themes of land access and tenure security on national and international agendas. This workshop included participants from the other Latin American countries, from CEPES and from FAO.

The working document for this initiative had been developed through an electronic forum conducted earlier in the year, and identifies the objectives of developing and using indicators as follows:

- a. Identify the level of access to land by the poor, identify trends and make comparisons across time.
- b. Identify obstacles to resource access and challenges to the land rights of the rural poor.
- c. Contribute to monitoring of relevant international agreements and national policies, including their implementation.
- d. Contributing to monitoring of the evolution of land markets, processes through which land concentration is taking place, abuses by public or private institutions, and discrimination based on gender, ethnicity, race or religion.

The framework proposed includes six kinds of indicators:³

³ Full document is attached.

1. Normative (legal recognition of land rights)
2. Institutional (administration of land rights)
3. Cognitive (perception and understanding of land rights)
4. Threats and Conflicts (cases of challenges and conflicts related to land rights)
5. Catastral Data (geographic proximity to protected areas and large-scale public or private investments)
6. Statistics (quantitative data related to land rights)

These components are similar to those identified by Asian colleagues in the Land Watch planning meeting in March 2007, although the structure of the country studies is somewhat different. As part of the seminar, I briefly described the objectives of the monitoring work now underway in Asia, and identified what additional kinds data was proposed to be included, as a point of comparison for Latin American colleagues.

In general, participants agreed with the idea of using monitoring tools, such as indicators, to support broader work on land tenure security, and that there would be value in having information that would comparisons across countries. The past experience with BELTS should remind us that collecting and analyzing the data needed for using indicators it can be a more ambitious and time-consuming undertaking than initially anticipated, and that sustaining work on indicators can be challenging. However, if the framework for monitoring is one that supports organizations' existing work on land rights, there may be more incentive for them to work in collaboration with others to sustain such an activity. This remains to be seen, in both the Latin American and Asian contexts.

For the time being, CEPES has invited workshop participants to provide their comments to the proposed monitoring framework, both in terms of its content and of the process that could be used to develop and utilize indicators, by the middle of September. This should indicate the level of interest by the participating organizations from other Latin American countries in collaborating on tenure indicators.

Extractive Industries and Conflicts

The pressure on land and resource rights by mining has increased exponentially in the region in recent years. In the case of Peru, between 1990 and 2000, mining investment rose by 500 percent, while the total land area affected by concessions increased from 4 million to 16 million hectares. Currently, 55 percent of campesino communities in Peru are affected by mining concessions in one way or another.⁴ With this expansion of mining concessions and mining activity, participants agreed that the role of extractive industries in competing with, and often undermining, security of tenure for campesino communities and indigenous peoples must be somehow addressed.

⁴ See seminar presentation by Tony Bebbington.

While only one percent of concessions may result in the development of active mines, the presence of concessions (and physical manifestation of exploratory activities, such as boreholes) can generate disputes and uncertainties over tenure, regardless of whether commercial interests proceed to the mineral exploitation stage. The seminar also noted that different families may be affected by mining exploration and exploitation in different ways, depending on their proximity to extractive activities.

While there is generally state support for commercial mining activities, it is also important to recall that “the state” is not a homogenous entity – different ministries and agencies have different interests in land and resources, including those which are responsible for policies concerning extractive industries. Often, the state agencies responsible for mining are often the least willing or interested to enter into dialogue over tenure and territorial rights: among other government departments, let alone with community associations.

Understanding the power dynamics between state agencies responsible for mining and other state ministries, as well between central and local government authorities, is an important element to assessing conflicts that arise with campesino communities. This may be an area where ILC could play some role, both in Latin America and in other regions, by (a) including ministries of energy and mining in institutional or policy mapping, and in monitoring the development and implementation of laws and policies, and/or (b) supporting or encouraging dialogue processes on land rights to pull in (or reign in) agencies responsible for policies concerning mining. It may be possible to build alliances with other government departments (e.g., ministries of agriculture, national land registration agencies, etc) around such activities, particularly if they also find themselves in need of leverage or platforms to negotiate with other line agencies around mining and tenure reform.

Given the great challenge that is commonly experienced by CSOs in discussing policy toward extractive industries with responsible government departments (let alone debating steps for reform), this would not be a course of action to be entered into lightly. In cases where ILC network members do have strong working relationships with some government institutions responsible for land tenure, though, it may be worth exploring further what results could be made by investing more time and resources into building such links. The efforts in Latin America and other parts of the world to systematically document the impact of mining concessions on land tenure security – both in terms of conflicts generated, and their subsequent socio-economic and environmental impacts – will provide valuable information that may improve the position for opening this line of discussion with government offices.

In discussion of land and conflict more broadly, the seminar also noted that where conflicts emerge over political or ideological confrontations, land and territorial resources become a source of income and support for combatants. Over time, this changes the logic of conflicts to become more resource-based, i.e., combatants will fight to maintain control over land and natural resources, although that may not have been the trigger or conflict initially (e.g., in the case of Colombia). Armed conflict that are based in rural

areas also disproportionately victimize farmers and indigenous peoples, who become caught in the crossfire (literally and figuratively), as experiences from Colombia, Guatemala and Peru illustrate. This suggests that work on land conflict should not only consider cases where disputes are inherently “resource-based”, but also address the processes through which land and territorial resources become objects of contention during armed conflicts, and how efforts to secure resource access for rural communities (including campesinos and indigenous groups) can support wider peace-building processes.

Data and statistics cited from seminar presentations:

Bolivia: Miguel Urioste, Fundación Tierra

Colombia: Alberto Rincón, CINEP

Ecuador: Santiago Ortiz, FLACSO

Guatemala: Helmer Velazquez, CONGCOOP

Mexico: Hector Robles, CEDRSSA

Peru: Zulema Burneo, CEPES

Venezuela: Rocque Carmona, Accion Campesina

Extractive Industries: Tony Bebbington, University of Manchester