

Global Project “Responsible Land Policy” - Peru

ProTierras Comunes

Context

The livelihoods of large parts of the world’s rural population depend directly on access to land. Undefined land use and land ownership rights often result in hunger and underdevelopment. In many regions, common property rights are widespread and have great cultural significance, but are often under-protected.

More than 330,000 indigenous men, women and children live in the Peruvian Amazon, belonging to about 50 indigenous peoples and more than 2,000 communities. Just 1,360 of these communities have officially recognized land use and land ownership rights (total area: about 12.4 million ha). Large infrastructure projects, informal mining and colonist settlements increase the pressure on indigenous territories. Therefore, the legal recognition of land rights of indigenous communities is necessary to protect their claims against other interests.

The Peruvian Constitution (1993) and the ratification of the Convention 169 of the International Labour Organization (in force since 1995) guarantee indigenous peoples’ substantial rights. In addition, the National Agricultural Policy (2016), which incorporates the principles of human rights as well as intercultural and gender sensitivity for the sector, gives high priority to the titling of indigenous communities. The Paris Agreement on Climate Change (2015) and the Nationally Determined Contributions (NDCs) also recognize and support indigenous land rights as an important enabling condition for climate-friendly development.

Title	Global Project “Responsible Land Policy” Peru (ProTierras Comunes)
Commissioned by	German Federal Ministry for Economic Cooperation and Development (BMZ)
Countries	Benin, Lao PDR, Madagascar, Peru, Uganda
Lead executing agency	In Peru: Ministry of Agriculture and Irrigation (Ministerio de Agricultura y Riego – MINAGRI)
Overall term	11/2015 to 10/2021

Objective

Access to land and natural resources for indigenous communities in selected regions of the Peruvian Amazon is improved.

Approach

The Global Project in Peru focuses on securing land use and land ownership rights of indigenous communities in Ucayali and San Martín, as well as on improving procedures in land administration at the national level.

The project is being implemented together with the Ministry of Agriculture and Irrigation (MINAGRI), the responsible authorities for land administration at the regional level and indigenous organizations at national and regional levels. The project focuses on two different action areas:



In San Martín currently 30 land titles of indigenous communities are registered and legal recognition of land rights of around 70 indigenous communities is in process. An important step in the land titling procedures is the official publication of the proposed community boundaries to avoid conflicts with other communities and landowners.



The Shipibo community Callería in Ucayali received its land title back in the 1980s. This legal security made it possible to sustainably manage the forests, with support from a local NGO. Callería was the first internationally certified indigenous forestry enterprise in Peru.

Action area 1: Improving institutional frameworks and procedures to secure land use and land ownership rights of indigenous communities in the Peruvian Amazon.

The project advises MINAGRI and the regional authorities on the development and improvement of land titling procedures and the overall legal framework for collective land rights. This includes procedures that prevent and resolve land conflicts.

Action area 2: Participation of Peruvian civil society, especially indigenous organizations, in developing or implementing a responsible land policy.

Strengthening participation of civil society, especially indigenous organizations at national and regional level, in developing and implementing responsible land policies, especially the land rights of indigenous communities, is an integral part of the project approach.

Special attention is given to the rights and demands of indigenous women, in all project activities. Women play an important role in guaranteeing food security at household and community levels. However, women are often not taken into account or discriminated against in terms of access to land.

In addition to the international and national standards on indigenous peoples' rights, the "Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security" and the "Principles for Responsible Investment in Agriculture and Food Systems" of the UN Committee on World Food Security provide an important guidance for the project.

The project also complements the German bilateral development cooperation in Peru, since the indigenous territories in the Amazon are of great importance for forest conservation and climate protection. Therefore the project is part of the German contribution to the implementation of the Peruvian-Norwegian-German Joint Declaration of Intent of 2014.

Results

Since the end of 2015, several "land titling projects" started in Peru, which has made the situation of indigenous' land rights quite dynamic. At the national level, the project has been supporting necessary improvement in information systems and the simplification of land titling procedures. In San Martin, after several years of stagnation, one indigenous community has received its land title. And in Ucayali, nine new land titles have been issued and registered during the last two years.

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