



Global Programme Responsible Land Policy Good Practice

PERU: CLASSIFICATION OF CONFLICTS IN THE COMMUNITY TITLING PROCESS

Programme

THE GLOBAL PROGRAMME RESPONSIBLE LAND POLICY (GPRLP) IS PART OF THE SPECIAL INITIATIVE 'ONE WORLD, NO HUNGER' OF THE GERMAN FEDERAL MINISTRY FOR ECONOMIC COOPERATION AND DEVELOPMENT (BMZ), WHICH AIMS TO REDUCE EXTREME POVERTY AND HUNGER.



The programme is implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH in countries across Africa, Asia and South America. Its main objective is to secure access to land as a major prerequisite for poverty and hunger reduction in rural areas, especially for women, marginalized groups and indigenous peoples.

THE GLOBAL PROGRAMME IS IMPLEMENTED ALONG THREE FIELDS OF ACTION:

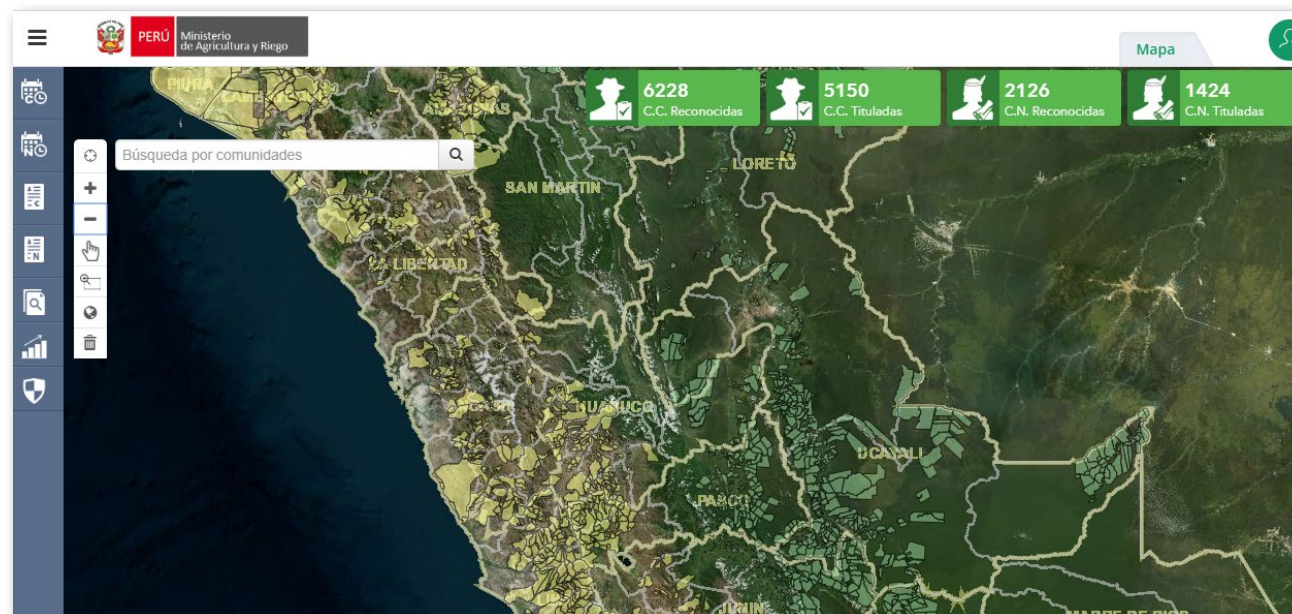
- Improving procedures to secure land ownership and user rights for the rural population
- Strengthening civil society
- Improving the framework conditions for responsible agricultural investments

The last aim does not apply to GPRLP implementation in Peru.

In Peru, ProTierras Comunales (PTC), as part of Global Programme, aims to improve access to land and natural resources for native communities in the Peruvian Amazon, in the regions Ucayali and San Martín. Given the increasingly complex and violent situation in many parts of Amazonia, conflict management is of decisive importance for the process of securing land rights of native communities. PTC has introduced a conflict classification system in the community titling process in both project regions.

Starting point

ALMOST ALL NATIVE COMMUNITIES IN PERU CURRENTLY FACE ONE OR MORE CONFLICTS that interfere with their land titling processes. Despite this situation, the term ‘conflict’ does not appear in the national land titling legislation and there are no clear institutional responsibilities for conflict management. The Ministry of Agrarian Development and Irrigation (former Ministry of Agriculture), as the responsible government agency, does not get actively involved in conflict analysis, nor does it provide technical or financial support for conflict management. The regional agricultural offices (as local implementers of land titling) and the indigenous organizations (as additional potential facilitators, especially in the case of conflicts between communities), have to deal with land conflicts on a regular basis, but lack instruments and resources to do so effectively. When PTC started in 2016, there was no systematic and up-to-date information either on existing conflicts nor on those that could have been avoided or addressed during the community titling processes.



Overview of recognised and titled communities in Peru.

The main partners of PTC are the Ministry of Agrarian Development and Irrigation at the national level and the agricultural offices of the Amazonian regions of San Martín and Ucayali. The target groups are all 128 native communities in both regions without land titles (a total population of about 30,000), but every untitled community in Amazonia can potentially benefit from improvements in norms and procedures.

Positive changes



Training on local conflict management in San Martín.

THANKS TO THE CONFLICT CLASSIFICATION SYSTEM, there are now **more resolved conflicts**, and eventually **more communities are titled and registered** in the two project regions and in the Peruvian Amazon. To guarantee this approach in the long-term, there is a need for

1. legal and political strategies to address different types of land overlaps,
2. guidelines to manage different types of local conflicts and
3. a simple monitoring system for the application of these strategies and guidelines.

An example of such a normative strategy is a 2018 Ministerial Decree which was supported by PTC and **facilitates the resolution of overlaps of community claims with production forest areas**, which has been the most frequent overlap in the existing classification. Overlaps with protected areas are only recently being addressed.

In order to manage local conflicts, PTC conducted pilots via a local NGO, involving the regional indigenous organization in San Martín. In addition, five **training modules on local conflict management** were held for female and male **leaders of indigenous organisations** (42 participants, 86 % of them successfully completed the training). In Ucayali, together with staff of the regional agricultural office, PTC developed a **practical guideline for the management of local conflicts**. However, due to the COVID-19 pandemic this innovation could not yet be tested in the field.

Approach

IN THE ABSENCE OF ADEQUATE GOVERNMENT

DATA, two NGOs conducted comprehensive diagnostic desk and field studies in both project regions for PTC in 2016. These studies used and further developed a simple but useful conflict classification system, which distinguishes between two main conflict categories:

- Overlaps of territorial categories created by the Peruvian State at a national and regional level (protected areas, production forest, different types of concessions, etc.) with community claims. In most cases these overlaps make it impossible to issue titles and to register community areas.
- Social conflicts at a local level between indigenous communities and non-indigenous people, or between and within indigenous communities, which may or may not be violent, and that can lead to lengthy judicial processes which interfere with land titling.

Structural conflicts		Social conflicts
NATIONAL	REGIONAL	LOCAL
National Park / Protected Area	Regional Conservation Area	Landowners with titles
Permanent Production Forest		Center of population / (semi) urban areas
Timber concession	Concession for Conservation	Migrants
Hydrocarbons concession		Conflict between communities
Mining concession		Individual titles within the communal territory

Categories and subcategories of the conflicts identified in the classification.

Following this classification, the conflict analysis starts from the root causes, which can be either ‘structural’ (areas created by the State at a national or regional level) or ‘social’ (local conflicts). The use of these parameters contributes to a more systematic situational analysis of individual communities or entire districts, provinces, or river basins. Subsequently, conflicts can be better prioritized, and each type of conflict can be managed according to the

relevant legislation and circumstances. The conflict classification also shows the dimension of the current obstacles to community titling: PTC identified a total of 163 conflicts in its 128 baseline communities, and only 23 communities (18%) faced no conflict at all. The classification thus contributes to the design of strategies to advance the community titling processes in the Peruvian Amazon.

For replication

THE CONFLICT CLASSIFICATION HAS BEEN REPLICATED in two cases. In 2018, an NGO applied the classification for the analysis of cadastral and geographical information and also produced the map 'State of the territories of native communities in Loreto: analysis of possible obstacles for titling' (1,000 maps were widely disseminated in the Amazon region of Loreto and at a national level).

In 2019, a large land titling project operated by the Ministry of Agriculture and with funding from the Inter-American Development Bank incorporated the conflict classification into its Conflict Resolution Mechanism, which was to be applied all over the Peruvian Amazon in the near future. This project has a target to support the titling processes of 403 native communities. Further potential to apply the classification approach is seen in other Amazonian countries.

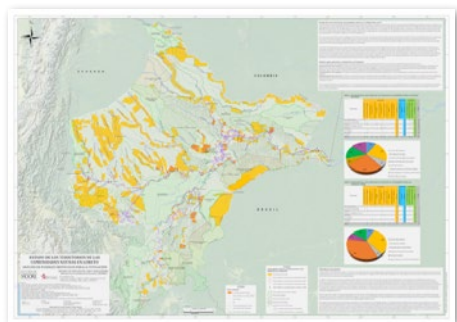
For a replication of this approach, the following key elements can be recommended:

- Start the conflict analysis by looking at the root causes to identify the actors mandated for conflict resolution.
- Use simple and understandable categories in the classification and document the results in user-friendly formats.
- Use the results of the conflict analyses to demonstrate and quantify the role of overlaps and local conflicts as obstacles in titling processes and mobilize support to solve them.



Indigenous land use on the riverbank in Ucayali.

Further information



➤ New IBC map identifies obstacles to community titling in Loreto, Instituto del Bien Común (2018) (in Spanish)



PTC analyses which used the conflict classification:
 ➤ Hoja Informativa N.º3 (Ucayali) & N.º4 (San Martín), ProTierras Comunes (2018) (in Spanish)

➤ Operational Conflict Resolution Mechanism in PTRT3 Titling Procedures – Mediation, Dialogue and Conflict Management Protocol Guide, PTRT3 (2019) (in Spanish)

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Registered offices

Bonn and Eschborn, Germany

Department Rural Development, Agriculture

Friedrich Ebert Allee 36 + 40

53113 Bonn, Germany

T +49 228 44 60-0

F +49 228 44 60-17 66

E GlobalvorhabenLand@giz.de

I www.giz.de/responsiblelandpolicy

Responsible:

Dr. Klaus Ackermann

klaus.ackermann@giz.de

Authors:

Sondra Wentzel, María-José Muñoz, Harald Rettner

Design, layout and illustrations:

Katrin Straßburger / W4 Büro für Gestaltung

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