

New Communities' and Peasants' Strategies in Bolivian Amazon.

Threats and Hopes for a Sustainable Use of Forest Resources.

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The Bolivian Amazon is an area of agricultural frontier where many actors – including rubber or Brazil nut companies, timber extractors, large scale cattle ranchers, traditional "extractivist" communities and peasants – try to consolidate by all means their rights over land and natural resources. The question is: will Bolivian public policies be able to stop or revert land and natural resources concentration processes as well as to limit the destruction of Amazonian ecosystems?

This paper studies the evolution of land tenure, the transformation of natural resources management rules, and the setting-up of property rights in recently created small-farmers communities in Pando, where individual and collective strategies for land and forest appropriation coexist. The conceptual framework for the research considers overlapping of various rights belonging to different actors as well as recognition of the contradictory and progressive character of their construction. The study confirmed the existence of a double process for creation of rights: one from below, within customs and local power relationships, and another one from above, with the attribution of rights by the State.

While Communitarian Agrarian Reform Policy and Forest Policy under present Bolivian Government determine who has legal rights over land and natural resources, local conflicts, gathering and production systems specificities and contradictions between legitimacy and legality are making things evolve contrary to what was expected. Forest resources conservation and sustainability of agrarian rights redistribution to family farmers are threatened by ambiguous laws, which make use of inadequate concepts, as well as by the absence of mechanisms of capacity building in governance issues.

This paper is based on the results of a research carried out during 2009 by AGTER as part of a broader CIFOR research, financed by a Rights and Resources Initiative project. The five-month fieldwork was carried out by Marta Fraticelli.

Key words: *property rights, forest and land policies, Amazon.*

Introduction

During the last decades, Bolivia's forest policy favoured the empowerment of local populations and developed timber concessions with large private corporations and local stakeholders. A large amount of forest resources, which were considered before as public ones, are now managed by private or collective entities through long term leases, or have been passed under the control of indigenous groups or small producers' communities. Bolivia is often presented as an example of "transition in forest tenure reform", going "from exclusion to ownership" (Sunderlin, Hatcher, & al, RRI, 2008).

A number of changes in Bolivian political practices have taken place through the last decades. They started with decentralisation laws (Popular Participation), followed by new Agrarian Reform and Forest Laws, and the growing recognition and participation in power by indigenous groups. Those processes brought Bolivians to elect Evo Morales as their President, and to discuss and adopt a new Constitution in 2009. At the same time in the eastern lowlands, interethnic and class conflicts developed between indigenous peoples, poor farmers and dominant economic sectors, leading the latter to demand for autonomy. Forest destruction widely expanded and became massive, especially linked to the progress of agricultural frontiers, and the development of agro-business in the Oriente (Merlet, 2008).

Pando is part of the Bolivia's Amazonian region. It is a remote frontier, covered by tropical forests, with very few paved roads. Historically, its development has been based on non-timber forest products, on rubber (since the late XIXth century) and more recently on Brazil nuts. Timber extraction and cattle production are playing now an increasing role. The rubber gathering was developed by large companies that exported the product using the Amazon rivers and used semi captive workers¹. This process led to a specific social structure, very different from the ones prevailing in other Bolivian regions, the *barraca*. Agro-extractivist communities started to establish once the *barraca* system entered into crisis.

This paper is based on a 5-month research study carried out by AGTER on behalf of CIFOR within the framework of a wider program funded by the Rights and Resources Initiative. The research aimed at analyzing the effect that changes in land tenure and forest management norms have on regulating access and management of forest resources in Amazon Bolivian communities. Two case studies of agro-extractivist communities were carried out and several other communities were visited. Additionally, semi-structured interviews of key informants as well as literature review was also done.²

This paper explores the links between land policies and forest policies, using a theoretical framework based on the recognition of "bundles of rights", applied at the understanding of social relations in agro-extractive communities of Pando. It examines the main trends that can be observed and discuss how concepts used in statutory laws match or not with local practices and customs. This issue is of great importance in the present period : the new Bolivian Constitution establishes that both individual rights and collective rights can now for the first time be recognized on the same territory, but laws and decrees do not yet take it into account.

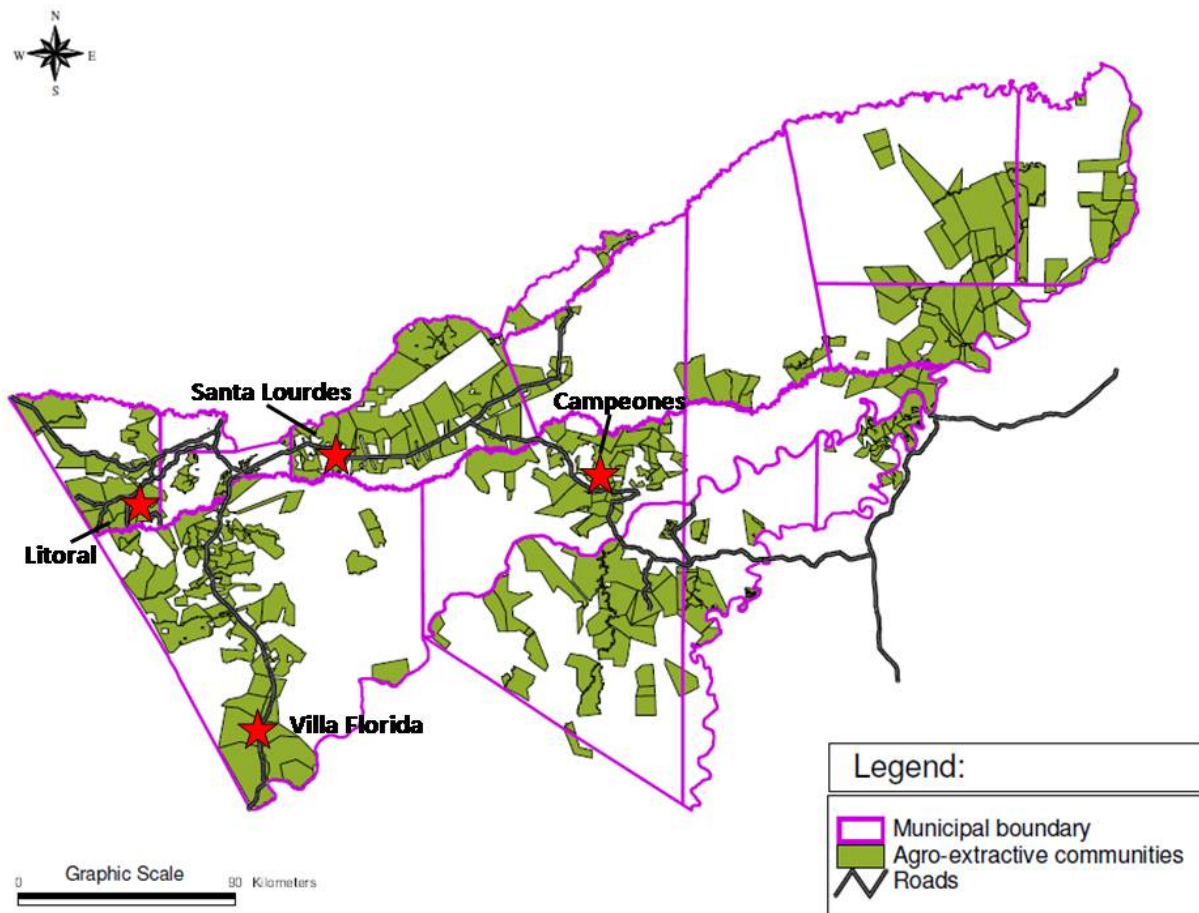
The paper is divided into four sections, apart from this introduction.

- ⇒ the first one focuses on theoretical and contextual aspects: the nature and the construction processes of property rights and the balance between land and natural resources grab and redistributive processes;
- ⇒ the second part describes the situation of the two communities in which the field work was done;
- ⇒ the third is a discussion of how rights over land and natural resources can be described and defined.
- ⇒ the fourth exposes some conclusions and implications for policy makers.

¹ most of them attracted or imported from other regions. (Stoian, 2005)

² The field work was mostly done by Marta Fraticelli, the methodology and the analysis were in charge of both M. Fraticelli and Michel Merlet, with the support of CIFOR and CEDLA teams in Bolivia.

Figure 1. Agro- extractive communities in Pando (Bolivia). Location of the studied communities. (Merlet and Fraticelli, 2009. map prepared from CIFOR cartographic data)



Some Theoretical and Contextual Considerations

Property Rights: Nature and Construction

An adequate focus on property rights is essential for understanding basic conditions of sustainable natural resource management. The different words used in English, Spanish, French, and even more in indigenous languages refer to very diverse types of rights, and confusion is frequent. This research has been built upon several main theoretical hypothesis, which will be briefly summarized here :

1. Property rights to land and natural resources are diverse. Three main types of rights can be defined.
 - a. Some are related with the use of specific resources products, such as plants, soils, water, animals, Access to the area and withdrawal of goods are included in this category. They are referred globally as *use rights*.
 - b. Others deal with the possibility of establishing rules and constraints over the use of natural resources and land. They include the right to determine who will and who will not have access to each resource, and the right to regulate use patterns. They are linked to the spatial dimension of the territory. We will refer to them using the term of *management rights*.
 - c. A third kind of rights is related with time. Rights to rent or to concede some resources for a specified period, to sell (or concede for ever) some specific rights, to inherit, are part of this

wide category or rights. We will call them *transfer rights*.³

2. Right holders are also of different kinds. Some are individual, other collective. Families, tribes, rural communities, municipalities, States, etc. can hold rights of different types. (Le Roy, 1998)
3. Rights over natural resources and land are not established once for ever. They are permanently evolving. They can be established from above, by States or from below, through social legitimacy gained during time. (Comby, 1998)

Over a same plot of land, we always find different kinds of right holders. If rights are not the same, they do not overlap, but just coexist and interact. One right holder may have several kinds of rights. All those are distributed between different "bundles of rights". This vision is coherent with the common law approach. The civil law tradition, widely exported through the Napoleon Civil Code, has a different starting point, based on the concept of ownership⁴, which considers that all the rights are held by one holder, the owner. He can do what he wants, but under limits established by laws and norms. So, rights of other stakeholders are also recognized, but indirectly, as exceptions.

Our approach is based on the recognition that "*land is an element of nature inextricably interwoven with man's institutions*" (Polanyi, 1944). Within this perspective, *land and natural resources governance* is seen as the art of creating institutional arrangements and combining regulations from different levels (worldwide institutions, States, local institutions, civil society) in order to offer in short term to humankind the largest happiness as possible, but at the same time preserving and improving the biosphere, defending interests and rights of future generations and seeking for equity and responsibility in order to gain support from the largest amount of people (Calame, 2009).

Acknowledging legal pluralism and promoting decentralisation may not be sufficient. At a particular moment, nor statutory nor customary laws may reflect properly the reality. A field diagnosis is required to identify the main contradictions that are responsible for the dynamics and to understand the real nature of ongoing transformations.

In Bolivia, as in most parts of Latin America, land rights have been built from two completely different and antagonist ways. Legal rights are statutory rights given by the State through the emission of land titles, in a postcolonial scheme. The independent Bolivian State inherited the rights captured by the Spanish Crown. All lands which had not been legally transferred to anybody (through the emission of a land title deed - *título*) are considered as national public lands (*tierras fiscales*⁵). As it occurs in many other countries of the continent, the emission of land titles has been very small compared with the amount of lands occupied without any legal document (Delahaye, 2003). The second way of land rights construction is based upon the social recognition of land and natural resource use for a sufficient time. This scheme has been used in all developed countries. The associated legal mechanism is called adverse possession (*prescripción adquisitiva*), and it is part of the Napoleon Civil Code which was imported to Latin America in the XIX or XX centuries (Comby, 1998, Merlet, 2002, Merlet, 2008-a).

A key character of the construction of legal land rights in Latin America comes from the inheritance of the colonial land governance and the imperfect adoption of the Civil Code concepts. Colonial land rights were "feudal" rights. After being transferred to independent States, they became more and more like ownership rights. All kinds of tenure rights were supposed to be put together within land ownership. Legalisation through adverse possession was not used in public lands and land rights recognition mechanisms kept on working in a top-down way.

Only lands with title deeds are recognized as legally occupied lands. On the field, social legitimacy has little to do with legality. Nationwide programs of distribution of "title deeds" (*titulación*) will be carried

³ Both management and transfer Rights are often called *control rights*.

⁴ *propriété, plena propiedad*.

⁵ according to Bolivian terminology.

out, trying to regularize *a posteriori* the recognition of tenure rights. At the same time, as national laws did not really recognize bottom-up built property rights, law enforcement gave the opportunity to redistribute interests in land, conveying ownership⁶ over land and natural resources to the most powerful sectors, who also controlled the legislative and executive bodies (Parliament and central Governments).

Land and natural resources grab versus redistribution of land and forest resources

Rubber Extraction and Barracas

Historically, the Bolivian Amazon region was sparsely populated and occupied by several indigenous groups. As it is the case in all agricultural frontiers, land and natural resources have been targeted for capture by several types of stakeholders. From the end of the XIXth century, the territorial occupation was mainly driven by the rubber boom. Migrants from Santa Cruz's region and from Europe, interested in exporting rubber, organized a sui generis exploitation system, known in Bolivia as *barraca*. Big rubber companies were organized, that needed both access to forest lands and workers. They acquired rights from the Bolivian State over very large plots of land, through several laws (1895, 1896) which conveyed rights over rubber trails⁷. They contributed to the extermination of indigenous populations and favoured or organized the immigration of labour force from other regions. This economic system, built upon the recollection of rubber from a native tree (*Hevea brasiliensis*), was based on the imposition of very exploitative labour conditions. Base camps, called *centros*, were organized in the forest and rubber trails were assigned to each worker by the foreman of the rubber company. Recollection was assumed by the worker and his family, and the product of his work was sold to the *barraca*. Extractive workers were not allowed to cultivate in order to produce their own staple food. They depended on the barraca for accessing their basic alimentation, they were not paid with money but principally with vouchers ("*vales*"), which could be used only in the barraca store. Workers were subjugated to the boss through indebtedness, a system called *habilito*. They acquired debts, which was supposed to be paid with rubber. They could leave the barraca only after paying their debts. Those debts were inherited by their heirs. This system allowed the boss to control that the workers would remain in the *barracas*, and this was easier because those were usually isolated of the urban centres and the transportation on river of the extractive products and of foods could easily be controlled by the *barraquero*.

A high number of poor families or individuals came from other regions of Bolivia and the neighbouring states of Brazil and Peru⁸, attracted by the incomes they could gain. The socio-economic system of the northern Amazonian region of Bolivia was built upon the accumulation of wealth from private extraction of forest resources. It has been from the beginning strongly linked to international markets and very little articulated with regulations of the Bolivian central State. The logic behind this system was both the capture of natural wealth (thanks to the exploitation of poor workers) and the conquest of new lands for the expansion of the commercial elite of Santa Cruz (timber extraction, modern capitalist agriculture and cattle production). In the eastern lowlands of Bolivia, the control over land could be possible through the control of labour force, and it constituted the main source of accumulation of wealth.

For more than 100 years, the *barraca* regime has remained in place and the socio-economic control of the region has been concentrated in a very small number of stakeholders' hands. Notwithstanding, the successive crisis of the rubber trade weakened their control and accumulation capability in front of the other actors of the region. Rights of *barraqueros* over forest lands were not secured and new stakeholder

⁶ or sometimes long term concessions.

⁷ Between 1893 and 1895 the Bolivian State granted recollection rights to individuals and to companies. Each one could claim rights over rubber trails, each of those made of 150 productive rubber trees, and could obtain rights over 500 to 1000 trails (estradas). They had to pay royalties according to the number of declared trails and hectares. Land started to be sold, and the price of plots with rubber trees were ten times higher than the one of plots dedicated to agriculture or cattle grazing. (Stoian, 2005)

⁸ some of them by their own, others through compulsory mechanisms.

groups were more and more strongly competing with them for the forest resources. The region remained very little deforested. Another non-timber forest resources had got a bigger and bigger importance: the Brazil nut (*Betholletia excelsia*). In 2000, the owners of 221 *barracas* claimed over 3 000 000 has of forests, and 71% of this area was controlled by just 44 *barracas* (Ruiz, 2005, cited by Cronkleton, Pacheco & al, 2009).

Rural communities, growing from the collapse of the rubber economy, became more and more important and claimed for rights over land and forest resources. But also members of the economical dominant groups, as cattle grazers and timber companies, were competing with the more traditional *barraquero* group. In 1995, within the framework of a Border Plan (Plan Soberanía) after the promulgation of the forest law in 1994, the government granted long-term contract to 17 timber industries over 2 000 000 has along the border with Brazil and Peru. Those contracts were superimposed on existing traditional forest claims, despite the unresolved complexity of property right demands of communities and *barracas*, (Pacheco 1998, cited by Cronkleton, Pacheco & al, 2009).

Development of free agro-extractive communities

Several times during the XXth century, enterprises of the "rubber empire" entered into cyclical crisis when world rubber prices collapsed. Thanks to the political relation of power, the barraca system could survive to the two first crisis. Extractive workers' communities started to free themselves from the exploitation of the *barraca* system after the third rubber crisis, in the 80s. Brazil nut gathering and commercialisation offered an interesting alternative after the last rubber crisis. Large *barracas* were divided into smaller units. Extractive workers started developing their own subsistence crops. The first free agro-extractive communities appeared, when their members attempted to secure their property rights over Brazil nut trees (whose fruits were their main source of income), and on their *chacos*, slash and burn agricultural systems. As land was not a scarce resource, the control of Brazil nut groups of trees, *castañales*, was the main issue.

Different dynamics led to the formation of agro-extractive communities in Pando, depending on the moment of their development, on their location near or far from rivers and roads, and on the existing social fabric at local level. Very diverse social situations and institutional arrangements can be found at local level. Furthermore, things have been changing continuously and quite fast during the last two decades. Customary laws are not established, but in permanent development. Access to natural resources and land, regulations for their use and their transfer are also evolving. For this reason, very different combinations can be observed in rather nearby communities. Interactions between statutory law and customary (and cultural) practices (*usos y costumbres*) may drive at very different scenarios depending on the local "bundles of power".

As far as property rights are concerned, the recent institutional changes will have very important implications. Securing with legal titles deeds the land and natural resource tenure rights became possible thanks to long and difficult struggles of small producers. This has been a core issue of this research.

Redistribution of rights over land and natural resources

While in highlands of Western Bolivia the Agrarian Reform of 1953 had a strong impact, with the extinction of *latifundios*, the land policy applied under the same term of "agrarian reform" in eastern lowlands consisted in titling and granting huge plots of fiscal land to the elite, violating indigenous peoples' ancestral rights. This led to land concentration into a few hands, exactly the opposite of what it was supposed to do⁹. In Pando, it did not change the situation of land tenure.

⁹ From 1953 to 2002, 33% of the land distributed by the so-called Agrarian Reform benefited enterprises, with an average size of 1596 ha. Oporto, ¿De la reforma agraria a la guerra por la tierra? 2003, cited by Kay C. and Urioste M. Bolivia's Unfinished Agrarian Reform. Rural Poverty and Development Policies. ISS, UNDP, October 2005.

In 1996, important changes in the agrarian reform legislation were introduced¹⁰. The main objective of this reform was aiming at implementing the *saneamiento* process, which was carried out by INRA (National Institute of Agrarian Reform). The purpose was the "regularisation" of land titles deeds. In order for a land entitlement to be regularised, it was necessary first to determine the legality of the acquisition or adjudication of land titles deeds during the last decade and second to establish the fulfilment of the Social and Economic Function of land (*FES, Función Económica y Social*). Large estates that did not fulfil these requirements would revert back to the State, and would be available for distribution to landless claimants. For the first time in Bolivia, specific rights of indigenous peoples were recognized. The law created the concept of ancestral indigenous territories, TCO (*Territorios Comunitarios de Origen*). Its impact until 2004 was limited, favouring titling of indigenous communities and regularisation of small owners, but with very low effect on redistribution and reversion of latifundistas' lands. The INRA law required to opt for collective ownership or for individual ownership. In 2006, under the administration of Evo Morales, a new law (*Ley de Reconducción comunitaria de la Reforma Agraria*) reaffirmed the preference in favour of collective titling of community lands, and established that fiscal lands still unoccupied would be available for redistribution only to indigenous or peasants communities through collective titles. (Rivero & al, 2008)

The agro-extractivist sector had been claiming for the recognition of their rights in opposition with the barraquero sector. Their claim became more insistent and powerful in response to the barraquero intent to obtain the recognition of their rights over land and forests by a decree issued in 1999. This decree created a figure of long term leaseholds (concessions) for non-timber forest product. Through its application, more than 3 millions hectares would have been legally controlled by about 200 beneficiaries. The grassroots mobilization of rural Brazil nut gatherers (extractivists) and indigenous peoples of the northern Amazon region was very strong, resulting in a decision from the government to annul the 1999 decree and to issue an alternative one in July 2000 (DS25848, 2000). This new decree recognizes the right of peasant and indigenous families to be awarded an average of 500 ha per family through communitarian titling in extractive territories, instead of 50 ha assigned to agrarian beneficiaries elsewhere in Bolivia.¹¹

In Pando, the regularisation procedures of *saneamiento*, under the pressure of the peasant movement, meant a real change in the legal recognition of rights and a large redistribution of effective control over land and natural resource. Between 2001 and 2008 collective land titles were granted to 139 communities, for a surface of 1.807.320 hectares. The percentage of agro-extractive community lands within the region increased from 0,5% to 34% and the TCO from 0% to 6,8%. At the same time the area controlled by *barraqueros* decreased from 55,5% to 21.9%, the timber concessions area from 25% to 19%, and private ownership area from 14,1% to 5,9%.¹²

The regularization has been carried out as a process of granting titles on fiscal lands in favour of agro-extractive and indigenous communities. It did not result in the elimination of the *latifundio* through the dis-appropriation of lands controlled by timber industries (through concessions) as well as by large ranchers, as these stakeholders had a strong bargaining power and could legally consolidate a large part of their rights.

In 1996, when the forest law had been discussed, the timber industries were able to obtain renewable concessions¹³ and very low amounts of forest patents. Similarly, the *barraquero* sector obtained in 2004 the approval of a law which recognizes the transformation of their traditional but not legally recognized

¹⁰ with the law # 1715, known as INRA law.

¹¹ 500 ha corresponds more or less to the global extension used by a family engaged in Brazil nut recollection. (Cronkleton & al, 2009)

¹² Data elaborated by CIPCA, based on information of INRA-Pando 2008. (Merlet & Fraticelli, 2009)

¹³ Concessions are given for 40 years, and a renewal procedure is supposed to be done every five years, after a technical certification which should testify that legal rules are respected. In fact, renewal is automatically obtained, as no real assessment is carried out by State institutions. So, concessions become very similar with ownership. (Merlet, 2008-b)

rights into concessions over non-timber forest products. But such long term leasehold contracts cannot exceed 15.000 ha for each *barraquero*.

The Amazon Bolivian region is the scene of a concomitant double phenomenon: a struggle between competing stakeholders to gain control and property rights over public lands and common natural resource, and a dynamic of redistribution of power between historical dominant economic groups, first of all, the *barraqueros*, and emergent agro-extractive communities. Those local political and economical struggles are linked with national stakes, and especially with the issue of decentralization and autonomy. The property rights issue acquires in this context a key importance, which goes far beyond the regional debates.

Community Studies

The community of Villa Florida is located in the territory of the national Reservation of Wild Life Manuripi, created in 1973. The Reserve Administrative Unit imposes specific management rules on natural resources. The community received a title deed for its territory in 2006. The title refers to collective property in favour of twenty-four families corresponding to an extension of 30.403 hectares.

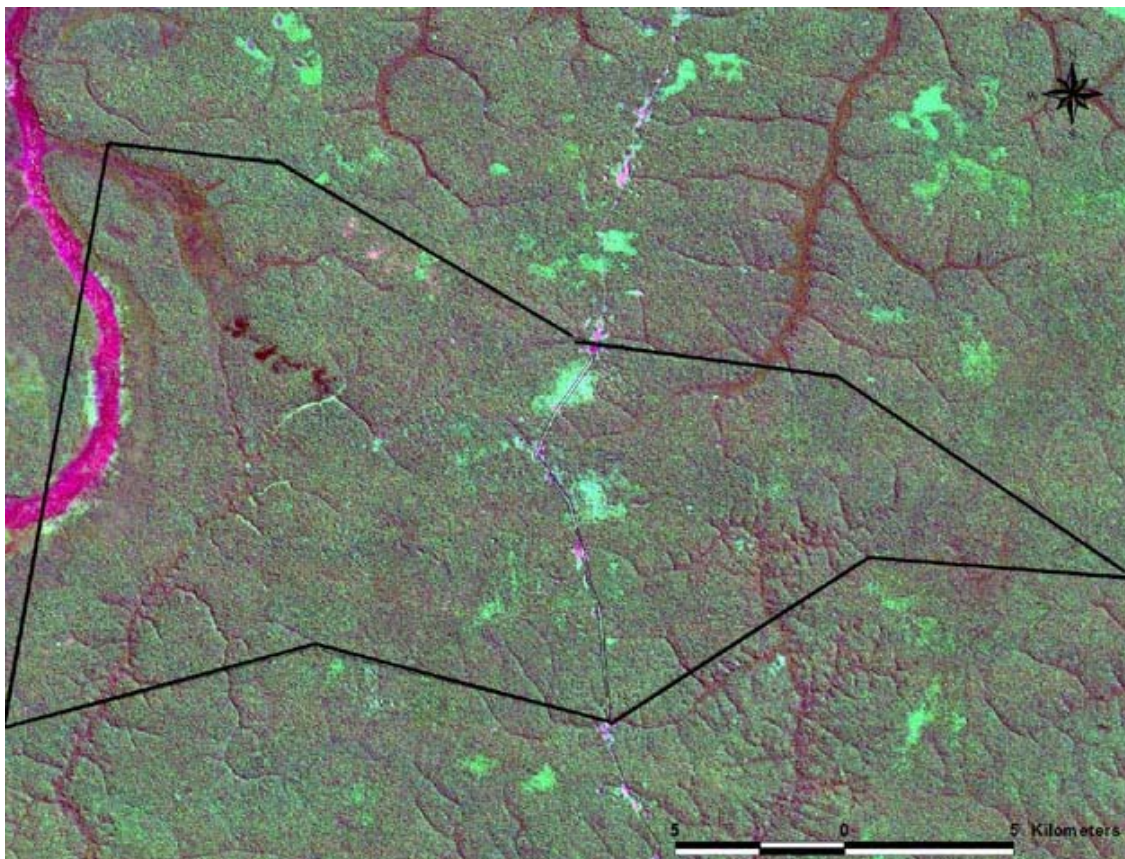


Fig. 2 Territorial Limits of Villa Florida Community.

Santa Lourdes' community is located along the main road of Pando. In 2007, the twenty one families belonging to the community obtained a title of communal property on 6.400 ha. The configuration titled area is broken into several non adjacent fragments, putting together different polygons corresponding to various individual properties.

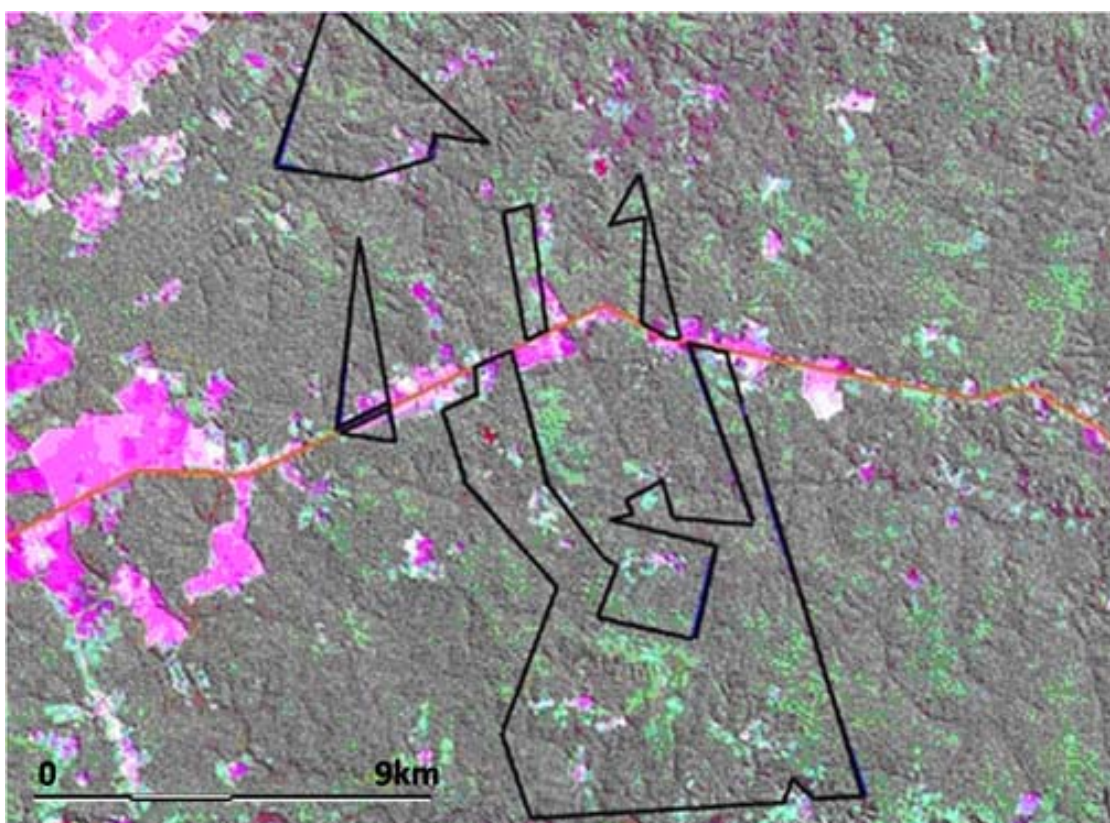


Fig. 3. Territorial Limits of Santa Lourdes Community

Different paths of construction of rights over land and natural resources in the two communities

Use rights over forest resources are not established once and for ever. This is true everywhere, but even more in Pando rural communities, where a new social fabric is under construction and strong struggles to control common resources are ongoing. Use rights permanently evolve and reshape themselves, according to changes in social and economic relationships between main stakeholders, and to changes in productions. Community members have been seeking for their independence from *barraquero's* social and economical power, through different paths.

In Villa Florida, liberation has been the result of a long protest of the inhabitants, which started during the 80' and concluded only in the 90' when the *barraquero* gave up and left the territory that had been under his control. On the opposite, independence in Santa Lourdes came as a result of the third rubber crisis, without protest manifestations. Inhabitants could free themselves from the *barraquero* as far as land access was concerned, and they could also built new socioeconomic relationships. But they kept dependent on buyers of rubber and brazil nuts, who continued controlling commercial chains and establishing prices and sale conditions for those products.

The evolution of social relationships within the communities plays an important role in the process of construction of the rights over natural resources. Thanks to political influences, or to the position community members occupied in the *barraca* system, they can get a more powerful position and play a key role in the attribution of use rights. Changes of access rules and distribution of resources are validated through time by the inhabitants. Use rights gain their legitimacy from those processes at local level.

Traditionally, use rights are built upon parcels used for gathering non-timber forest products, mostly rubber and Brazil nuts. Thus, they are linked with specific forest resources, related with paths used to collect them. Rubber trees in the past, and Brazil nut trees nowadays are the main income source for rural

families. Rights over those resources are rights to gather the "fruit". They apply to groups of trees. They can be inherited but they are not sold nor are they conceded to others temporarily. Community members rarely have equal access to those forest resources. Persons who benefited from much power within the barraca system could often strengthen their influence, and accumulate rights over the largest and most productive groups of trees. From the beginning, distribution of use rights among the community members is strongly determined by power relationships.

The *chacos*, the plots used for agriculture with slash and burn techniques, are mainly dedicated to family self-consumption. They are usually located near the Brazil nut gathering area. Primary forest or fallow bushes can be cleared ¹⁴.

In all the communities studied during the research, use rights over non timber forest products of groups of trees have progressively moved toward rights over plots of land. Rights first defined over gathering areas have slipped into rights over individual parcels encompassing gathering paths, other forest resources, areas dedicated to agriculture (cultivated and fallow plots) as well as housing. This transition may take different ways. Rights over trees are not considered as merchandizes, but improvements (*mejoras*) made by workers are sold. Purchase and sale processes are socially validated at the community level. As goods on sale are investments of human work, they gain legitimacy. Lasting improvements are easier to sale than annual crops. So fallows and even more grazing lands begin to be sold, among community members and also to outsiders. Rubber trees or Brazil nut trees were not tradable at the beginning. But they are part of global areas used by the community members. When those sell some rights based on *mejoras*, rights extend themselves to the whole area the rural family has been making use of.

This is typically the case in Santa Lourdes community. The processes of purchase / sale of improvements carried out in the parcels are at the root of the evolution of rights throughout time within the community. Initially, some rubber workers began to settle independently in some places by buying *mejoras* to the *barraquero*. In this case, the rights that get stronger through time are not the rights to access and use natural resources on groups of trees, but merely rights over plots of land. The various changes (transfers, purchases and sales of improvements) which occur in the community are locally recognized as valid by all. Through this mechanism, individual use rights over land acquire a true social legitimacy at community level and individualistic representations of use rights over natural resource develop. These changes contribute in a decisive way to the structuring of new social relationships and shapes the formation of the community itself.

In Villa Florida community, on the contrary, the processes of consolidation of rights over resources are determined by the dominance of one community member (*comunario*) over the others. Once the community got independent, the transfer of forest resource tenure rights was organized by the strongest person, who was in the past in charge of organizing the work on behalf of the former *barraquero*.

As a result, the social relationships that developed are somehow similar to the pattern of personal domination against which the residents fought during the last decades. As we noticed before, use rights are very unequally distributed. Some community members have plenty of rich areas, while others have very few, or very poor ones.

Attribution of rights from the State: the Saneamiento

The regularization procedures of lands that have taken place in Pando since 2000 on behalf of the National Institute of the Agrarian Reform correspond to the transfer of State rights over lands which were considered before as public lands (*tierras fiscales*). They are also the result of the struggles of the rural poor against the Barraca sector and against the unfair distribution of forest resources it caused.

Rights are granted in a collective way to the community on the base of an average of 500 hectares for each

¹⁴ In another community visited during this research, Campeones, community members could make their *chacos* anywhere inside the communal territory, after demanding the authorization of the "owner" of the parcel. They explain that land for clearing was so abundant, that "they could not be stingy with land". On the opposite, *castaños* were appropriated.

rural family under the modality of a *pro indiviso* right. It is often a recognition by the State of a given situation. However, as communities are recently created and mobility of inhabitants is high, the first step in the INRA procedure of *saneamiento* is to draw up a list of persons who are presently living in the place and who are recognized as the genuine community members (*carpeta*). Their names are explicitly mentioned in the title. It means that INRA recognizes rights of families¹⁵ inside a collective form of tenure, but does not recognize individual property rights by themselves. At the same time, it highlights that INRA does not completely trust the institutional body of the community, legally constituted as a Grassroots Territorial Organization, an OTB¹⁶. In spite of policies of agrarian rights attribution being conceived in favour of peasants and small gatherers, reduction of asymmetries and the redistribution of use rights has been only partial. The *saneamiento* process is limited to the recognition of ownership rights, and does not offer real solutions to the existing problems among the different stakeholders.

- The title deed obtained by the community of Villa Florida with the *saneamiento* covers an area of 30403 hectares. Initially, twenty-four families were entitled by their name. Nowadays, thirty one families are living within the community area. However, the area covered by the title is very large, summing more than 1000 ha per family. So a lot of resources can still be redistributed among new community members.
- The situation was very different in Santa Lourdes. There, the process of regularisation, through the delivery of a title deed of collective property on 6.400 hectares, was in fact the recognition of an informal – non legalised – situation. The regularisation superposed a collective title on individual plots, characterized by a private model of resource uses. When the regularisation was carried out, producers had to choose between becoming community members or being recognized as individual proprietors. Many of those who opted for being part of a community did it because of two main reasons: they would have no tax to pay on land and they could access larger plots of land, according to the law establishing the amount of land to be attributed to communities. This second point seems to have been the most important¹⁷. When the sum of all current use rights of agro-extractive families of a community does not reach an amount equivalent to 500 hectares multiplied by the number of families, INRA awards tenure rights over additional forest lands to the community, calling those "compensation area". This compensation area is established in fiscal lands, which are supposed to be unoccupied. They may be located far from the historical settlement of the community, in remote places. In such conditions, it does not always fit the community members' wishes.

The *saneamiento* does not interfere with regulation of resources management within the community. It just argues that redistribution and management of natural resources will follow the uses and customs (*usos y costumbres*) applied locally. But these can vary considerably from one place to another. The coexistence of collective and informal individual rights makes problematic and ambiguous the procedure of attribution of rights to a communal instance.

Superposition of two different models of land access

Each community establishes access and use rights over resources in a different way. The evolution of rights through time, before and after obtaining legal titles, constitutes a very important topic to study, in order to understand which rights and arrangements are really recognized and which economic and social changes are taking place. The assignment of agrarian collective property titles from the State is superposed to pre-existent rights, built at local level and based upon individual use rights over resources. Contradictions arise, sometimes conflicts, and rights evolve in ways that may completely differ from

¹⁵ The name of the family head and these of all the family members are specified.

¹⁶ Organización Territorial de Base.

¹⁷ In a way, this can be analysed as a rent-seeking attitude. See an analysis of rent seeking attitudes in Bolivian Amazon in Ruiz (2005)

what was originally intended in the legal framework

Although each community shows very specific evolution, common characteristics can be observed. The transition from use rights based over gathering resources towards property rights over land took place in Santa Lourdes before the *saneamiento*, through the social validation of sales of improvements (and land related with them) in individual plots. In Villa Florida, the opposite took place. This process occurred only once the official *saneamiento* had been carried out. Somehow, those evolutions have to be analysed as a rent-seeking behaviour, a sort of forest resources grab, as forest lands contain much wealth which is still common and can be appropriated and individually redistributed.

The original process of "saneamiento interno" in Villa Florida

In Villa Florida, the definition of individual property rights over land responded to an emblematic procedure, internal to the community, which was leading to the division of the communal territory in individual plots of 500 hectares. This process is referred within the community as *saneamiento interno*, internal regularisation of rights, but it does not fit with the law. It is based on an erroneous interpretation of the Decree 25848, that recognizes the titling of 500 hectares per family, but through a collective title, which is inalienable, indivisible, irrevocable and not-mortgageable¹⁸. This dynamic was impelled from outside, by technicians of the departmental administration that carried out the measurement of individual parcels. However, it was validated at internal level by community members in their general meetings.

Once the land surveying was done, this procedure was stopped, as a result of the opposition of some community members, whose current use rights over groups of Brazil nut trees were seriously affected by the subdivision of the communal territory in 500 hectares plots. Actually, it was the case for powerful inhabitants who owned rights over important quantities of forest resources, a product of bottom-up social validation within an unequal power framework. Some community members were interested in being awarded not only one 500 hectares plot for themselves, but also another one in name of their wives. This is not legal, but it occurs.

When rights are granted under the community governance bodies, the community recognizes them but not any formal document is issued. So, those individual rights remain weak, and they are not opposable to third parties, and even less if those are external to the community.

Such a subdivision process of collective areas is not an isolated case. Many communities have been carrying it out for several years. It is actually one of the key political issues that divided the peasant movement in Pando since 2008.

The current situation: Conflicts inside communities and between forest communities and outsiders

In Pando, the implementation of the *saneamiento* process allowed a better distribution of forest resources within local actors. However, the legal definition of tenure titles is overlapping with previous configuration of locally recognized rights. Consequently, contradictions and conflicts arose inside and outside the communities.

The major contradiction is the opposition between 1/ the traditional model based on use and access rights to non-timber resources, and 2/ a model that establishes private ownership on land and puts together all kind of rights in a sole bundle, controlled exclusively by the owner. This second model goes together with a polygonal vision of space, which is in line with the delimitation of geometrical land plots. (land surveying). Even if it seems more equitable in theory, this proceeding does not consider the very unequal distribution of forest resources on land and breaks traditional extractive rules. Such a right model does not allow overlapping spaces of use rights over different resources, like brazil nuts, rubber, timber or palm trees.

Nowadays, conflicts oppose community inhabitants between themselves and community members

¹⁸ Agrarian Reform National Law, Ley de Servicio Nacional de Reforma Agraria SNRA 1715 18 October 1996.

against outsiders, all of them interested in access to resources as land, brazil nuts and timber.

In Villa Florida: conflicts related with the division into 500 hectare plots

The internal division into units of 500 hectares for each community member in Villa Florida responds to the wish to reach a more equalitarian access to resources than the one that has prevailed historically. However, this system doesn't take into account important aspects related with the management of the forest resources or with the traditional use rights¹⁹.

The lack of correspondence between these two different representations of use rights over forest resources -- the first one based on land plots, and the second one on groups of trees surrounded by their related infrastructure -- provokes conflicts between the community members (*comunarios*) and with residents of adjacent communities, in particular during the harvest period.

The delimitation of boundaries between parcels as well as borderlines between adjacent communities is done by INRA when this institution carries out the *saneamiento*. Drawing is carried out on the layout of right lines between referential points. Very often, those lines do not respect traditional gathering areas. Furthermore, the internal assignment of the parcels within the community depends on the influence of each *comunario*. This results in new power asymmetries being built at local level, where political factors play a key role.

Another cause of conflict is related to neighbouring remaining *barracas*. In this case, use rights over the old *barraca* territory have not yet been cleared. Villa Florida and two neighbour communities consider that it is public land, and they claim use rights over *castaña* trees of this area. Meanwhile, the *barraquero* claims what he considers being part of his historical rights and sends therefore workers to collect Brazil nuts. As a result, many conflicts have occurred.

In Santa Lourdes : conflicts about land, Brazil nut trees and timber

Historical and social characteristics of Santa Lourdes, and the fact that it is located on the main road, determine dynamics in relation with the use of resources that are very different from those that have been described in Villa Florida.

The conflicts related with natural resource use are numerous and sometimes violent. Land and natural resources became progressively scarce and the little amount of remaining ones are prone to be grabbed by community members, neighbour community inhabitants, as well as by private owners of agricultural and grazing estates.

Within the community, conflicts are mainly concentrated on land, and especially on areas not yet formally occupied. Compensation areas which have been granted by INRA to Santa Lourdes are particularly conflicting. Those areas have been occupied by families of Brazilians for years. They already established use rights but these rights cannot be regularized because Bolivian Law does not allow land titling to foreigners near the State international borders. Santa Lourdes' community members cannot access those lands, and conflicts are especially violent, having already caused some victims.

Other confrontations take place in areas which have been occupied in the past by external stakeholders (*barraqueros*, individual land owners). During the *saneamiento*, after being demonstrated the non-fulfilment of the economic and social function, some lands were attributed to the community. The former owners are still claiming their rights over these areas.

Sales of individual land tenure rights, through the mechanism of improvement sales, allowed outsiders to enter the territory titled in the name of the community. There are usually well-off people who seek for obtaining tenure rights over parcels rich in natural resources, located near Cobija²⁰ and the main road. Such sales are prohibited by the law. But even if they don't have legal back-up, they do exist and are

¹⁹ based on the definition of individual use rights over groups of trees

²⁰ The capital of Pando department.

accepted in the community. The parcels remain titled on the name of the comunarios that have sold their use rights over the collective territory.

Doing that, these peasants lose the possibility to affirm their rights over other communal areas, conquered by means of collective and difficult struggles of the peasant sector. The arrival of external people also entails important changes in relation to the community social structures, and also in the way land is used. More forest lands shift to grazing lands.

While use rights over forest resources are not protected against third parties, making improvements, through deforestation and setting up new pasture lands is one of the best ways to claim property rights over land and to have them recognized by everybody. Moreover, making grasslands implies that land prices will increase, even more if the plot is fenced. If the producer has to go out, he knows that he will be able to count with this invested capital²¹. Other resources do not seem to be as easier to value and to take advantage of.

Discussion

The region is characterized by mechanisms of appropriation of common resources strongly embedded with mechanisms for securing rights. Within this landscape, the different social groups have very unequal power. Nothing is completely white, nothing is completely black. Everything is evolving, beyond ideological and moral positions. For this reason, understanding changes and pointing out trends are key issues. Otherwise, public policies and laws can lead to completely different results than those expected.

Beyond the apparent landscape of uniformity of the region, Pando communities are very different. Therefore, it was not possible to draw-up general conclusions on the basis of the two cases of Santa Lourdes and Villa Florida and from shorter visits in Campeones and other communities. The work consisted in analysing processes and obtaining a better understanding of how land and natural resource rights are evolving. Based on what informants in the field exposed, it was possible to summarize the different rights through a matrix, which crosses rights holders with types of rights. (see table 1 and 2).

The tables are strictly focused on peasant and extractive communities, and are based on the specific situations that were documented during the research. They do not cover the specific distributions of bundles of rights in indigenous communities, in timber concessions or in barracas (or concession on non-timber forest products). Nor do they focus on rights over timber for commercial use, as communities studied during this research have not developed these activities. Notwithstanding those limitations, this work helps in understanding the concrete processes on which rights legitimacy is based upon, and how these processes are strongly related with social and political issues, as well as also with production systems.

Beyond their different histories, Villa Florida and Santa Lourdes give an idea of two historical moments of the colonisation of forest lands. In Villa Florida, or in Campeones, land is abundant in relation to the number of inhabitants. Free access to land to be cleared (chacos) should be the case, but in Villa Florida, it is regulated by the Reserve. The scarce resources are Brazil nut trees. Within this context, community members are not aware of the importance of controlling and regulating the clearing of forest in order to maintain soil fertility and control weeds in chacos. As those settlements are recent, and do not originate from the reproduction of similar production systems, there is no collective mechanism of governance of fallow bush areas, as it can be found in other parts of the word²².

²¹ 220 US\$ for one hectare of enclosed pasture land in 2009, according to the field data gathered

²² See for example the agrarian systems of Lao mountain tribes.

Table 1. Main right holders and different types of rights over land and natural resources in agro-extractivist communities in Pando. (1/2)

	right held by	usufruct rights	Management Rights	relation with time		Limits, restrictions	Comments
				right validity	rights to transfer the other rights		
Collective rights	Nature Reserve	-	access control to the territory control on natural resources withdrawal	permanent		national laws	only in some communities, within the reserve area
	Community Legal Entity (OTB, Grassroots Territorial Organization)	Access rights to all kinds of natural resources	access control to the territory is possible management rules and use norms can be established	permanent, no prescription	cannot be sold Temporary transfer of Rights to companies or to community members is possible (lease)	national forest law	control over the territory does not always works, Key importance of the way the OTB works
Gathering, Hunting and fishing Rights (individuals and families)	individual / family	rubber recollection right over "estradas"	historically not. Strongly claimed for the last decades, now recognized or in process of being recognized	valid as long as the person lives in the community	cannot be sold can be inherited		duties and obligations are different if the right is granted by a "barraquero" or by a community
		Brazil nut recollection right over groups of trees.			cannot be sold can be inherited		
	community members	right to gather non-timber products (Palms, etc.) or timber for domestic use	-	valid as long as the person lives in the community	usually, these rights are not sold they are not inherited	national forest law	Use restrictions at community level, when resources become scarce. When they gain commercial value, trend to privatisation
	community members Everybody	right to go hunting	-	for ever	usually, these rights are not sold they are not inherited		very difficult to control, free access
		right to fish	control rights of commercial fisheries belonging to community foreigners are claimed by the communities	for ever	usually, those rights are not sold they are not inherited		sometimes, access may be controlled by the "owner" of the land

Table 2. Main right holders and different types of rights over land and natural resources in agro-extractivist communities in Pando. (2/2)

	main rights held by	usufruct rights	Management Rights	relation with time		Limits, restrictions	Comments
				right validity	rights to transfer the other rights		
Rights related to agricultural work, cattle breeding, or tree plantations	individual / family	annual crops (chacos) The person who did the work holds the rights over the agricultural product	the farmer, the community or the "owner" gives permission to clear the area for cultivation (chaco) and to cultivate for one or two years. After this period, the bush fallow is reverted under community control	temporary	it is possible to sell improvements "mejoras", just related with the crop, but it does not occur.	those established by the community and by the owner	It is not clear whether or not the farmer can make use of timber.
		perennial crops (planted trees) The person who did the work holds the rights over the fruits given by the trees	the planter just on the trees, valid even if the soil is under the control of another person	as long as the perennial crops exist	It is not clear if those rights can be inherited it seems that those rights cannot be sold		Planting trees in a fallow land helps the planter to keep control over the fallow and to claim a permanent right against the community
		annual crops (chacos) including the reverted land – bush fallow (whole crop rotation) The person who did the work holds the right over the agricultural products.	The farmer has an exclusive control over the reverted land / bush fallow.	valid as long as the person works in the plot and lives in the community otherwise, rights return to be held by the community	Those rights can be (and are) inherited Through the sale of lasting improvements ("mejoras"), rights become more and more permanent. Sales are frequently subjected to community control. It is generally allowed to sell mejoras to another member of the community, but selling to a foreigner cannot be done without a previous agreement.	Rights evolve and move to ownership, if community controls and rules get weaker or if they do not work anymore.	
		range lands and grazing lands, infrastructures (fences, enclosures, ...) The person who did the work holds the rights over pastures and infrastructures	The farmer has an exclusive control over the grazing lands.	permanent, as long as grazing lands are not reverted to forest			

Drawing limits around communal territories changes the awareness of stakeholders that space is infinite. But historical production and gathering systems have not been articulated with the governing of bounded spaces. Apart from rubber and Brazil nuts, collected on a family basis, no other forest resource has been used. It has been difficult to take advantage of timber, except for domestic use or through gathering practices which remain illegal. Under these conditions, consciousness of working within a collective territory which has its own resources and which requests collective governance is necessarily weak. So, entering in a community may be the best opportunity for poor peasants or extractive workers to access land, and shifting land use from forest to pasture seems to be the best way to secure their rights among time. It is not really the case, as long term perspectives are difficult to deal with when some one is on a day to day survival economy, as it is the case for a small producer.

Presently, the expected economic income from Brazil nut gathering is not more than about 15 US\$ by hectare. This is a very low income²³. If other forest resources could be used as sources of income, it could be higher. Developing new economic activities from the forest is obviously an interesting way to change these patterns. There are examples in Pando, such as communitarian timber management, but this research did not focus on this subject. The improvement of Brazil nut cooperatives, which has been studied by another CIFOR team, points at other interesting opportunities. This paper did not address economic issues. However, the authors want to stress that these issues are absolutely necessary to consider in any comprehensive analysis on the development perspectives of the Bolivian Amazon.

From the results of this research, it becomes evident that it is necessary to go beyond the opposition between collective and individual rights. Both types of rights have always coexisted. They are part of a same dialectical unit. Dividing and opposing them causes antagonisms, conflicts and failure. On the one hand, individual property rights need to be secured. This means that these rights should be opposable to a third party, even if he/she is not part of the local community. On the other hand, collective rights have also to be clearly defined and secured.

The theoretical framework used in this paper highlights contradictory relations as evolution drivers, and specifies when those contradictions move to antagonism. Trends and risks that appeared are easier to understand within this approach and it becomes possible to come up with concrete policy proposals. It is not the right place to develop them here, and the paper just wants to open some doors for better understanding of these processes.

The contradiction between individual and collective at local level has been illustrated along the last pages. This contradiction is not a problem in itself. The problem is not to recognize that contradiction exist. The "best" way to obtain strong individual rights is to obtain titling as a private owner. For people who do not have enough power to do that, entering a community gives also opportunities to strengthen their individual rights. But at the same time, the non legal recognition of private rights, except through local customs, leaves people to consolidate rights which are antagonistic with environmental and long term interests of the inhabitants. As communities are very small as well as recently created entities, they lack a common governance and ideological framework, making them prone to the risks of extreme concentration of power among some families. Establishing "*contre-pouvoirs*", dividing entities involved in decision making processes and allowing space to opposition forces, is quite impossible at this spatial level. It would be possible if several communities were involved in a larger unit. As it was explained, the control of transfers of tenure rights is very difficult at community level in Pando, and this enables outsiders to enter the communities²⁴.

²³ The income by working day is high, but when land becomes scarce, producers have to change their economic rationality. By comparison, net incomes from slash and burn agriculture are about 1000 US\$ per ha in the cultivated area. If we consider a two year period of use and a ten year fallow period, it still gives 167 US\$ by year, which is more than ten times the income from Brazil nuts. We do not have direct reliable data on cattle production, as only one case was available. It seems to be that net income by hectare should be lower than long term *chaco* production and higher than Brazil nut gathering (Merlet and Fraticelli, 2009).

²⁴ In some places in Pando, "communities" are merely ghost communities, constituted by big farmers or well-off families of

If individual and collective were considered as part of the same reality, if people were not obliged to opt for one or the other tenure regime, it would be possible to govern the contradiction and to make changes in a way which corresponds with global interest of the population. The control of transfer of land and natural resources rights appears being one of the key issues. Transfers are necessary according to productive and social needs of producers and *extractivists*. A control of those transfers is necessary to avoid fast land concentration trends and transformation of forest into pastures. It is not possible at the community level, but it should be possible at the level of a bundle of communities, and if a shared mechanism of governance could be established, involving state civilians and grassroots organisations.

Another important antagonism appears between long term and short term interests. Here again, theoretical concepts of land rights in the common law system are more adequate to focus on such issues. They can help by making compatible general interest with long term and short term interests. Collective stakeholders are core actors in long term management. The mechanisms of concessions of use rights seems to be more compatible with long term perspectives and environmental preservation than with land ownership when an effective control of forest management cannot be secured.²⁵

Conclusions

The opposition between traditionally affirmed rights at the grassroots level (both individual use rights over non-timber forest resources as well as property rights over land built upon improvements – *mejoras* - reinforced through market mechanisms) and the endowment of collective communal titles is based on the fact that both were mutually exclusive in the Bolivian legal framework. This key point started to change in January 2009 as the New Political Constitution of the State recognizes the complementarities between individual and collective rights in the titling of communities.

Extracts from the 2009 Constitution. Chapter 9. Land and Territory.

Artículo 393.

El Estado reconoce, protege y garantiza la propiedad individual y comunitaria o colectiva de la tierra, en tanto cumpla una función social o una función económica social, según corresponda.

Artículo 394.

I. La propiedad agraria individual se clasifica en pequeña, mediana y empresarial, en función a la superficie, a la producción y a los criterios de desarrollo. Sus extensiones máximas y mínimas, características y formas de conversión serán reguladas por la ley. Se garantizan los derechos legalmente adquiridos por propietarios particulares cuyos predios se encuentren ubicados al interior de territorios indígena originario campesinos.

II. La pequeña propiedad es indivisible, constituye patrimonio familiar inembargable, y no está sujeta al pago de impuestos a la propiedad agraria. La indivisibilidad no afecta el derecho a la sucesión hereditaria en las condiciones establecidas por ley.

III. El Estado reconoce, protege y garantiza la propiedad comunitaria o colectiva, que comprende el territorio indígena originario campesino, las comunidades interculturales originarias y de las comunidades campesinas. La propiedad colectiva se declara indivisible, imprescriptible, inembargable, inalienable e irreversible y no está sujeta al pago de impuestos a la propiedad agraria. Las comunidades podrán ser tituladas reconociendo la complementariedad entre derechos colectivos e individuales respetando la unidad territorial con identidad.

Artículo 403.

I. Se reconoce la integralidad del territorio indígena originario campesino, que incluye el derecho a la tierra, al uso y aprovechamiento exclusivo de los recursos naturales renovables en las condiciones determinadas por la ley; a la consulta previa e informada y a la participación en los beneficios por la explotación de los recursos naturales no renovables que se encuentran en sus territorios; la facultad de aplicar sus normas propias, administrados por sus estructuras de representación y la definición de su desarrollo de acuerdo a sus criterios culturales y principios de convivencia armónica con la naturaleza. Los territorios indígena originario campesinos podrán estar compuestos por comunidades.

II. El territorio indígena originario campesino comprende áreas de producción, áreas de aprovechamiento y conservación de los recursos naturales y espacios de reproducción social, espiritual y cultural. La ley establecerá el procedimiento para el reconocimiento de estos derechos.

Cobija, under the only objective to obtain rights over land.

²⁵ See the evolution of forest and land rights in the Amazona State in Brasil. Merlet, 2009.

However, this important theoretical change has not resulted yet in significant changes in laws and regulations. As it often occurs, the way this change will be translated into actions can completely modify its potential impact.

Moreover, it provoked protest from some social sectors, especially the indigenous groups, who considered that such change jeopardizes their historical re-conquest on the control of their ancestral territories, and endangers their survival as specific human groups.

It looks pertinent to build upon the customs and traditional governance systems of the altiplano region, where these are still strong and evolving on their own. However, in the Bolivian lowlands, a governance system has to be built from almost nothing. It needs time, it needs means, and it needs to give people the right to make errors and to correct those mistakes, making the necessary adjustments.

In the processes described in Pando, decisions based upon the present legal framework have irreversible effects. Even if forest areas are still dominant in the department, the ending of saneamiento as well as the transfer to private owners or concessionaries of all fiscal lands creates the condition for a considerable speeding up of deforestation. Since September 2009, this process has been reinforced with the promotion by the central Government of new colonies of small farmers coming from the *altiplano*, as it has been reported in the news.

This paper does not close the discussion. It opens some perspectives showing that forest tenure and land tenure are strongly related. It also argues that the establishment of governance mechanisms compatible with the interests of future generations requires to built a new paradigm, using different concepts as far as property rights are concerned. Otherwise, such important stakes as environmental preservation and the need for a more fair distribution of wealth will not be addressed.

According to legal traditions, different ways of calling things, as well as for describing mechanisms are available and they lead to different governance systems :

⇒ One is based on the distinction of different kinds of rights, as it is commonly done in Common Law theoretical frameworks.

In this perspective, management rights and transfer rights could not be endowed to private individuals and should be controlled by collective bodies. Concessions and land trusts seem to be more compatible with long term perspective, as they combine both the recognition of different categories of rights, and the acceptance of Equity, which can be applied in a wider perspective than the FES -- Economical and Social Function -- has done.

⇒ another one is considering different rules and regulatory processes at different spatial levels as it is done by the civilian code doctrines. Ownership is supposed to cover all kinds of rights, but is limited by lots of mechanisms, which in fact reveal other kind of rights without giving them such name.

Long term management can also be dealt with in those systems if adequate institutional mechanisms are set up. (land market regulation for example)

In both schools, what is at stake is the autonomy in different spatial scales. It is possible to obtain the same results under Civil Law or under Common Law traditions. Efficient public policies for forest governance will not be successful without addressing those issues.

Building new governance mechanisms is badly needed. This implies extending and deepening the trends of democratisation and recognition of social and cultural diversity that are one of the most significant characteristic of the last decades in Bolivia. In order to do this, the construction of new social relationships, the reshaping of social fabric at local level, the building of regulation schemes at several spatial scales are all absolutely necessary. It will probably have to be done among strong political struggles, and to be secured on long term perspective. That is why opposition forces are important to

involve, reversible actions should be promoted and right to mistake should be allowed.

Such a programme means the construction of a new social deal. For the moment, it seems to be that not enough means have been dedicated to explore innovative paths, to experiment new regulatory mechanisms, to train people. But there is still time and the last decades of Bolivian history provides room for optimism.

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