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Indigenous Territories and REDD in Latin America: Opportunity or Threat?

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Received: 20 January 2011; in revised form: 21 February 2011 / Accepted: 2 March 2011 / Published: 11 March 2011

Abstract: An important proportion of Latin America's forests are located in indigenous territories, and indigenous peoples are the beneficiaries of about 85% of the area for which local rights to land and forest have been recognized in Latin America since the 1980s. Nevertheless, many of these areas, whether or not rights have been recognized, are subject to threats from colonists, illegal loggers, mining and oil interests and others, whose practices endanger not only the forests but also indigenous people's territory as a whole. In this context, REDD could constitute a new threat or intensify others, particularly in places where indigenous tenure rights have not been recognized, but REDD could also offer new opportunities. This article describes the limitations of thinking only in terms of communities, rather than territories, and examines the extent to which REDD has been conceived considering the characteristics of this new territorial configuration. It also identifies the challenges that REDD may face with this new 'stakeholder', such as numerous specific characteristics of territories, given their heterogeneity, in the context of past experiences regarding 'forest options'. This paper analyses the situation in already-titled indigenous territories in particular, and also discusses problems facing territories in the titling process.

Keywords: indigenous rights; property; forest tenure reform; community forestry; climate change

1. Introduction

Some men in suits walked up and down the town, their pockets full of money, buying lands left, right and centre. They were so generous paying for people's drinks that some had trouble staying sober even one day a month. Suddenly, they were gone, back to where they had come from. The city was theirs. The partying was over. It was time to work. Work for them (*Author's translation*). Philippe Claudel, *Les Ames Grises* (2003) [1].

The titling of lands and territories to indigenous people has been the most significant land tenure change in Latin America in the last 30 years, since the agrarian reforms of the mid to late 20th century [2,3]. But unlike the agrarian reforms, which involved small parcels of land, indigenous titling covers vast territories with very low-density population. And instead of agricultural and livestock lands intended to ensure food security, the current process involves lands with valuable forest resources, which should ensure indigenous people's rights and cultural continuity.

These territories represent a significant percentage of each country's forest area, and their biological diversity is comparable in importance with that in protected areas. However, like protected areas, indigenous people face all kinds of threats to their titled territories and forests from settlers, illegal felling, extractive companies and other pressures. This is why indigenous territories have an *a priori* importance to REDD schemes, and why REDD is important for indigenous people. However, as we will see below, indigenous organizations have good reason to think that REDD may simply be a new threat.

Based on experiences in Bolivia and other countries in the Amazon Basin and Central America, this paper reports on this new situation, namely indigenous territories in Latin America. It describes the limitations of thinking only in terms of communities, rather than territories, and the need for new paradigms that take this new spatial reality into consideration, not only quantitatively but also qualitatively. It examines the extent to which REDD has been conceived considering the characteristics of this new territorial configuration. It also identifies the challenges or difficulties that REDD may face with this new 'stakeholder', which will eventually be prioritized by REDD, because indigenous territories—like protected areas—have certain characteristics that make them particularly attractive for REDD [4].

We will stress the need for a territorially oriented approach that also considers the specific characteristics of territories, given their heterogeneity. This paper analyses the situation in already titled indigenous territories in particular and also discusses problems facing territories in the process of titling more generally.

Furthermore, it describes the different 'forest options' historically offered to indigenous people and rural communities, among which REDD seems to be the most recent. It assesses the extent to which Community Forest Management experiences in Latin America are relevant in this new territorial context. As we know, Community Forest Management experiences in the region have shown the benefits and difficulties of community/collective ownership and/or management of forests, particularly in relation to commercial ventures [5]. REDD is likely to face similar challenges.

2. The Titling of Lands and Territories

In most of Latin America over the last three decades, especially in lowlands, we have seen a devolution to indigenous people of their traditional lands. This has been, together with the stimulation of land markets promoted by some governments under neoliberal policies in the 1990s, the most significant change in the agrarian structure since the historical agrarian reforms throughout the continent.

In recent decades, vast areas have been titled as indigenous lands and territories. The following numbers clearly show the importance of land titling processes for indigenous people in the region, with the territories of all 375 indigenous people in the so-called ‘Global Amazon’ (71 of which still live in voluntary isolation) covering 25.3% of the total area (see Table 1). If we add protected areas, many of which are home to indigenous people, the cover goes up to 41.2%. Protected areas actually represent 20.9% of the Amazon basin (and not 15.9%, as apparently indicated by the difference between 41.2% and 25.3%), because nearly 24% of these areas overlap with indigenous territories [5]. Cisneros and McBreen [6] have revealed that 214 of the 801 National Protected Areas in South America overlap to some degree with indigenous territories.

Table 1. Indigenous territories in the Global Amazon [7].

Country	Percentage of country's Amazon
Bolivia	25.7
Brazil	21.7
Colombia	56.0
Ecuador	64.8
French Guiana	7.3
Peru	16.7
Venezuela	67.4
Guyana and Suriname	No information available
Global Amazon	25.3

Recognition of the rights of indigenous people over territories and forests has grown exponentially all over the world in the last few years. In 1985, 143 million ha had already been titled to peasants and indigenous people. Only 16 years later, in 2001, this number had increased by nearly 150% to 360 million ha [8]. Latin America is, in fact, where rural communities and indigenous people own the largest forest area in the world, as shown in Table 2. Around 190 million ha of the 360 million ha owned by communities globally are in Latin America ([8], 2001 data; 2008 data suggest 380 million ha [9]). And 160 million ha of this is in indigenous territories or communities (nearly 85%) [8]. (In spite of this substantial progress, this is only a fraction of the lands claimed by indigenous peoples, especially in Africa and Asia, and the number represents merely 9% of total forest area worldwide.)

Table 2. Forest tenure by region [9-11].

	Global	Latin America	Africa	Asia
Governments	74.7	36.1	97.9	67.8
Owned by Indigenous People (IPs) and communities	9.1	24.6	0.1	23.6
Allocated for use by IPs and communities	2.4	7.3	1.6	2.9
Company-owned and private	13.8	31.9	0.4	5.7

Note: Data include 36 of the countries with the largest forest area, which together account for 85% of the world's forests.

The magnitude of indigenous ownership of these vast forest areas is clearly illustrated in countries such as Colombia, where in the last 20 years, the government has titled 36,336,807 ha (32.2% of the national territory) [12], especially in the Amazon. Similarly in Brazil, 105.6 million ha have been demarcated in indigenous territories [13]. In Ecuador, 14 indigenous nations own 6.3 million ha [14], while in Bolivia more than 12.6 million ha have been titled as indigenous territories, with an average of 201,416 ha per territory [15]. Demarcation and titling have also been beneficial to extractive and peasant communities of African descent.

Low population density is a feature of indigenous territories in the Amazon Basin. In Colombia, only 70,000 of almost 1.4 million indigenous people live in Amazonian territories [12]. In Ecuador, except for the two most populous ethnic groups (Kichwas and Shuar), the population of the eight smallest Amazonian nations taken together is less than 15,000 people who own 2,300,000 ha [14], while in Bolivia the population of the 27 smallest indigenous groups (all in lowlands) is merely 35,300 people (a total of 1,300 people each), 40% of whom already live in urban areas (according to the most recent census of 2001: over 15 years old and declared membership of a native indigenous people) [16]. The Vice Ministry of Land estimates that for indigenous territories in the lowlands, the total population is 100,000 people and that they control 7.5 million ha, approximately 450 ha per family [17]. The large land area combined with the low density population, as well as substantial heterogeneity, will be a central challenge in territory control and management, and are not minor details to consider in REDD implementation in indigenous territories.

However, the territorial claims of a large number of communities and people are being delayed or simply not considered by the State, or are being held up in land courts [3]. To these people, whose land rights are not being recognized, REDD constitutes an additional threat—as we will see below—as it adds a new value to land or to potential extractive activities: the value of carbon [18].

3. The Emergence of Indigenous Territoriality

Three factors have contributed to the titling of indigenous territories: firstly, indigenous people's struggles for the ownership of their traditional territories; secondly, the development of new legal instruments in support of indigenous people at national and especially international level; and finally, the emergence of the environmental issue [19].

Of these, the key determining factor has been indigenous people's struggles against the racial and social discrimination to which they have historically been subjected [20] in the face of the deprivation of their lands and resources [21], and later to stop their indigenous rights from becoming a dead issue.

Indeed, these struggles are not over, as evidenced by the events of 2009 in Bagua (Peru) and in other countries in the region.

Other equally important factors have been the various legal instruments adopted in the context of the United Nations system, which recognize indigenous land rights (particularly the ILO-Convention No. 169, although ratified by only a few countries, and the U.N. Declaration on the Rights of Indigenous Peoples). These instruments have also been ratified time and time again by several rulings of the Inter-American Court of Human Rights (IACHR), based in San Jose, Costa Rica, all binding for American States. The Awas Tingni case has been particularly important, as it recognizes that ‘the international human right to enjoy the benefits of property [...] includes the right of indigenous peoples to the protection of their customary land and resource tenure’ ([22], quoted in [23]). Land rights are also enshrined in the constitutions or legislation of several of the countries (e.g., the Colombian Constitution of 1991, the new Ecuadorian Constitution of 2008, the new Bolivian Constitution of 2009 and earlier under the INRA Law of 1996, Nicaragua under the Constitution of 1987 and Law 445 of 2003, Panama under Law 72 and Peru under the Native Communities Law, DL 22175, of 1974).

Territory and land rights are, in the case of indigenous people, part of a set of other collective rights, including the right to autonomy or self-government, to natural resource management, and to free, prior and informed consent (FPIC), although these rights are not always recognized in national legislation or in practice [20].

The emergence of indigenous people and constitutional recognition of their collective rights has resulted in their visibility as social and political stakeholders and in unprecedented leadership in the international scene, especially on environmental policies (Convention on Biological Diversity, Framework Convention on Climate Change, and so forth), and in connection with REDD mechanisms. Another important consequence has been the recognized existence of customary law as another source of law.

Since the 1990s, the concept of indigenous community has also gradually ceased to be valid as a political and legal entity in the process of indigenous land titling and instead it has been replaced with the notion of people and territory [19]. However, in practice, the community continues to be the day-to-day core reference (and sometimes the administrative centre) of greatest importance for indigenous families, rather than territorial organizations.

In this sense, the scale or size of these new territorial areas poses new challenges for management or governance (political, social and economic challenges), in which communities have no prior experience. In most cases, each territory is a vast area that has been titled to a considerable number of communities and settlements, sometimes even from different ethnic groups, for which existing ‘community government’ models designed for small areas and limited to a few families are no longer appropriate—as is also the case with the new management models proposed by the State.

The concept of Common Property Management (CPM) is often based on simplified images where communities are identified as small and homogenous spatial units that are relatively static in terms of ethnicity, income and language as well as the existence of some kind of shared norms and common interests. Many scholars have criticized this simplified understanding of communities as being too static and that it does not reflect the social dynamics, inequalities, power relations and differentiated interest within the communities [24,25]. This simplified assumption often becomes an obstacle to translate a CPM approach into operational strategies, projects and programs. All this means that the

concept should be further developed in the case of territories, which are much more complex units or entities (and less studied) than communities.

It is interesting to note that although permanent indigenous people's claim to their ancestral territories is based, among others, on historical reasons, the centuries-long occupation of these territories by third parties has resulted in the loss of the customary capacity for their governance, since they have been reduced to a cluster of communities, sometimes virtually unrelated to one another. Rebuilding or reinventing these governance structures is one of the greatest challenges of indigenous territorial organizations.

Added to the governance challenge are their difficulties in facing continuous threats to the integrity of their territories from other stakeholders, from settlers from densely populated areas (like the Bolivian Altiplano or north-eastern Brazil), large and small loggers, livestock farmers and agricultural companies attracted by grain prices or by biofuel projects, mining or oil activities, or tourism (in some areas of Honduras and Nicaragua), or even illegal activities such as coca cultivation. These threats are now being fuelled by an international appetite for lands for food production, fuels and carbon sinks [9]. If we see these threats as the main causes of deforestation and forest degradation, it is reasonable to think that REDD should be a natural ally of indigenous organizations.

Except in a few cases, it still cannot be claimed that the titling of indigenous territories has directly translated into better living conditions for all. The reasons include the ambiguous, inefficient role of States which do not know how, or do not want, to develop public policies and specific programs to help address the social and economic challenges faced by territorial organizations in strengthening the management of these territories. In some cases, the titling was even 'arranged' in the interests of third parties (settlers, extractive companies, *etc.*), knowing that communities were unable to stop third parties from coming in or appropriating some of these resources.

4. Indigenous Territoriality and Forests

The end of the hinterland is the title of a recent publication [9], and the phrase accurately reflects one of the challenges facing indigenous organizations given the above mentioned external threats: the need to physically occupy the territory and to protect their forest ecosystems from third parties with an appetite for these lands. In this context, to tackle those threats, traditional (community) land uses and organizations might not be useful anymore; in addition, the State does not seem to be interested in or capable of ensuring indigenous people's exclusion rights over their territories.

The second challenge facing indigenous organizations is to 'manage' the area so as to ensure cultural continuity (hunting, collection, fishing, small subsistence farming, crafts) and the generation of the monetary income these people need, given their growing market insertion. In both cases, forests and biodiversity are obviously their main resources. In general, except for a few Indigenous Territorial Management (ITM) experiences promoted by the Confederación de Pueblos Indígenas de Bolivia in Bolivia [26], and some Life Plans (or Planes de Vida) developed by indigenous organizations from Ecuador and Colombia to envision their community development, indigenous people have big questions about how to manage their territory and have serious difficulties in designing what to do with their forests.

In the last 20 years, indigenous communities have implemented different projects or initiatives related to their forests (see Box 1). Most of these projects and initiatives are not the result of their own reflections or decisions, but have been pushed by conservation or development organizations. These organizations have their own interests, their own agenda and their most effective argument: the funding they provide [27].

The range of experiences and projects promoted has been wide, with different views on what communities or indigenous organizations should do with their forests. Ideas range from more conservation or very low-intensity management proposals to projects more inspired by the industrial forestry model, as well as the utilization of non-timber forest products and agroforestry, forest-grazing or small farming proposals. The most common has been to combine community forms of organization with production for the market, promoting small-scale forest management and use, which is generally called community forest management.

Box 1. New challenges facing indigenous territories in Bolivia.

In Bolivia, forest management has been seen not only as a means to promote sustainable forest use and reduce poverty in indigenous communities, but also as a way to exercise control over recently titled territories. But the high transaction costs associated with the need to comply with the law have forced many territories to enter agreements with logging companies or to participate in projects with Non-governmental organizations (NGOs) promoting Community Forest Management. In practice, however, due to ineffective control systems, many indigenous territories have been subject to widespread illegal felling, which has resulted in accelerated degradation of their forests. While in some cases it is claimed that community forestry has strengthened local organizational structures, it has generally been a way to validate unrestricted tree felling, especially when external monitoring has been short term. This is partly because traditional or community forms of forest management and regulation of the use of resources have not been taken into account.

The Constitution of 2009 recognizes the right to autonomy in indigenous territories. In the short term, this will translate into support for more effective systems of local governance, especially regarding natural resources, and an official policy of recognition of self-regulation and social control processes, particularly in connection with natural resources. As part of a broader program, the Bolivian Government intends to create a package of incentives for the conservation and sustainable use of forests. However, the current policy does not recognize market mechanisms for REDD, so the Government moved away from some indigenous organizations that would significantly benefit from REDD. Instead, the Government has established a national climate change and forest program that will be part of a system to support forest users. The program is intended to create a favorable environment for indigenous communities to maintain their integrated natural resource management practices, without necessarily utilizing their wood resources as a way to improve their living conditions.

Source: Authored by James Johnson, Freiburg University [28].

Considering how these projects are ‘brought’ to communities, it is reasonable to think that communities may have huge difficulties in making “free, prior and informed decisions” on what they should do with their forest and its biodiversity. These problems are even more critical today, as their forests can exceed several hundreds of thousands of hectares.

REDD is the most recent of this type of external proposal. Because of its huge potential, it is widely regarded by IPs as being designed within four walls, by organizations in the North, the goals of which are still unclear, but which again impose conditions on what other countries should do with their forests, this time associated with apparently very tempting financial incentives. If we add the uncertainty concerning REDD, it is not surprising that it generates controversial scenarios, divides opinion and even polarizes positions, even within the indigenous movement itself.

In this paper, we claim that:

1. Physical occupation of the territory is a fundamental condition to ensure its integrity and to face threats.
2. The new territorial dimension or scale requires a different approach, which involves a combination of different forms of forest use that result in the territory's social or economic development.
3. And that therefore it is necessary to find complementary forms of economic valorization, and that these activities should meet three objectives: (a) they have to be compatible with the traditional ways of life and social organization; (b) they have to contribute to ensuring the integrity of the territory; and, (c) they have to generate a significant income for the people who live in the territory and to finance the projects included in the Life Plan.
4. From this perspective, REDD can play different roles:
 - Depending on its final design, REDD could eventually meet these three conditions. It can thus resolve *prima facie* the tension between the communities' need to maintain their traditional ways of life and their need to generate income.
 - It can enhance the State's commitment to securing indigenous people's exclusion rights over their territories, ensuring the commitments are met.
 - It can allow indigenous people to achieve financial autonomy, so that they no longer rely on external funding from projects or NGOs. Although it is also true that there are concerns that REDD may create other forms of external dependence or conditions.

5. Towards Territorial Forest Management

Although REDD is a form of compensation or payment for an environmental service rather than processing and marketing of a product, Community Forest Management experiences are a valuable background for REDD implementation. They have several elements in common: they require similar organizational structures, intercommunity agreements, a territorial plan, transparent and participatory management and decisions on how to use income generated.

We should question why the concept of indigenous territoriality or territorial scale is still ignored by those who promote forest management in indigenous contexts, and the paradigm of 'Community Forest Management' is still insisted upon. Is it possible to conceive a type of Territorial Forest Management (TFM) that could benefit from economies of scale, thus overcoming the profitability and competitiveness limitations posed by schemes restricted to a group of families or to what can easily be managed every year by a community with limited capital, know-how and labor resources?

A priori, it might be said it is. All the arguments that support the rationality of community forest management both economically and ideologically are also valid at the territory level: profiting from a valuable resource that can generate both income and jobs; contributing to forest and biodiversity conservation and local and regional market insertion; strengthening the organization of community ownership management, including business management; and, consolidating collective land rights, in this particular case, rights over territories. Added to this would be arguments connected with the economies of scale of a venture that could have the characteristics of today's large logging companies

or forestry concessions, a need to plan land use and design forest management, and the strengthening of intercommunity management based on the need to plan for the use of forest resources in territories.

However, few of us would picture an indigenous organization managing 100,000 or 200,000 ha of forest. Apart from the known exception of Mexico and Guatemala (Petón), few Community Forest Management (CFM) experiences would survive if they were not continuously supported by NGOs and projects [27]. Forest management at intercommunity level would be even more complex.

Numerous papers have studied the difficulties inherent in the CFM model [5], and this paper does not intend to delve into the reasons. However, we do consider it relevant to reflect upon the implications of this model and experiences for indigenous territories.

A general characteristic is that these programs have had low management intensity or have occurred in small areas. This self-limitation regarding the forest area to be managed has been due to objective limitations such as the lack of capital and technology and product marketing, though it has also been due to the difficulty to organize themselves as forest companies [29].

Although 20 or 30 years old, CFM is still a concept and a model under construction in terms of management and social/business organization and the reach in the production chain, among other factors. Generally, the model is greatly influenced by forest management models originating in medium and large enterprises, which have a different endowment of capital, technology and market access.

The CFM model has not attracted much interest from indigenous organizations, at least in Latin America, probably because existing experiences have not substantially changed the poverty situation in those communities. As stated by Wiersum and Vos [30], indigenous people tend to continue using their traditional practices, while colonists from other places have more readily adopted forestry practices recommended by organizations. Some communities also feel that the effort to sustainably manage a small portion of the forest is not proportionate to the hundreds of hectares that are annually deforested or degraded by settlers, illegal felling of trees, and other threats [31]. Alva [32], technical coordinator of one Bolivian NGO with the most extensive background in CFM promotion among *chiquitano* and *isoceño* communities, even refers to the CFM as a 'simple lyrical concept' in the Bolivian case, where the State has granted hundreds of thousands of ha of indigenous lands as concessions to companies, while CFM programs were implemented at a small scale.

CFM cannot be feasible and sustainable without public policies that generate the necessary political, economic and social conditions. NGO initiatives and cooperation have been valuable but somehow voluntary: due to their very nature, they are short term and only control some of the variables that ensure CFM success [27].

One of the lessons learnt is that CFM, especially in the case of indigenous communities, requires long accompaniment processes. These processes are associated with the pace at which decisions are made within communities and territories, with the multiple dimensions of changes it implies and with the need to be careful with the risks posed by market articulation and issues of equity.

Shifting from forest management at the community level to TFM is not simply a matter of replicating CFM experiences within that territory. There is a clear need to plan land use to determine the areas that offer comparative advantages for commercial forest management, due to their timber value, their vicinity to access roads and the areas where people live, and many other variables.

The political dimension is the key one in which we should address TFM, because basically TFM involves considering the extent to which different proposals contribute to the ‘political, social and economic occupation’ of the territory’s physical space, since this has become an indispensable condition to face invasion, occupation and de-territorialization attempts. In this sense, the future of territories is aligned with that of forests.

In any case, it will be necessary to understand the unique and specific problems of each indigenous territory. They are very different, not only in geographic location, but also in terms of their culture, the development of their governmental and institutional structure and their social differentiation. Some territories have deep-rooted conflicts, others still live in isolation, and some others have lost most of their culture. REDD design should be aligned with existing practices, at the organizational level, without assuming that traditional practices and organizations are already in place, especially where family and clan organization has played a more significant role than broader forms of governance and collective work. Conversely, where ancestral organizational structures and practices exist, REDD projects should be based on them, thus avoiding the development of new ones.

It will be essential for REDD to determine how to operate at a territorial level, since only at this scale does it seem possible to implement REDD efficiently (monitoring) and effectively (to avoid leaks within the same territory). In fact, it might not make much sense to design REDD projects at a micro level, *i.e.*, at community scale. Nor will it be possible to implement REDD in indigenous territories if there are no organizational structures there for its management.

6. Implementing REDD in Indigenous Territories

At first, REDD+ might seem to offer new opportunities for indigenous territories to add value to the traditional management of their forests and commercial activities, either with non-timber or timber products, within a responsible management context. Emission reduction or simple preservation of carbon stocks in forests does not contradict most forestry activities currently taking place in indigenous territories, which tend to be low intensity [33]. Rather, REDD appears as a complementary source of income, though it would surely restrict logging or livestock ventures at a large scale.

In the countries of the Amazonas Basin, most commercial activities currently performed by indigenous communities could continue taking place simultaneously with REDD. Collection of products such as Brazil nuts, rubber or medicinal products such as *sangre de drago* [*Croton lechleri*] and *uña de gato* [*Uncaria tomentosa*] should possibly continue to be developed, thus generating significant incomes with no impact on stored carbon. In Petén in Guatemala, these activities include xate, pepper and chicle collection; the same can be said of other activities like tourism or low-impact logging, such as FSC-certified logging under the SLIMF initiative (Small and Low Intensity Forest Management).

Traditional activities including hunting, fishing, and non-commercial, low-scale collection, as well as felling, clearing and burning for small farming have limited effects on carbon stocks in vast territories [34-36]; therefore, these activities should be compatible with REDD. (It is important to highlight that the R in REDD stands for ‘reduction’; it does not mean ‘no deforestation’. Any baseline should take into account some deforestation, no matter how small, either due to uncontrolled fires, construction of new buildings, or, for instance, small-scale income or subsistence crops.) However,

ultimately this will wholly depend on who sets the rules and the level of participation by indigenous organizations in designing their REDD projects (see Box 2 on REDD implementation in Brazil).

In this sense, REDD could become an additional income source and be seen as a form of subsidy for trade activities that are not always competitive, to cover the organization's costs associated with the collective administration of its vast territories, or to secure income for populations that are already articulated with the market.

However, this optimistic view is not shared by many indigenous organizations which see REDD rather skeptically, even as a threat [37]. This skepticism was expressed at the Latin American Indigenous Forum on Climate Change, held 29–31 March 2010 in San Jose, Costa Rica, and is also reflected in the main conclusions of the World's Peoples Conference on Climate Change and the Rights of Mother Earth in Cochabamba, Bolivia, on 22 April 2010, which rejected REDD [38,39].

The concerns with, and critical approach to, REDD can easily be understood. Historically, indigenous people and communities in Latin America have never seen the benefits of natural resource utilization in their own territories, namely timber, minerals or hydrocarbons. Communities fear that history may repeat itself with the new manna, namely carbon stocks, and that they may only get the scraps. There already are some cases of indigenous organizations that have been approached to sign long-term carbon contracts [36]. In Bolivia, for instance, eight indigenous territories have recently signed long-term contracts (for almost a century) with a private buyer of carbon stocks, under which they receive only 15% of the total credit [40]. Thus, the lack of transparency, the excessive duration of the contracts and the unequal distribution of the profits seem to encourage criticism of REDD [35,36].

Box 2. REDD+ initiatives and indigenous territories in Brazil.

The remaining Brazilian Amazon Forest covers approximately 330 million ha and stores a 47-billion-ton carbon stock [41]. The forests in indigenous territories (105.6 million ha, [13]) store an estimated 13 billion tons of carbon. This is why several ethnic groups have been asked to design carbon or REDD+ projects in their territories.

However, in Brazil, no regulations govern the sale of carbon credits from indigenous territories. Regulations neither enable nor forbid it. On the contrary, pursuant to the Federal Constitution, indigenous territories belong to the Union, but beneficial ownership of their natural resources such as soils, rivers and lakes is exclusive to indigenous people, which could mean that the environmental services of these natural resources are also an exclusive right of the indigenous people.

The Amazon Fund [42] was created in 2008. It can be considered the leading national REDD program. COIAB (Coordenação das Organizações Indígenas da Amazônia Brasileira [43]) is a member of Comitê Orientador do Fundo Amazônia COFA, the executive committee of the fund. Although indigenous people and traditional communities are a priority according to its investment standards, these groups had not received any resources at all to date (June 2010).

A national policy of indigenous territory management has been developed since 2009. It will include a chapter on REDD.

In Brazil, several indigenous groups, such as the ethnic groups Cinta Larga, Suruí Tembés, Wai Wai and Ashaninka, have now started to reconsider REDD+ projects since their local organizations or associations received proposals from several companies and non-governmental organizations.

Source: Authored by Maria Fernanda Gebara (CIFOR, Brazil), Paula Franco Moreira (Instituto de Pesquisa Ambiental da Amazônia, IPAM, Brazil) and André Nahur (IPAM, Brazil) [44].

Carbon stocks are undoubtedly the resource that adds new value to tropical forests. In this sense, they can be seen as a threat to the rights and the 'well-being' of communities, rather than as a factor contributing to local development and the improvement of living conditions, as will be seen below.

This section discusses some of the issues outlined by those who criticize REDD. Furthermore, some ways of facing these challenges in the Amazon Basin and Central America are suggested, taking into account the experience of indigenous territorial governance.

6.1. Will Indigenous Territories Benefit from REDD?

There is much criticism and concern regarding whether REDD will violate indigenous rights over their territories, whether new land-use constraints will be imposed, and even whether inhabitants will be eventually expelled from their forests [35-37]. This scenario seems to be less likely in the case of already titled indigenous territories, where property rights are not questioned, even though the Peruvian Government's attempt to change the legislation to facilitate the sale of indigenous land to third parties is still valid [45], demonstrating that such a possibility cannot be ruled out.

Those most concerned, however, are the territories, communities and people that still do not have legal recognition of their lands, or where the *saneamiento* and titling processes are still in progress, or where requests have been made to expand already titled land. The main concern is that, given the new value of these forests as carbon reservoirs, the State might postpone their legal recognition, or even worse, transfer those lands to third parties, private companies or concessions [35,36].

With regard to already titled indigenous territories, the question is whether they will benefit from REDD in those places where the current deforestation rate is already very low [46]. Four key facts seem to show the answer will be yes:

1. All REDD proposals, as well as the main pilot funds like Forest Carbon Partnership Facility and UN-REDD [47,48], emphasize that indigenous people are key stakeholders and should benefit from REDD.
2. In vast forest areas titled as indigenous territories, indigenous people are key stakeholders, and this cannot be ignored.
3. The deforestation baseline should also include future scenarios and some studies show that deforestation in indigenous territories will probably be much greater. For instance, deforestation rates have increased dramatically in several indigenous territories in Bolivia and Nicaragua.
4. Data from Ricketts, *et al.* [4] show that the indigenous territories in Amazonia act as major buffer zones to reduce expansion of the agricultural frontier.

At least in the case of titled territories, the debate should not centre only on rights issues but also on governance: for instance, how indigenous territories should participate in designing their own REDD projects, and how they will be compensated within the framework of national REDD policies and mechanisms [4,49,50] These are fundamental issues since they affect the negotiations that governments and indigenous territories will sooner or later have to undertake regarding the financial resources that REDD will generate and how they will be internally used and distributed within the territories.

The experience of several projects [51] indicates that 'the devil is in the details' and that issues such as the extent to which indigenous territories should be compensated, the appropriate compensation for territorial organizations, communities or families, and how to ensure proper social monitoring (accountability) in the administration of financial resources, will be key to the success of REDD.

These were issues found for instance, in 10 experiences introduced at a Latin American workshop, ‘Environmental services and forest governance: learning with communities, reflecting upon REDD+ and other compensation schemes’, Lima, Peru, 15–17 June 2010, and in the experience of Proyecto Noel Kempff Mercado. These same details have been underestimated by most community forestry projects.

These aspects prove how important it will be to design national strategies setting out mechanisms flexible enough to take account of the needs and institutions of each territory. However, these national strategies cannot be developed without participation of indigenous organizations, which has proved to be a main reason for their distrust and rejection of REDD (see Box 3 on Ecuador; see also [35]). As stated by Angelsen, *et al.* [49], ‘it is possible that a centralized national approach could limit the participation of rural communities in REDD design and implementation. This could result in inequitable sharing of benefits and the ‘nationalization’ of carbon rights’.

The question of who owns the rights to the carbon reservoirs in indigenous territories is the central issue: recent legal research by Forest Trends in the Surui Territory case concluded that, according to the Brazilian legislation, carbon rights belong to the indigenous population [52]. However, this can vary significantly from country to country, and several countries are tempted to apply the same rules as in the case of subsoil resources (minerals, oil), which are generally State owned [45].

Box 3. Socio Bosque, indigenous territories and REDD+ in Ecuador.

Most of the best preserved forests in Ecuador are located within indigenous territories and protected areas. They are threatened by deforestation processes which, together with soil use and changes in soil use, represent more than 80% of the country’s overall annual CO₂ emissions. In light of this situation, the National Development Plan, *Buen Vivir*, has set a 30% deforestation reduction target by 2013, for which a new model of forestry governance has been designed.

The Socio Bosque Program, launched in 2008 and publicly funded, is key to this model. It is a pioneering program in Latin America and acts as an incentive mechanism to help forest preservation and fight poverty. The program has so far contributed to the conservation of 400,000 ha, *i.e.*, 10% of its global target. Its beneficiaries include private owners, indigenous communities, peasant communities and communities of African descent. The land title is a basic requirement for admission to the program, as well as the definition of a social investment plan.

More than 14 communities in the Amazon have signed agreements with Socio Bosque; nonetheless, representatives from indigenous organizations have expressed their concern about issues such as: (a) the loss of autonomy and control over their territories; (b) the Government’s failure to comply with the 20-year financial commitment established in the agreements; and, (c) the expansion of the oil, mining and logging frontier within indigenous territories, hindering compliance with the agreement.

As part of the National REDD+ Strategy, the Ministry of the Environment is developing the baseline for deforestation, the national forestry inventory, which measures carbon coverage and stock, and a legal analysis of carbon use and ownership. Under Ecuadorian legislation, environmental services must not be subject to private appropriation, and their production, supply and use shall be ruled by the State. Consequently, defining a secondary legal framework to clearly establish the rights over environmental services and carbon will be a priority in the ‘readiness’ or preparation phase.

Criticism of carbon markets by the main leaders of the indigenous movement (CONAIE) combines with the historical distrust typical of their relationship with the State. In addition, the National REDD+ Strategy is facing great challenges, the most important of which is the full enforcement (in all its phases) of the collective rights recognized under the Constitution.

Source: Authored by Lourdes Barragán (Rainforest Foundation Norway-CEPLAES, Ecuador) and Belén Pérez (Fundación Pachamama, Ecuador) [53].

6.2. Giving a New Value to Forests through REDD

REDD payments will need to demonstrate that emissions are being reduced through improved forest protection or sustainable forest management in order to monitor the increase in carbon stocks compared with other likely reference scenarios [54]. This will also mean adding other values to the forest, where carbon stocks are likely to be a key element in forest management in the future. This added value of forests is not only perceived as an opportunity but also as a threat by many indigenous organizations and environmental NGOs that have recently made their concern public in events such as the Latin American Indigenous Forum on Climate Change (29–31 March 2010, San Jose, Costa Rica) and World's Peoples Conference on Climate Change and the Rights of Mother Earth (22 April 2010, Cochabamba, Bolivia) [38,39].

Reliable monitoring, reporting and verification of emission reductions will be essential in REDD implementation. Since large amounts of money are at stake, a payment mechanism based on meeting targets might, according to Phelps *et al.* [54], pressure governments to resume control over forest governance for fear of failing at the local level, thus reducing surveillance and monitoring costs, under the assumption that they are better able to ensure that targets are met than communities. This centralization of surveillance and control, as stated by Phelps *et al.* [54], could translate into new demands and even the expulsion of the local population from forests, due to their reluctance to comply with the new provisions.

6.3. Collective Management and Legal Commitments

Whether REDD is based on a market mechanism or on a compensatory Global Fund in each country, or on an intermediate model, agreements will have to be signed between the stakeholders involved at a global, national and local level.

Experience shows that indigenous communities usually find it difficult to comply with some provisions in the contracts or trade agreements signed with companies, such as those related to quality standards and amounts and date of delivery [55]. This also tends to be the result of their lack of negotiating capacity for such trade agreements, which are often imposed on them.

When indigenous communities build stronger relations with the market, those limitations are normally overcome in time. However, where communities are more isolated and do not have much knowledge of the non-indigenous world, agreements with governments and trade contracts are often straightjackets. Different logics and rationalities are at play. Thus, it would be preferable if REDD contracts were not long term and did not include strict, demanding provisions for indigenous territories. Rather, they should be based on local institutions and practices.

Capacity building, participatory assessment, and prior, informed consultation will be important complementary tools to ensure that projects are customized for each territory. In addition, agreements should be as simple as possible so as to avoid misunderstandings and complicated project documents. Finally, the expected results should be realistic and transparent in order to prevent conflict.

6.4. Implementing REDD Inside Titled Indigenous Territories

The REDD discussions have paid surprisingly little attention to the actual implementation of REDD in the indigenous territories, when experiences with indigenous territorial management and community forestry shows how difficult it has been to manage and turn indigenous land rights into poverty reducing activities.

An essential element is that any project involving collective management of a significant amount of income requires a minimum administrative or organizational ability, as this also tends to trigger conflicts of power and problems associated with these resources. Hence it is important to pay greater attention to existing capacities so that REDD funds can be used with some degree of equity and transparency within the framework of autonomy or self-government that indigenous people are entitled to, thus avoiding internal organizational conflicts.

It is important for REDD not to be a one-size-fits-all tool; rather, project design should be adapted to the specific social and geographic characteristics of each indigenous territory. Indigenous territorial management experiences throughout Latin America draw attention to certain factors essential to understanding the dynamics in each territory:

- the size of the territory, its fragmentation, connectivity or accessibility between communities;
- the multi-ethnic nature of the territory, the number of communities, and their location in the territory (inside and outside);
- its soil and subsoil natural resources;
- the existing or potential threats from other stakeholders;
- the partial or total overlap of its territory with a protected area, border conflicts with neighbors, and, generally, the legal security of land rights;
- the validity of traditional or customary forms of organization, justice administration, knowledge and practices;
- the relation with the market as well as with other external institutions (NGOs, private companies, missionaries, governments);
- migration patterns, the influence of indigenous families living in nearby urban areas, the presence of non-indigenous stakeholders within the territory;
- already existing Life Plans, land-use planning or other forms of territorial management planning; and,
- each country's political, legal, and economic frameworks, which determine the legal security and indigenous territories' potential to have the resources necessary for territorial management.

All these factors will contribute to and influence REDD perception and implementation, as well as its results and the social dynamics it creates. The process of consultation (or of free, prior and informed consent) should then, if indigenous organizations are interested in participating in REDD, provide specific information on the different sites and recommendations on how to implement REDD in each territory. This process should not be underestimated; it will be highly complex, costly and time-consuming, and it will require *in situ* monitoring.

Particularly, it will be crucial for REDD to support capacity building to administer the funds provided. As mentioned earlier, many indigenous community forest projects have faced exactly the

same challenge. Sometimes, certain communities or people in the territory with more experience with external institutions, politics or project management tend to hegemonize political positions, executive offices and resources; while more isolated communities or people with a lower level of formal education find it hard to get their views heard and to receive the same benefits as the others.

In this context, it will be vital to set realistic objectives and reduce expectations for quick results. Rather, efforts should focus on creating long-lasting, sustainable organizational structures at the territory level, based, wherever possible and appropriate, on traditional, community-level forms of representation and decision-making.

One of the problems facing indigenous organizations is their limited capacity to cope with threats to their territories and therefore to assert their exclusion rights: funding is needed to cover the costs of transport into town or to the capital city and back several times, to hire legal services, or to have a monitoring system in place in the territory. REDD could provide funding for these costs.

7. Conclusions

This paper discusses the need to adopt a more practical approach to understanding whether indigenous people will benefit from REDD and, if so, how. Indigenous people already own around 25% of all the Amazon and large forest areas in Central America. In the case of already titled indigenous territories, it is unlikely that REDD will infringe on their land rights, but this may happen to territories undergoing *saneamiento* and demarcation or without any formal recognition. In the case of legally constituted territories, the issue is how to ensure that REDD is not just an illusion manipulated by governments and NGOs, while indigenous organizations see yet another opportunity slip away. This will require improving institutional structures and building capacities locally. In addition, all REDD stakeholders will need to recognize indigenous people's rights: land rights; the right to autonomy and self-government; the right to free, prior and informed consent; the right to a 'development' based on their ways of life; and, the right not to be protected or 'assisted' by third parties that ignore the historical role played by indigenous people in biodiversity conservation and continue considering them unable to manage financial resources [56]. It will be essential to recognize the rights of indigenous territories over the carbon stored in their forests.

We propose that REDD adopt a flexible territorial approach, recognizing the heterogeneity and social and spatial complexity of these vast indigenous territories, the collective management of which is still being defined. It should be flexible in the sense that it should not consider a single model, as there are great social, demographic, spatial and cultural differences between territories.

The territorial approach requires new paradigms, for which conventional community-centered development models have proved to have limitations in reflecting the challenges posed by managing such vast, heterogeneous indigenous territories. For all this, indigenous territories need technical and legal support.

An important conclusion is that REDD is compatible with traditional activities, such as hunting, fishing and non-timber forest product collection and small-scale agriculture, as well as with most commercial activities currently conducted by indigenous communities in their territories.

What REDD does is add a new value to forests, so their conservation can better compete with alternative soil uses, including the expansion of the agricultural frontier, biofuel and non-sustainable

forestry, which are the main drivers of deforestation. On the one hand, REDD can be seen as an opportunity for communities that now own their territories to continue with their traditional ways of life, with low-impact economic activities. On the other hand, it also a way to fund their organizational structures or claim exclusion rights in the face of external threats. In addition to their land rights, REDD is another argument, given the generalized criticism of the fact that ‘so few people own so much land’.

There are legitimate questions, however, about the extent to which indigenous people will benefit from REDD, first because many of their territories now have low deforestation rates, but secondly also because governments are again ready to centralize forest management, and there is the risk of too much intermediation (by NGOs, by all kinds of brokers, and the so-called ‘carbon cowboys’), with the argument that indigenous people are unable to manage such important resources by themselves.

REDD was recently and strongly criticized at the World’s Peoples Conference in Cochabamba, Bolivia, on 22 April 2010, and at the Latin American Indigenous Forum on Climate Change, in San Jose, Costa Rica, 29–31 March 2010 [38,39]. This criticism emphasizes the fact that REDD might hinder indigenous rights and should be examined carefully. REDD is also seen as a threat due to its reductionist approach, centered mainly on the forests’ value in storing carbon, ignoring the variety and diversity of forests values for indigenous people.

Indigenous territories, as a recent ‘model’ of collective ownership and management of vast forest areas, also require new administration and management capacities. Harmony or balance needs to be found between sustaining and defending their ways of life on the one hand, and the possibilities of market articulation based on a new development of the natural resource potential, on the other. The puzzle pieces will fit together provided that REDD contributes to building these capacities and takes due account of indigenous Life Plans.

As regards territories where *saneamiento* or demarcation are in progress, it is easy to understand indigenous people’s concerns that REDD may contribute to stopping or hindering their titling, reverting the new income generated by their forests as carbon stock to the State or to third parties.

In summary, REDD has the potential to be an additional source of financial resources for indigenous people with legal security to their lands and territories. In turn, indigenous territories provide a set of advantages for REDD [8]. However, the recent constitution of these territories, together with the associated governance problems, the fact that they are vast collectively managed areas, and the great heterogeneity of situations included in the concept of ‘indigenous territory’, requires care and flexibility in implementing REDD.

Acknowledgments

The author would particularly like to thank Morten Blomqvist, whose comments and suggestions for this paper have been particularly useful.

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