APPENDIX E: Case Study 1: The Creation of the Alto Jurua Extractive Reserve: Conflicts and Alternatives for Conservation - Brazil

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FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

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Summary

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INTRODUCTION

From 1985 to 1988, the National Rubber-Tappers Council ("Conselho Nacional dos Seringueiros"), an organization representing Amazon rubber-tappers, developed the idea
of Extractive Reserves as a strategy for sustainable development in areas historically inhabited by forest populations.

Extractive Reserves were incorporated by presidential decree into Brazil's Natural Conservation Units System in January 1989. Together with national forests, Extractive Reserves are considered Direct Use Conservation Units, or protected areas whose natural resources can be used for commercial activities. Unlike national forests, which were initially designated for sustainable use of timber resources through concession to private timber companies, Extractive Reserves provide for sustainable use of multiple resources by traditional communities.

The Alto Jurua Extractive Reserve was the first conservation unit legally created along the lines the Council proposed (Decree 98,863 of January 23, 1990). The 5,062 Km2 reserve lies in Brazil's far west between 8 40' and 9 30' South latitude and 72 00' and 73 00' West latitude), on the Brazil-Peru border. The area supports a rich variety of ecosystems and plant and animal species, including some endemic species (Brown 1979, 1989, 1991; Rylands 1990).

The area also is home to approximately 6,000 people. The 900 resident families include 75 percent rubber-tappers and 25 percent people living along rivers. These groups include craftsmen, businessmen and small farmers (ASAREAJ 1992, 1992a, 1993). The occupation of the region by rubber-tappers has been documented since 1904 but probably began as early as 1890 (Almeida 1984; 1988; 1990; 1990b; 1993). The reserve borders territories of the Ashaninka (or Kampa) Indians, of the Amonia and Breu rivers; the Kaxinawa, of the Jordao and Breu rivers; and the Jaminawa- Arara, of the Bage river. It also borders the Serra do Divisor National Park.

Because the Alto Jurua Extractive Reserve is a conservation area whose settlement by traditional populations is guaranteed by law (Decree 98,863 of January 23, 1990), it plays an important role as a testing ground for the idea of sustainable development in forest situations. The Reserve's biological richness and endemism together with human populations whose presence has been sustainable in the past, makes the area particularly interesting in this respect. Continued stewardship of resources is guaranteed by a use plan, approved by the residents. Current residents must comply with the Use Plan to remain eligible for rights on the Reserve. Residents do not receive land deeds but only non-negotiable grants to use the land subject to compliance with a variety of legal requirements such as a limit of 5 percent for forest clearing within the family property. The land use grant also is subject to norms outlined in the resident-approved Use Plan; the norms set limits on use of flora and fauna and specify penalties for transgression.

The Reserve is designed to conserve natural resources. It also plays an important role in establishing and promoting the civil rights of traditional forest-dwelling populations. The case of the Alto Jurua Extractive Reserve also illustrates this second Extractive Reserve function.
In this study we describe the conflicts that surrounded the creation of the Reserve and the steps followed to resolve them. The process did not include direct negotiation between the rubber-tapper organizations and the bosses' representatives. However, the process illustrates strategies which were extremely efficient in a setting where opposing parties had unequal negotiating capacity and where no institutional mechanisms existed to support an effective negotiation. The creation of the Alto Jurua Extractive Reserve demonstrates the mobilization potential of groups that represent populations residing in areas rich in natural resources and the relevance of the implementation of alternatives to forest conservation and development. The combination of a social movement of rubber-tappers, represented by a strong, local organization with outside technical and financial resources, directed by a rational and convincing strategy, are some of the factors that lead to the success in establishing the reserve.

BACKGROUND

The Debt-Servitude System ("Aviamiento")

The Alto Jurua Reserve is located in a region that was occupied until the end of the 19th century by Cashinahua, Yaminahua, Amahuaca and other indigenous groups of the Pano language. The 1890 rubber boom led to rapid occupation of the region by rubber-tappers, brought in from poor rural areas by "bosses" to produce rubber, with financing from companies in Manaus and Belem. Most of the indigenous people were either decimated or displaced to the south of the area. In 1904, the Brazilian military took over the administration of the region. After extended disputes and negotiations with Peru, the territory was annexed to Brazil.

During the last hundred years (1890-1990), the economic life of the region, including the reserve area, depended on the extraction of latex from rubber trees which grow naturally in the jungle. Throughout this period, an economic system similar to that of the first days of the "rubber fever" has remained intact. Rubber export has continued to be the main source of income from the region. The social organization around the extraction and manufacturing of rubber has remained, until recently, dominated by "bosses" who monopolized trade and access to rubber-growing areas ("seringais"). A rubber growing area contains "estradas de seringa", or trails, which pass by particular rubber trees in the forest. A set of "estradas de seringa" which radiate from a central cleared area is called a "colocacao".

Under the system of seringais controlled by "bosses", the rubber-tappers purchased the right to use a set of "estradas de seringa" of a "colocacao" by means of an annual fee. At the beginning of the extractive harvest, they received merchandise in advance from the "bosses". The rubber-tappers delivered the final product at the end of the extractive season, during the rainy season, but the majority of rubber-tappers remained in debt from one harvest to the next. No currency was used. Transactions tended to be of an accounting nature only, and the rubber-tappers could not supervise accounting. Indebted rubber-tappers were forbidden to leave the seringal, sell rubber to any other buyer or to seek better prices. Violation of these rules could result in physical punishment or
expulsion from the "colocacao". Until the 1980's, judges and chiefs of police accepted selling rubber "outside" or not paying a fee as just cause to expel residents. Rubber-tappers thus remained tied to a boss through indebtedness.

The bosses were land owners and traders who in most cases did not have a valid deed. They did not directly oversee the extractive and manufacturing processes, nor the opening or maintenance of forest trails. They rented the rubber-growing areas for three year periods and had no long term interest in keeping up the extractive economy or in forest conservation. Rubber-tapper families, under the head of household, rented the trails, held an account at the local store, and carried out extractive activities and other tasks.

The presence of bosses/businessmen without clear titles and rubber-tapper/farmers with a long history of residence in the Reserve area foreshadowed conflict over the land. In the forests located in the Acre region of the Jurua river, land deeds pre-dating 1904 (the year when Brazilian military administration of the area began) were either poorly defined or covered only small areas and had been legitimized by the post-1904 government.

There was also another potential source of conflict. The local "boss" companies engaged in logging as well as trade. During the 1980's, rising inflation rates undermined the debt system. In addition, around 1985 the government began to cut back the subsidies and protection granted to Brazilian rubber. A result, one of the local control companies, which wielded great political influence in the state, began preparing to start logging in Reserve territory.

The main rubber-growing area threatened with logging was an area called Restauracao, the largest in the Reserve area. It was located on the upper Tejo river, a tributary of the Jurua river supporting the highest concentration of rubber-tappers. The boss began preparations on the Tejo river to start logging operations, by flying over the region by helicopter, counting the mahogany trees in the forest, and selecting a site to be used as an operational headquarters. The neighbouring Amonia river illustrated Cameli's logging practices. Large forested areas adjacent to that river, whose upper reach was inhabited by Kampa (Ashaninka) Indians, were devastated by the bulldozers that opened roads for mahogany transportation. The company temporarily employed Ashaninka Indians but paid ridiculously low wages. Once the prime wood was removed, no animals remained to hunt in the forest. The Ashaninka later won legal title to their lands and completely forbade logging on them.

STAKEHOLDERS

Rubber-tapper Organizations

From 1979 to 1982, under the leadership of Joao Claudino, the rubber-tappers of the Rio Tejo region organized a local section of the Rural Workers Union. The boss company succeeded in removing Claudino by offering him a job as an overseer in a different seringal. However, one of the Union assistants, Francisco Barboasa de Melo (Chico
Ginu continued to work in the Restauracao rubber-growing area. He organized meetings in forest homes, where the rubber-tappers could deal with disputes over damages caused by neighbourhood pigs or over sales of parcels of land between rubber-tappers and with disputes between bosses and rubber-tappers. In 1986, the prestige of Ginu's union increased when he successfully lead a group of rubber-tappers to the central store to demand an end to debt collection by police.

In meetings held during July and August of 1987, Chico Ginu discussed the rising threat of logging with other rubber-tappers. Rubber-tappers gathered at their neighbour's homes to meet throughout the day after travelling for hours through the forest. The presence of an anthropologist who conveyed the ideas of the recently-founded National Rubber-Tapper Council enhanced Chico Ginu's local authority.

In meetings at sites along the Manteiga and Riozinho rivers, the most densely inhabited regions of the Restauracao rubber-growing area, Chico Ginu warned that the logging would not only disrupt the usual hunting and gathering of natural forest products, but also could lead to expulsion of the rubber-tappers. He also called attention to the lack of maintenance of "seringa trails" (i.e., trails which include a set of trees in the forest). Corrêa and Cameli, the new bosses, did not use trail supervisors, or "mateiros", whose main job was to impede the use of high yield extractive techniques that killed the trees after just a few years. Some argued that the bosses would deliberately encourage destruction of the rubber trees. With the trails destroyed, the "colocacoes" would be abandoned, allowing for other uses. Many rubber-tappers believed that the new bosses had no interest in peopling the forest with rubber-tappers, preferring to leave the land open for logging or for sale.

**Governmental Agrarian and Environmental Agencies**

Under Brazilian law farmers may acquire land ownership by occupying the territory. In theory, therefore, INCRA, the Brazilian government's land agency, should have played an important role in resolving agrarian conflicts such as those involving rubber-tappers and bosses. However, in the beginning of the 80s, the Alto Jurua Land Project, created to legalize land titles both for bosses and rubber-tappers in the area, did so only for bosses. In fact, even if INCRA had recognized the rubber-tappers occupation rights and had subsequently issued them land titles, this action would not have been satisfactory because according to Brazilian law, only agricultural use of the land is recognized as a basis for ownership and only up to 100 hectares can be claimed by this method. The "sering" trails cultivated by a rubber-tapper family are distributed over areas of between 300-600 hectares of forest and are used for a variety of purposes such as rubber extraction, hunting, food gathering and fallow. Thus, in some cases where deeds were granted, rubber-tappers had no interest in occupying the lots they were given because these were generally located in inappropriate sites. In other regions of Acre, the distribution of farm plots to rubber-tappers has merely facilitated their rapid, legal sale to ranchers.

Another agency which could, in principle, intervene in this issue was the Brazilian Institute for Forest Development (IBDF), later replaced by the Brazilian Institute for the
Environment and Renewable Natural Resources (IBAMA). This agency oversees logging operations. In practice, surveillance in areas as remote as western Acre was practically non-existent. Despite the fact that management plans for logging operations have been required since 1988, these plans commonly existed only on paper.

In sum, rubber-tappers and their small local organizations, such as the Union led by Chico Ginu in Restauracao, had little chance of resolving their problems through either the agrarian agency (for the recognition of their property rights) or through the environmental agency (for the prevention of predatory logging operations).

Finally, we should consider the region's legal system. Rubber-tappers were often summoned by radio to appear for court hearings; failure to appear resulted in judgement by default. If the rubber-tapper did appear in court, lack of an attorney often forced him to accept a settlement dictated by the boss. Frequently a chief of police, and not a judge, decided the issue. City visits tended to intimidate rubber-tappers, besides obliging him to incur high travel and food costs and forcing him to lose at least ten days of work. In other words, the rubber-tappers did not view the legal system as a fair institution to which they could turn, but as an institution which the bosses could use when rubber-tappers refused to obey their orders.

The National Rubber-Tappers' Council (CNS)

Problems such as those faced by the rubber-tappers of the Alto Jurua river were common in several areas of the Amazon. In response to them, the First National Rubber-Tappers Meeting took place in 1985 in the capital of Brazil. This unprecedented meeting gave local leadership, presidents of the rural unions, rubber-tapper associations, advisors, the clergy and researchers their chance to speak directly with the official agrarian and environmental agencies and with regional and national politicians. A major result of the meeting was the creation of the National Rubber-Tappers' Council (CNS).

The National Rubber-Tappers Council developed from an informal group of union leaders elected from among the 120 people who attended the 1985 meeting in Brasilia, to a well-structured organization by the time of its 1989 national meeting. As of 1989 the leaders of the National Rubber-Tappers Council represented several different Amazon states - Acre, Amazonas, Rondonia, Para - and had little prior contact amongst themselves. Between 1985-89, CNS began to set up offices in various cities of the Amazon, in regions where leadership was frequently called. The 1985 Board of Directors attended the city meetings which, in addition to the evaluation of local problems and Council proposals, also involved the election of a City Commission made up of eight-rubber tappers and eight substitutes who acted as liaisons between National CNS and the local communities represented.

Regional CNS Offices

CNS created a series of Regional Coordination offices: two in the State of Acre, one in Amapa, one in Rondonia and one in Para for organizing particular Extractive Reserve
projects and other local activities. The first regional office was set up in the Alto Jurua (western Acre), under the leadership of Antonio Batista de Macedo, in January of 1988. Although initially working informally, the Regional Coordinating office of CNS - Jurua Valley currently is made up of a Board of Directors and a fiscal department elected by representatives of local unions and Rubber-Tappers and Farmers Associations.

Macedo developed the CNS Regional Coordination office in the Jurua Valley between 1988 and 1993. This process involved three phases: the strengthening of the organization in the city of Cruzeiro do Sul; the mobilizing of regional public support through public events, and creating grassroots organizations in forested areas. These three components all were important to the success of the project which created the Alto Jurua Extractive Reserve.

**Associations**

Finally, a number of rubber-tappers and farmers' associations were created. These associations, which include individuals from a local community or from several communities, act as autonomous cooperatives and, in the case of the Alto Jurua Extractive Reserve, become the legal representatives of the cooperative. Regional CNS, in addition to encouraging the creation of these grassroots associations, supports their work through its advisors. It also acts as an intermediary between the associations and governmental and non-governmental organizations. For example, the Rubber-Tappers and Farmers' Association of Riozinho do Cruzeiro do Vale began as a cooperative, relying on the Regional Coordinating office for support in the city. The cooperative obtained a motorboat through CNS and received legal support when a local boss went to Court to try to expel its leaders. In order words, CNS' Regional Coordinating office has acted as an umbrella group for grassroots organizations.

**DEVELOPMENT OF THE CONFLICT**

**The Proposal to Create Extractive Reserves**

Extractive Reserves were first proposed at the National Rubber- Tappers Meeting of 1985, to address the agrarian issue and problems related to conservation of natural resources in forest inhabited by extractive populations. Rural unions from the states of Amazonas, Acre and Rondonia were represented at the meeting and requested solutions that (a) respected the traditional system of extractive forest use, a system that requires average areas of at least 300 hectares per family, and (b) avoided division of the forest through sale by private deed.

Goal (a) sought to create rights that would allow the continuation of the forest life-style of the forest communities. Such rights were not previously established by law. Goal (b) sought to avoid the "private areas tragedy" which would result from giving individual title to forest lots to isolated families. This could occur if individual families were allowed to sell their property, making all the neighbouring properties economically inviable in a "domino effect". The solution found was called "Extractive Reserves" by
analogy with the "Indian Reserves" in which Indians held the use of extensive areas rich in natural resources, that could not be divided or sold. Although the term appeared in the 1985 Final Statement of the Meeting, the National Rubber-Tappers Council -- which brought together all of the main leaders present at the Brasilia meeting -- clarified the idea included in goal (b) only in December of 1986, at a meeting held in Brasileia, in the State of Acre.

The Extractive Reserves were defined as federal territories granted through use concession to the resident rubber-tappers for the purpose of sustainable use of forest resources. The Union retained the power to expropriate private deeds. This way the rubber-tappers sought to stop the division of the rubber-growing areas and the resale of land deeds to large farm owners, who made remaining rubber-growing areas inviable for traditional uses. During the meeting, the leaders (who were from different states in the Amazon) also recognized that the Extractive Reserves were valuable not only as rubber production areas, but as resource conservation instruments for the country as a whole. As one rubber-tapper leader said after learning the meaning of the word "ecology": "We were ecologists already -- we just didn't know it."

**Creation of the First Extractive Reserve: The Conflict Comes to a Head**

The principal accomplishment of the Regional Coordinating office of the National Rubber-Tappers' Council for the Jurua river valley was the creation of the first legal Extractive Reserve. The main steps in this process were as follows:

Macedo's first act as CNS coordinator in the Jurua Valley was to carry out a survey in 1988 on the crisis in the Tejo river valley. Macedo travelled through the area contacting local leaders, particularly Chico Ginu, and holding meetings with rubber-tappers. In July of 1988, Macedo finished a report on the area, which reviewed social and economic factors, its socio-economic situation and its wealth. Back in Rio Branco, Macedo, with the help of an anthropologist, drafted a project entitled "Community Development: the Tejo River Extractive Reserve."

The National Bank for Economic and Social Development (BNDES) at the time had a division that invested in development projects. BNDES, with headquarters in Rio de Janeiro was not under the control of the local political authorities of Cruzeiro do Sul. In August of 1988 a version of the proposal that included investments in the areas of Xapuri and Brasileia was presented to the National Rubber- Tappers Council. After the murder of Chico Mendes in December of the same year, shortly after he had presented the project, the project was approved by BNDES. Thus in January of 1989, one year after the operational start-up of the Jurua Valley Regional Coordinating Office, the Tejo river rubber-tappers had about US$ 70,000.00 for investment in transportation, warehousing and working capital. They therefore were able to free themselves of the "aviamento" system. Even more importantly, they now had local bargaining power and respect.

The launching of the project sparked a direct conflict with the bosses. Creation of the cooperative raised the question of whether or not the rubber-tappers could receive
merchandise without going through the bosses as intermediaries. The issue had to be resolved quickly. Cargo can only be transported on the Tejo river until April or May. From June to October the river is navigable only by canoes. Thus, the rubber-tappers first urgent task was to transport merchandise to the interior of the river in order to stock the 12 cooperative stores.

At the same time of year, the bosses who controlled Tejo river territories obtained Bank of Brazil financing to buy, transport and advance merchandise to the rubber-tappers. The Cameli & Irmaoes Group, which leased the area from Consulmar Ltda. and which, in turn sub-leased the area to many smaller bosses, backed the local bosses in filing lawsuits against the coop in Cruzeiro do Sul. They sought a injunction against the coop and in particular, they sought to ban Chico Ginu from the area despite the fact that he was born and lived in Restauracao.

The lawyers argued that the bosses would be unable to repay their loans to the Bank of Brazil if the rubber-tappers were free to sell their rubber to any buyer. They also alleged that because the collateral for the loan was the current season's rubber, the rubber "belonged" to the Bank of Brazil and could not be "deviated." They further claimed that the traditional "aviamento" system was part of the region's customs. Their statements made no reference to agrarian legislation.

If the bosses' lawyers (by now backed by the powerful UDR, a national organization of rural landowners based in Rio Branco and allegedly involved in Chico Mendes' murder) were able to get an injunction that prohibited the transit of merchandise boats until the beginning of the dry season, they would have effectively won the battle. A preliminary decision was scheduled for April. At this point, regional and national support funnelled by CNS proved decisive.

The CNS Regional office first summoned the rubber-tapper community leaders by radio. After nearly a week-long trip by river, the leaders of the future Reserve met in Cruzeiro do Sul, where the hearing on the injunction was to be held. The Attorney General of Brazil, Dr. Roberto Santoro, sent a letter to the local judge arguing that because the matter was of national interest, it should not be settled in the local court. The IEA, an environmental group directed by Mary Allegretti, sent a lawyer to the city. As a result, the judge abstained from issuing a decision in the case. However, according to local authorities, lack of a decision meant that Macedo (regional CNS) and Ginu (Association) had to stay in Cruzeiro do Sul. The arrival of the Reserve leaders provided an alternative. The leaders led the boats in a river caravan to the Reserve. As the boat caravan moved up the Tejo River, state government officials sent a message carried by plane, asking that the merchandise be left in Vila Thaumaturgo, a hamlet at the entrance to the Reserve. Despite having supported the project, the state government at this point was afraid of its consequences. The rubber-tappers did take the merchandise back to Vila Thaumaturgo, held a meeting there and decided to continue on into the Reserve. The issue has never been raised in the courts again.
None of the bosses went out of business. As a matter of fact, some of the traders continued to work in the area, competing with the cooperative. Prices dropped rapidly. The number of itinerant sellers, who had previously competed with the bosses, mushroomed. The informal cooperative eventually ran into serious troubles due to its lack of administrative experience and training (which under the terms of the BNDES grant was to have been provided by the government), and to the drop in rubber prices. The main outcome of the project, besides having introduced a free market and free trading for the rubber-tappers, is that it consolidated the Association and helped lead to the creation of the Extractive Reserve.

**Strategies at the National Level**

Following Chico Mendes' murder in December 1988, congressmen and representatives of the State Attorney's Office ("Ministerio Publico") of Acre attended the Second National Rubber-Tappers Meeting in Rio Branco in March of 1989.

The State Attorney's office is staffed by federal attorneys ("Procuradores da Republica") who, among other responsibilities, have the duty of defending public interest or diffuse interests of the population. The state attorney's office opened investigation of the following allegations: (a) restriction of the rubber-tappers' civil rights, specifically through limits on their right to trade and (b) threats to a rich natural asset from planned construction of the BR-364 highway and logging.

The results of the investigation were published in 17 volumes. The final document described a project for the creation of the Reserve, which was contracted out by the State Attorney's Office to a technical agency. The state attorney's office planned to sue the Federal government if it did not implement measures to solve two problems: a) the need to conserve a region of great biological importance under the threat from logging and b) the need to end labour relations "equivalent to slavery." A negotiation between IBAMA, the state Attorney's Office and CNS (represented by the advising anthropologist) led IBAMA to create the Reserve. IBAMA's plan was based on a conceptual framework developed by its Study Group.

**The IBAMA Study Group**

Influenced by spreading global awareness of the devastating effect of slash-and-burn agriculture on Amazon forest cover, the President of IBAMA, Fernando Cesar Mesquita, created a Study Group on Extractive Reserves. Following initial disagreements with CNS, the Study Group was deactivated, but then reinstated in September 1989. The Study Group aimed to discuss and negotiate the official creation of the Atlo Jurua Extractive Reserve now that the Study Group, which included representatives of various government (IBAMA, INCRA) and non-governmental organizations (CNS, IEA) concluded its work in January 1990. Despite deep divisions among its members, it accomplished two important results: the legal definition of Extractive Reserve and the formal creation of the Alto Jurua Reserve, both by presidential decree. In March of 1990,
three more extractive reserves were created: Chico Mendes in Xapuri, Ouro Preto in Rondonia, and Cajari in Amapa, all modelled after the Alto Jurua Extractive Reserve.

THE EXTRACTIVE PROPOSAL

The Alto Jurua Extractive Reserve represented a significant advance relative to previous proposals for addressing the rubber-tappers' needs. The main gain was the consideration of environmental conservation as an important objective of the project. The following aspects of the proposal reflect this consideration:

Minimum Viable Extension

The Reserve was planned in two stages. In the first version of the project, proposed by Antonio Batista de Macedo, the Reserve would include all of the Tejo river basin (Map A). Three main rubber-growing areas with separate proprietors existed in the area with a set of twelve smaller rubber-growing areas subordinate to those each having different local bosses. Thus, the project was not guided by property and exploration units, but rather ecologic units. The total area of the proposed project in 1988 was about 300,000 hectares.

Integration with Other Land Management Units

The project considered the conservation area to be created as part of an integrated regional conservation strategy. The Alto Jurua Extractive Reserve may have a significant effect on the stability and protection of the four Indian areas contiguous to it. These areas might not remain contiguous or would become fragmented without the Reserve (AI Ashaninka of the Amonia river to the west; AI Caxinawa of the Breu river and AI Ashaninka of the Breu river, to the south; AI Caxinawa of the Jordao river to the west; and AI Jaminawa-Arara of the Bage river, to the north). The Reserve also borders the Serra do Divisor National Park. In addition to providing contiguity to the Indian areas and a buffer for the National Park, the Reserve forms a continuous strip of forest cover that harbours an extremely high level of biodiversity, provides over 99 percent forest cover, and includes a total area of approximately one and a half million hectares.

Ecologically Stable Human Settlement

Satellite pictures proved an important fact, previously invisible in the other maps of the region. The Reserve area -- with the exception of areas where two or more rivers meet and no rubber-trees grow -- was occupied by rubber-tapper "colocacoes" even in regions far from the Jurua river. However, the overall effect of human settlement (extractive activities with slash-and-burn agriculture, and cattle-raising on the shores of the Jurua river) did not surpass one percent of the total area. In addition, clearings made for the purpose of extracting rubber tend to disappear over time without having permanent effects on the forest cover. Significant change was noticed only on the shores of the Jurua river where small cattle farms cleared up to one hundred hectares. Overall, it seems clear
that human settlement within the pattern of the extractive economic activity is compatible with the preservation of the forest cover. This argument also has historical support.

**The Social Argument**

The fact that an area in the country continued to practice a social system characterized by the turn of the century "aviamento" represented an important reason for change.

At least three problems required a solution. The first was the existence of a regime which deprived the rubber-tappers of freedom of movement and trade through violence and repression. This problem continues to be the subject of investigation by the Federal Police. The creation of the cooperative in 1989, even before the sanction of the official decree which created the forest, eliminated such "labour" relationships in the Reserve area.

The second problem stemmed from irregularities in the agrarian situation of the region, since the "boss" regime gave bosses absolute power over lands, which, in large part, they controlled without valid deeds. But according to agrarian legislation, the rubber-tappers should have recognized land rights. An investigation by the State Attorney's Office has discovered existing land deeds for indemnification purposes. The solution found for the Reserve was the expropriation (with indemnification) in cases of valid land deeds. The next procedure, which is currently underway, will be the issuance of a use concession title subject to the observance of the Utilization Plan under IBAMA's supervision and local management by the Association.

Some problems still remain. For example, some older "bosses" had resided in the Reserve and considered themselves to be, in some cases, heirs of their parents' properties, even if they did not hold valid land deeds. The law did not reimburse these bosses for their facilities lost (pasture, livestock and buildings), not to mention the value of the land.

The third problem came from the deprivation of the rubber-tappers' right to health, education and communications services, as well as the lack of development objectives under the traditional system. The proposal for the Reserve consists of creating appropriate health, education and communications services (already implemented or under implementation), thereby improving the community's standard of living. At the same time, development projects are being created which seek to harmonize the improvement of the revenues potential and the labour conditions for rubber-tappers and river farmers, subject to Administration Plans.

**CONCLUSION**

The Alto Jurua Extractive Reserve solved two conflicts: the first, a conflict between the public interests of environmental conservation and the private interests of predatory resource use; the second, a conflict between the rubber-tappers' civil rights and the private sector that denied them those rights. Resolution of these conflicts through creation of the reserve took place through the following stages:
• identification of the problem
• creation of organizations on several levels (the national CNS, the regional CNS and the local Association)
• the formulation of an alternative (formation of an extractive reserve through new legislation)
• emergence of a conflict
• mobilization of financial, legal and scientific allies
• resolution of the conflict by creation of the reserve
• development of local and national institutions to administer the reserve and to resolve similar conflicts in the future.

In the course of this process, a local conflict was redefined as a potential clash between the "diffuse interests" of society at large (not of individuals) and the status quo. This clash was arbitrated at the federal level, by the executive, through a legal decree. The decree may be formalized into law by the Congress.

None of the above is meant to suggest that the conflict is entirely resolved. However, the sequence does illustrate a conflict resolution process that took place through institutional change rather than through local, decentralized negotiation. In the case of the Alto Jurua Extractive Reserve, the conflict seemed to reside in the great inequality between parties. In such situations, institutional changes need to be made to more fully equalize access to existing institutions and to balance bargaining power. This must be accompanied by strengthening of the local institutions that represent the weaker parties to the conflict.

Generalizing this conclusion, I would argue that conflicts that set indigenous peoples against miners, rubber-tappers against local bosses, indentured servants against overseers, are problems of democratization and require the creation of institutions that give weaker parties truly effective negotiation or litigation capacity. We can therefore say that the case of the Alto Jurua extractive reserve illustrates the role of social movements in creating conservation areas and alternative development projects -- and not negotiation -- when a conflict is characterized by great inequalities in wealth and power.

In what follows, several reasons that explain the use of the social mobilization strategy are summarized, along with factors contributing to the strategy's success. In the Alto Jurua, there was a choice between private logging and ranching, and the creation of a reserve managed by a residents' Association. The existence of private claims (albeit uncertain) to the land, and the lack of legal recognition of the "extractive workers" rights constitute a crucial point. The land owner could in principal offer compensation to the rubber-tappers. In fact, few would do so, because the law, as interpreted locally, was on their side. The rubber-tappers also could offer compensation to the landowners and renters. This alternative was not feasible, however, because of the high speculative value of the land and because of the high opportunity cost represented by unsold timber. legal action also was impractical. Because the conflict in the Alto Jurua region involved two sides with vastly different political power, financial resources, information and legal support. Legal action within the existing framework (that is, hinging on the validity of land titles or on the degradation of resources) offered little hope to the weaker side in the dispute.
Instead of using negotiation or legal action, the rubber-tapper organization, once established and once it had managed to acquire basic infrastructure and technical resources, reframed the problem in terms of two alternatives: maintaining the status quo or turning the region into a conservation unit managed by the local population. To carry out the second option, they needed to win the support of allies who could help in formulating and later passing new legislation, initially as a presidential decree, to be ratified later by the national Congress{ HYPERLINK "http://www.fao.org/DOCREP/005/X2102E/X2102E03.htm" \l "n1.1#n1.1" }. The resulting institutional change provided not only a solution for the particular case of the Alto Jurua rubber-tappers, but also established a paradigm of conservation units set aside for traditional populations practising sustainable extraction in environmentally important areas.

The example suggests that there are cases of creation of conservation units through negotiation, and other cases that result from changes in the system of natural resource use. In the negotiation strategy, the two sides try to decide, based on their assessments of likely outcomes, between two courses of action. In the "social movement" strategy, the sides attempt to alter the norms and institutions that regulate natural resource use. The solution based on direct negotiation or on compensation ensures the recognition of land rights claimed by large holders, and recognizes the use and sale of rights claimed by land renters. Solutions of this kind support the status quo. The negotiating sides each can optimize their initial position and can preserve the option of refusing to negotiate if they can do better without negotiating. Such solutions may be socially inefficient when only one side has a legally guaranteed endowment of rights.

One mechanism used to equalize power between the sides in the Alto Jurua case was transferring the dispute from the local to the federal level. Local and regional politicians then had to lobby the federal government, where their power was largely balanced by other national and international groups. The change of decision-making forum improved the rubber-tappers' ability to bring about reform. It also increased their future negotiating power, for use in situations where direct negotiation can save time and costs. This is an example of how seeking resolution of a conflict at the national level (in contrast to the local or decentralized strategy of direct negotiation) can compensate for inequality between parties on the local level.

There are some similarities between negotiation and legal action, on the one hand, and reform through social mobilization, on the other. Some of the conditions needed for the proposed option to succeed are the same for negotiation and institutional reform/social movement strategies. One example of such a condition is the availability of good information about the likely outcomes of any option considered. The development of elegant and rational solutions is equally crucial, as is the development of a range of options.

Successful social movements institutionalize the changes they seek. The result of the reforms achieved by the rubber-tappers was that they established negotiation fora in which in which traditional populations now take part in federal government decisions.
about resource management and about economic policy affecting extractive products. Two important examples illustrate this. IBAMA has created a National Canter for Traditional Populations, in which the CNS participates, to create new extractive reserves and manage the existing ones. In addition, the Ministry of the Economy has set up a "Sectoral Chamber" to discuss rubber policy options. In this forum, rubber-tappers discuss policy with "bosses", industrial buyers of raw materials, rubber plantation owners, and government economic policy officials. These changes alter negotiation incentives for both sides. The incentives can be positive, such as raising hopes that either side can in fact achieve its goal; or negative - that is, the fear that refusal to negotiate may lead to losses or penalties. Thus, a strategy seeking social change may be a prerequisite for building institutions that increase the fora in which direct negotiation between parties can take place.

ENDNOTES

1 Under the Brazilian legal system, precedent is less important than laws decreed by the executive branch ("decretos-lei") or by the legislature.

2 Negotiation can be used in combination with social mobilization. After a long period of fruitless direct negotiation in the Rubber Policy Forum, rubbertappers forced the government to make a quick decision by organizing a march on the capital.

CHRONOLOGY OF EVENTS

Problem Identification

1982-1986
Sale and renting of seringals

1986
Initial timber exploration
Police actions against the seringueiros

1987
Local organization response

Local Organization

Oct. 1985
Founding of the National Rubber Tapper's Council (CNS)

June 1986
Cruzeiro de Sol meeting

July 1987
Local meetings (seringal Restauracao)

Jan. 1988
Birth of the Alto Jurua Coordination Office

Feb-Jun 1988
Rio Tejo meetings - Macedo and Ginu
Formulation of Alternatives

July 1988
  Rio Tejo Project (proposed by BNDES)
Aug. 1988
  CNS approval of Rio Tejo Project
Oct. 1988
  Regional Meeting - Cruziiero de Sol
Dec. 1988
  BNDES approval of Rio Tejo Project

Unfolding of the Conflict

Jan. 1989
  Training of leaders, Rio Tejo
Mar. 1989
  Initiation of federal investigation into Rio Tejo
Apr. 1989
  Legal formation of the Rubber Tapper's and Farmer's Association, Rio Tejo
Sep. 1989
  IBAMA Study Group proposal
Jan. 1990
  Association Assembly - Rio Tejo

Conflict Resolution - Legal Creation of the Reserve

Jan. 1990
  Presidential decree creating Alto Jurua Extractive Reserve
Aug. 1991
  Association Convention - use plan
Jan. 1992
  Appropriation of the area

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prepared by Zulema Lehm

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

Rome, July 1993

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INTRODUCTION

One of sociology's major concerns focuses on social conflict. Generally speaking, classic debates have centred around two main lines of thinking, emphasizing "social equilibrium" and "class struggle." Neither of these two schools of thinking adequately addresses the problems of societies structured on a colonial base - such as Bolivia or other less developed countries - because both schools assume, at the very least, recognition of the "other" in a conflict. In countries such as Bolivia, indigenous peoples repeatedly have been denied legitimate social roles, even though they constitute approximately 60 percent of the total population. One of the fundamental bases for the resolution of social conflicts is the recognition of the actors, in this case the indigenous peoples, as legitimate social and political players. In other words, a basic step towards resolution is the explicit recognition that a conflict exists.

In this article I will attempt to systematize the experiences of the indigenous peoples of northeastern Bolivia during a conflict over logging in the Chimanes Forest, in the Department of Beni. Using the concept of "social actor," a notion
drawn from the theatre where characters represent borrowed identities, I will describe the emergence of the Beni indigenous movement in the social and political life of the country. Continuing with this allegory, I will open the scene by describing the setting and presenting the actors and then go through the unfolding of the drama act by act. Methodologically, instead of analyzing a specific conflict, I will approach the issue at hand in terms of a process, one that allows us to distinguish stages and turning points that clarify the roles of various actors. This implies acknowledging changing roles and looking at the actors from a dynamic perspective.

Finally, it is worth mentioning that this work results from a systematic gathering of information since 1986 at the Center of Research and Documentation for the Development of the Beni (CIDDEBENI). Many of the ideas presented here come from a collective debate within CIDDEBENI and are shaped by the challenge of work in support of indigenous organizations.

**THE SCENE: THE CHIMANES FOREST**

Located in the southwest of Beni Province, the Chimanes Forest covers an area of approximately 1.2 million hectares. Classified as a subtropical humid forest, it harbours the country's most valuable commercial lumber species, including mahogany (Swietenia macrophila) and cedar (Cedrela odorata). The area extends from the mountain foothills (mountain chains of Mosetenes and Eva Eva) toward the Beni plains, and ranges from high altitude, complex forests near the mountain chains to seasonally flooded, humid savannahs (Yomomos and Curichis).

The forest owes its name to the fact that its western end -- the area closest to the mountain foothills and the Maniqui River Basin -- makes up the Chiman peoples' traditional habitat, a tribe belonging to the Chimane-Moseten linguistic family. In the plains that surround the forest, there are also communities and settlements that are part of the Yuracare (Yuracare linguistic family), Mojeno (Arawac) and Movima (an unclassified language) peoples. About 6,200 indigenous persons live in the Chimanes region. They share the region with cattle farms (most located in the natural plain areas), seven forest concessions and several mestizo rural communities. Relatively important urban centers close to the forest include San Borja, with 11,072 inhabitants and San Ignacio de Mojos, with 4,832.

In 1978, recognizing the region's forest wealth, the government declared the Chimanes Forest an Embargoed Forest Reserve. Logging is prohibited in an embargoed area while studies are carried out to determine whether it should be classified as a Permanent Production Forest or a Protected Forest -- that is, whether it should be opened to commercial logging by way of public bidding or whether it should be maintained as a protected area with permanent limits on resource use. Studies were carried out in the Chimanes Forest between 1976 and 1979; however, these focused only on timber resources. Other species of flora and fauna, as well as socio-cultural aspects were not studied or surveyed.
In 1982, 135,000 hectares of the reserve's northern sector were set aside to establish the Beni Biological Station which in 1986 was declared a Biosphere Reserve by UNESCO. Meanwhile, despite the logging prohibition, two lumber companies continued to harvest timber in the southern end of the Reserve. Beginning in 1985, they lobbied to have the embargo lifted. As a result -- and through a complex process that will be described in detail later -- the Bolivian government decided to change the legal status of the Chimanes Forest at the end of 1986. They converted 579,000 hectares situated in the southern sector into a Permanent Production Forest, allowing logging by legal timber companies.

FROM PROTECTED RESERVE TO PERMANENT PRODUCTION FOREST: THE NON-INDIGENOUS PLAYERS

Government Agencies

The government's actions are carried out by diverse agencies, and often undergo so many changes before reaching a distant region such as Beni that completely different actions from what originally was intended end up taking place. Amongst the agencies involved in the Chimanes Forest situation are the President and the Ministry of Rural Affairs, which includes other agencies such as the Center for Forest Development, the federal agency responsible for forest administration. Since 1986, as a result of the demands from various sectors of the Beni region against state centralism, this agency operates in the region through a division called the Northern Regional Center for Forest Development. This agency relies on income generated by lumber company fees. The Northern Regional Center thus shares with timber companies a common interest in allowing logging, even when this does not take into account the best interests of the forest or its traditional inhabitants.

Civilian Entities

To better understand why the embargo on the Reserve was lifted in 1986, it is important to remember that even while the protected status was in place, at least two lumber companies logged in the area. Since 1985, they lobbied for the embargo to be lifted in order to permit freer use of the forest. In the same year, the Beni Civic Committee -- a group that represents social organizations and non-governmental institutions of the region -- initiated a campaign that involved not only conserving the region's forests but also obtaining 11 percent of the logging royalties. A post-facto analysis of the process allows us to identify two main groups within the Beni civic movement at that time: one sector, possibly a majority, was basically interested in obtaining 11 percent of the timber royalties; and another sector that was also concerned with the region's long-term development and as a result emphasized the need to maintain the resource base. For both the presence of indigenous peoples in the forest was tangential.

Preliminary Actions: Bolivian Forestry Policies and the Chimanes Setting
While lobbying the government to decentralize the Center for Forestry Development, the civic movement sought to ensure that the lifting of the embargo on the Chimanes Reserve included controls over companies that would enter the area once it was declared a production forest. The civic movement got the state to grant economic and managerial autonomy to the Northern Regional Center for Forestry Development. In early 1987, the Northern Regional Center for Regional Forestry Development organized a public bid to grant companies Forest Inventory Permits and to obtain priority cutting areas in the Chimanes Forest. Seven lumber companies were chosen.

According to the General Forestry Law and the Beni Forestry Policy, these companies had up to 150 days to complete a series of requirements (forestry inventories, feasibility studies, and others) before obtaining ten and twenty year use contracts. Despite the regulations, which were not properly applied between 1987 and 1990, special annual cutting permits were granted. Thus, from the start of the period, the inadequate enforcement of state laws and the channelling of demands through informal channels fed conflict.

Also in 1987, a Transitional Technical Commission was organized. This would later be called the Chimanes program. The basic role of the Transitional Technical Commission or Chimanes Program was to provide technical assistance to the Northern Regional Center for Forestry Development in order to ensure sustainable use of the Chimanes Forest biological resources. Three sub-programs -- Biological, Socioeconomic and Forestry -- were organized with the goal of converting Chimanes into a model of integrated management. Over time, however, the Chimanes Program became another branch of the Center for Forestry Development, thereby reducing its ability to criticize and guide. With the program left in the hands of the Northern Regional Center for Forestry Development, only the Forestry sub-program was put into action.

**THE INDIGENOUS RESPONSE**

**Ethnic Groups of the Region**

As mentioned earlier, the indigenous population in the region is represented not only by settlements of Chiman origin, but also by Mojenos, Yuracares and Movimas. The Chiman population lives for the most part in the far western part of the area, in an inter-mountain valley that is separated from the rest of the areas by the Eva Eva mountains. The plains are inhabited by a mosaic of Mojena, Yuracare and Movima communities, as well as by several Chiman families. Each of these groups is characterized by a distinctly different culture and history.

**Process of Organization**

In 1987, a group of Mojeno indians who had migrated to the provincial capital of Trinidad formed an urban "barrio" known as the District Trinidad Indigenous
Council. The Council was backed by the Confederation of Eastern Bolivian Native Peoples (Confederacion de Indigenas del Oriente Boliviano - CIDOB) headquartered in Santa Cruz. The Council organized a seminar whose participants included their own representatives, representatives of the Mamore Indians, and several other communities settled along the Trinidad- Santa Cruz highway. As a result, the Center of Mojeno Town Councils (CCIM) was born.

Between 1987 and 1988, with the help of CIDOB, of government institutions such as the National Service for Popular Education (SENALEP) and of non-governmental organizations such as the Center for Research and Documentation of the Development of the Province of Beni (CIDDEBENI), the directors of CCIM carried out a series of meetings of indigenous peoples in other nearby areas. Regional town council offices were established. The regional offices included not only the indigenous populations in urban centers, but the surrounding rural communities as well. The Branch Office of San Ignacio de Mojos included, among others, the communities of the Chimanes Forest.

Between 1988 and 1989, CCIM carried out intense organizing activities among other indigenous peoples of Beni. In November of 1989, the First Congress of the Indigenous Peoples of the Province of Beni was organized. The participants included Mojeno representatives and members of other groups, such as the Movimas, Baures, Yuracares, Chimanes, Sirionos, Chacobos, Esse Ejjas, Itonamas and Tacanas. This Congress gave rise to the Office of Indigenous Peoples of Beni, (CPIB).

TERRITORIAL DEMANDS AND ATTEMPTS AT RECONCILIATION

The first signs of conflict in the Chimanes forest arose almost immediately after the onset of logging activities. The central area's indigenous community authorities, mostly Mojenos, Yuracares and Movimas, sent a letter to the Town Council Center, first requesting information on their rights with relation to the presence of the logging companies and later denouncing the felling of trees that the Indians used for building their canoes and other items.

In June 1988, at the request of the area's communities, the Branch Office of San Ignacio called for a meeting of councilmen and indigenous representatives. This meeting gave rise to the first "territorial demand" or land claim in the Province of Beni. They requested that the government recognize as Indigenous Territory an area located in the center of the Chimanes Forest, between the Cuverene and Cavitu Rivers, exactly where cutting areas had been granted to the lumber companies. The document also denounced destructive logging practices and inappropriate behaviour by logging company personnel.

The Hervel lumber company responded to the claims by requesting a meeting with representatives of the Indigenous Branch Office of San Ignacio and the
Northern Regional Center of Forestry Development. The purpose of the meeting was to freeze the indigenous claim until the accusations they had made could be proven and a new time frame for filing a demand with the government could be established.

A hearing of the indigenous demands by the government was postponed until another meeting of councilmen and indigenous representatives could take place. Participants at this meeting included not only the councilmen, indigenous representatives, and the entities that originally had supported them, but also representatives of the government, the timber companies, NGOs and academic centers of the region. A new demand emerged: indigenous representatives asked for representation in the planning and decision-making agencies that affect the Chimanes Forest, i.e., on the Board of the Northern Regional Center for Forestry Development. This demand was later expanded to include indigenous participation on the Board of the Chimanes Program.

Also at the meeting, a commission was formed to research within ninety days' time alternative areas to be recognized by the State as an Indigenous Territory. These steps were taken to try and resolve the conflict at the regional level without passing it up to the central government. However, the Commission became bogged down. Once the ninety day deadline passed, the indigenous organizations resumed their efforts on behalf of their interests.

**The Inter-institutional Technical Commission: An Effort at Reconciliation**

A Supreme Resolution issued during the Government of Paz Estenssoro (1985-1989) established a national need for recognizing and granting full land ownership to communities of Eastern and Amazonian Bolivia. This resolution prohibited the granting of any rights in an area claimed by the indigenous peoples until a study could be completed that would clarify the assignment of territories. The Resolution charged the National Center for Forestry Development with setting up an Inter-institutional Socioeconomic Technical Task Force to carry out the study, a task completed between March and June 1989.

The Task Force was organized on two levels: a decision-making level and a technical level. Each member proposed its own technical experts from among anthropologists, forestry experts and ecologists. The indigenous peoples named their own regional experts.

While the technical team was preparing for the field work, a new indigenous land claim emerged in the Chimanes Forest -- this time introduced by the Chiman Council. The new demand called for a much larger area than that demanded by the Branch Office of San Ignacio de Mojos. The Task Force was faced with a double problem: that of reconciling two overlapping indigenous territorial claims and at the same time trying to find a way to resolve the conflict between these territories and the lumber concessions.
The technical team went to the area to carry out a survey of economic activities and the use of space by indigenous peoples. While it was preparing its proposals, another conflict emerged. On the one hand, the companies were not willing to cede one square meter of their concession and, on the other, the indigenous organizations and the institutions that supported them kept insisting that not only should the areas surrounding the forest concessions be recognized as a Territory, but also an area in the center of the Chimanes Forest that would minimally secure their access to the resources. It was recommended that one area with overlapping claims by several ethnic groups be recognized as a Multi-ethnic Territory.

The Civic Committee of Beni sided with the lumber company executives because they stood to lose their share of the revenues derived from forest extraction. The government representatives, meanwhile, showed a lack of leadership capacity. They failed to mediate, leaving it up to the parties involved to resolve their own conflict. Finally an agreement was reached, not as a result of a consensus about the problem at hand, but rather because of a circumstance - the uncertainty surrounding the next change of government. The parties recommended that the areas surrounding the forest concessions be consolidated in favour of the indigenous peoples without affecting the concessions.

The recommendations of the Socioeconomic Technical Task Force were criticized by the indigenous peoples of the Chimanes Forest for the following reasons:

1. they were to be granted "traditionally occupied lands" when they wanted "indigenous territory"
2. the granted lands were small and fragmented when they sought one large continuous area
3. the grants did not include territory in the central area for which the indigenous people had originally petitioned.

On the other hand, the indigenous peoples agreed with other aspects of the report, among them the recognition in Article 1 of the report that the indigenous peoples should be respected for their way of life. The indigenous response also stated "we agree with Article 4, in which the state recognizes our rights as Bolivian citizens and that we are equal to the Whites." The indigenous peoples proposed that all forestry concessions in the Chimanes Forest be lifted and the entire area be declared an Indigenous Territory. The indigenous land claim thus expanded to cover not only the area between the Cavitu and Cuverene Rivers, but the entire Chimanes Forest.

The Chimanes Program, in the meantime, struggled with internal debate among its members. While stating that they "completely identified with the actions taken by the government...as far as the need to provide territories to the indigenous peoples that inhabit the Chimanes region" was concerned, Program authorities also asked the government to once again sign new special contracts with the lumber companies "only for the year 1989." At the insistence of the Chimanes
Program, an order prohibiting the granting of rights in Chimanes while the indigenous territorial demands were in dispute was contravened. The Northern Regional Center for Forestry Development continued granting logging permits to the lumber companies. Between 1987 and 1990 approximately 85,000 cubic meters of mahogany were extracted from the Permanent Production Forest of Chimanes under a selective system. Although several reforestation initiatives were begun, these did not begin to replace the biomass that had been extracted (Endnote 1). These actions only helped to significantly increase the conflicts in the Chimanes Forest.

The Chimanes Program requested a new study from CIDDEBENI, to both compile and enlarge the data base that had been developed in the earlier study. The study recommended a general rezoning of the area taking into account the different players that had a stake in the area. It assumed a reduction in the extent of forestry concessions and a reversal of the concessions that had not complied with legal requirements. It also recommended the relocation of the rest of the concessions to the interior of the area in order to make room in the central zone for a territory that would ensure meeting the needs of the indigenous peoples and allow them to continue their non-depredatory activities in the forest. The study proposed reducing the original indigenous demand to an area whose limits were defined by the Chinsi Viejo and Cuverene Rivers instead of the Cavitu-Cuverene. It also recommended the implementation of a Management Plan of the area for the different types of zones known in Chimanes. Finally, indigenous organizations were to be incorporated into the agencies and decision-making processes, the Board of Directors of the Northern Regional Forestry Center and the Board of Directors of the Chimanes Program.

The Chimanes Program and the Center of Northern Regional Forestry Development took the second study's recommendations into account as far as the incorporation of indigenous organizations into the planning and decision making agencies, but did not reorganize the Chimanes territory. All the recommendations were adopted by the indigenous organizations.

Overall, the indigenous organizations' work to formulate and present their land claims stimulated a growing mobilization among the communities. Between 1988 and 1990, there were seven Indigenous Peoples Meetings in the Chimanes region and numerous seminars, workshops, round tables, etc. Both indigenous representatives and national institutions participated in these events. At the same time, a solidarity movement among indigenous peoples began gaining strength and organizing itself around the so called Solidarity Coordinating Center of the Indigenous Peoples, an entity that included prominent individuals, parishes and institutions tied to the Catholic church, as well as 70 non-governmental entities in the country.

**Dispute Management Issues**
A number of issues emerged during the time in which the indigenous organizations were formulating and defending their land claims. These illustrate the problem of addressing issues between two vastly different cultures, the difficulties of organizing communication between parties, and the complexities of knowing who adequately represents a community that lacks the structures to interact effectively with a dominant culture.

The Mojeno's demand that an area be recognized by the State as Indigenous Territory had deep cultural roots. In the center of the forest, where cutting areas had been granted, was a community named Carmen del Aprecito, very important to an indigenous religious movement called the Searchers for the Sacred Hill. In formulating the land claim, the magistrate of Carmen asserted that "the people want this territory because they think that it is the place they are looking for" -- i.e, the contested area was viewed as the Sacred Hill.

The town, founded on a millenary ideology that combines sacred and secular elements, found itself faced with the tasks of trying to protect the sacred site from lumber company presence. The community was very concerned that current legislation -- which grants only 50 hectares per family -- would not allow the consolidation of an area large enough to protect the Sacred Hill.

Although at first the idea of a territory was no more than a slogan used by indigenous leaders of urban origin, the rural communities, and particularly the communities of the Search for the Sacred Hill, ended up imbuing the slogan with a very specific content. The concrete demand also implied important changes in the strategy that the Mojenos had developed since the end of the last century in dealing with the white-mestizo population. Previously, the Search for the Sacred Hill had led to a distancing of the Mojenos from the former conversion centers, and the millenary discourse proposed a radical break with white-mestizo culture. The land claim, by comparison, required lobbying government agencies, coming out of isolation and being open to negotiation without renouncing their objective of consolidating control over a central area of the Chimanes Forest.

Lack of information on the indigenous communities' part about the white-mestizo culture and vice versa also emerged as an important issue. Indeed, one side viewed the conflict as principally one of economic interests, while the other side was concerned with cultural-economic interests. While sitting down at the same table to negotiate signified an advance in mutual recognition, it also led to communication problems between two worlds that were culturally distinct and situated in very unequal positions. How could one transmit in secular terms - so that it would be understandable to businessmen and others - religious beliefs that would provoke more ridicule than understanding? In some ways the indigenous leaders and the institutions that supported them - the Parish of San Ignacio and CIDDEBENI - played the role of translating the indigenous demands into secular terms.
A final important issue concerned the role of various groups in representing indigenous concerns. During most of the early stages of the history of land claims, the leadership of the Chimanes Forest land claim had been in the hands of the Branch Office of San Ignacio and the Central Office of Indigenous Mojeno Town Councils. Both of these basically represented the community settlements in the eastern and central areas of the Chimanes Forest, and to a lesser degree the Chiman settlement situated in the extreme eastern area of the Forest. At one point, however, lumber company executives' representatives took a letter signed by various Chiman groups in bilingual schools organized by "New Tribes" Evangelical Mission to the third meeting of councilmen and indigenous representatives. The letter indicated that the Chiman groups had no problems with the lumber company executives who had offered them jobs and help with transport. They were instead facing having their lands invaded by Andean colonists moving in from an eastern zone close to the Maniqui River valley. They also indicated they did not agree with the land claims or the accusations made by the Town Council. They also did not recognize the Branch Office of San Ignacio and the Central Office of Indigenous Mojeno Town Councils as their representatives. This controversy -- based on differences among the indigenous communities -- persisted through the Indigenous March, which part of the Chiman Council refused to support.

**Indigenous Mobilization: The March for Territory and Dignity**

Between late 1989 and early 1990, the indigenous peoples' cause was not dealt with because of the transition of Jaime Paz Zamora's new administration. Nevertheless, lumber extraction in Chimanes continued, provoking a growing discontent among the indigenous communities in the area.

On November 13, 1989, the indigenous groups suggested the Socioeconomic Technical Task Force proposal be modified to make the proposed land grant continuous, and to add an area in the center of the Chimanes Forest, between the Chinsi Viejo and Cuvereene Rivers. At the same time, they proposed a decrease in size and number of forestry concessions based on a rezoning of the Chimanes Forest. In this way, they distanced themselves from the proposal of lifting all forestry concessions and declaring as indigenous territory the entire Chimanes Forest but without totally abandoning the communities' original proposal.

During the process of formulating the indigenous land claim in the Chimanes Forest, the communities of the Isiboro-Secure National Park and the Sirionó people of El Ibiato joined the cause with their own set of demands. The First Indigenous Congress expressed support for all three territorial demands.

Four indigenous meetings were organized to consolidate the three territorial demands. As a product of the four meetings, councilmen and indigenous representatives set August 2, 1990 as a deadline for the government to provide solutions for the territorial demands. In the event this deadline was not met, a
march on La Paz would take place. Marching from Trinidad, capital of the Province of Beni, to La Paz, a distance of more than 600 kilometres and taking at least a month, was chosen as the only effective measure for pressuring the government into action.

In response, the government sent a set of proposals to the second meeting. The proposals were rejected because although they recognized the need to carry out a "rezoning" of the central area, the proposal still did not clearly define the conditions and the time frame in which this was to be carried out. Moreover, the prohibition of logging in Chimanes while indigenous land claims pended was not upheld. Participants at the meeting ratified the August 2 deadline and set the starting date for the march, called a march for Territory and Dignity for August 15, 1990.

The regional and national press played a fundamental role in the process of mobilizing the indigenous people. The press had followed this organizational and lobbying process since 1987. At first only timid notes were written about the indigenous movement of Beni buried in the internal sections of the newspapers, but progressively the articles on the movement came to occupy the front pages. Press coverage reached surprising heights during the March. Indeed, during the 34 days it lasted, the March was permanently accompanied by four journalists from the press, radio, and television. Major radio and television campaigns were also organized to collect provisions for the marchers.

On August 16th, most newspapers announced that 300 indigenous persons had set out from Trinidad for La Paz. On August 19th, the newspapers reported that in San Ignacio another 300 indigenous persons had joined the March. Upon arrival in La Paz on September 17th, 34 days later, more than 800 indigenous people participated.

The government's response to the Indigenous Peoples' March was ambiguous. At one point, the Minister of the Interior threatened to send military troops if necessary in order to detain the movement as it was infiltrated by "extremists of well-known political affiliations." At another time, the government offered to send army trucks in order to take the marchers to La Paz so they would not have to undergo the rigors of crossing the mountains.

At various times, the government also attempted to regain control of the negotiations. In Puerto San Borja, they made the same proposal they had offered in San Lorenzo. At a meeting with the marchers in Caranavi, they proposed increasing the number of hectares to meet the demand of the Sirionó in an attempt to divide the movement. Finally, the President, the Cabinet members, the presidents of both legislative chambers, and the General Commander of the Armed Forces went to Yolosa. Still, the marchers held to their original demand for the central area of the Chimanes Forest.
Meanwhile, the lumber companies defended their own interests through paid advertisements in which they conceded the need for the State to recognize the indigenous peoples' rights principally to education and health. In some cases they also recognized the need of the State to create territorial areas in favour of ethnic groups. Still they remained quick to point out that the companies had obtained their rights legally and had made investments. In reference to the March, the company advertisements suggested that the indigenous peoples were being manipulated by external interests -- specifically, by CIDDEBENI and institutions associated with the Solidarity Coordinating Committee. The Confederation of Private Businessmen of Bolivia, one of the most powerful and influential organizations in the country, also voiced their concern: indigenous peoples should not be allowed to have their own territories because it was a means of creating small independent territories and promoting the break up of the national state.

The joining of the three territorial demands permitted unified action by the indigenous movement, but also provoked an alliance between the Federation of Cattle Ranchers of Beni and the lumber businessmen. Since the 1940s, this Federation had represented the most important economic sector in the province. Its interests were affected by the land claim made by the Sirionó indigenous peoples in El Ibiato. The president of the Federation was a provincial representative, member of the Chamber of Representatives and government supporter. Thus, even though the parliamentary representatives of Beni attempted to intervene in the conflict as mediators, the Federation president prevented this.

The Civic Committee of Beni issued a statement saying that even if the indigenous demands were supported, the fact that the urban centers' economies relied on 11 percent of the lumber royalties also had to be considered. The Civic Committee of San Borja took a more radical stance, threatening to carry out a civic strike if the government acceded to indigenous demands in the Chimanes Forest. The positions of these organizations can be understood due to the fact that the March proposed, in addition to the demand for the Chimanes, a demand in the Isiboro-Secure region, contiguous to the Chimanes and over which there was a border dispute with the Province of Cochabamba. The Beni institutions maintained their right over this region due to the presence of indigenous Mojenos and Yuracares which proved the Beni nature of the disputed area was part of the Beni.

Neither the Chimanes Program nor the conservation organizations that were in it took a stand with respect to the indigenous demands during the March. The indigenous movement constantly appealed to the conservation organizations, pointing out that the indigenous territories held important possibilities for conservation and sustainable development. However, the person responsible for the forestry program and who was the representative of Conservation International in Bolivia (while representing the Bolivian Forestry Engineers' Association, made known to the press - as he had done on prior occasions - his strong disagreement with indigenous actions and demands. During the March, he
tried to intervene between the State and the indigenous peoples by trying to point out the advantages that the businesses' presence held for the Indians because it gave them jobs and transportation. However, his suggestion did not take into account the social and cultural contexts of the Mojeno community settlements when it classified Mojenos as "colonizers" and not as a people that had a strong pre-colonial relationship with the region. In response, the indigenous leaders said that "they did not want any bosses, but only to work for and by themselves."

As the March advanced toward La Paz, something seldom seen in the history of the country took place: a solidarity movement organized. Settlers from the tropical areas supplied the marchers with provisions over many days. Labour unions, universities, several professional schools, the Federation of Press and Television Workers and the Solidarity Coordinator with Indigenous Peoples also supported the Indigenous March.

Equally important was the Catholic Church's position, expressed by the Bolivian Episcopal Conference, the church's highest organ in the country. Its direct support of the March consisted not only of providing goods, services and health care by various parishes in the rural area, but also political support for what the March implied. It should be pointed out that the Catholic Church has often played the role of mediator in Bolivian social conflicts. The case of the Indigenous March was no exception. The Church was not only a mediator but a guarantor of the commitments made by the government with the indigenous peoples. The Church threatened excommunication in the event these commitments were not fulfilled.

The immediate result of the March was the issuing of three Supreme Decrees through which four indigenous territories were recognized: two in the Chimanes Forest, one the Isiboro-Secure and one in El Ibiato. A fourth decree established a task force to prepare a Law that would regulate the indigenous rights to the Oriente and Amazonian regions of the country.

DEVELOPMENTS AFTER THE MARCH

Two issues:

- the execution of Decree 22611 in the Forest
- the management of the area's resources

have been central to the period since the Indigenous March.

Between January and June 1991, in response to the community settlements in Chimanes, the Central Office of Indigenous Peoples of Beni and the Branch Office of San Ignacio persistently denounced noncompliance with the Decree. In May, the Branch Office of San Ignacio called for an inter-institutional task force to investigate the claims of the indigenous communities in the region. This task force visited the indigenous communities of the Chimanes Forest for one month.
It then issued a report describing conflicts with cattle ranchers, lumber companies, the Forestry Development Center and illegal chainsaw wood cutters. The accusations were widely publicized, and as a result, in June 1991, the government formed a new high level commission to examine the situation in the Chimanes Forest.

Promulgation of the decree did not eliminate conflict from the region. Lack of clarity about the boundaries of the Forest has fed tensions between logging companies and indigenous communities. Government officials have been accused of illegally pressuring indigenous groups to sell mahogany to logging companies. And illegal chainsaw operators -- said by some to be supported by logging companies -- have invaded the area.

Unregulated felling of trees is prohibited by the general forestry law. In the Chimanes Forest region this practice has become a complex socio-economic problem involving Andean settlers, peasants native to the region, those marginalized from urban centers and several indigenous groups. The phenomenon worsens with the ever-increasing demand for wood in rural communities and as the urban centers approach the Chimanes Forest. Lumber executives argue that this phenomenon has gotten worse with the establishment of the Indigenous Territories in a "no man's land" while the indigenous peoples claim the lumber companies "make it easy" for people, including some indigenous peoples, to be induced to use illegal chainsaws in the Territories. Illegally cut wood is reportedly sold off to logging companies at informal auctions for a fraction of the price it would have bought in official auctions.

Other factors contribute to the continuation of the conflict. The indigenous organizations disagree on the quotas and the corresponding royalties due to each group. Conflict also arises between indigenous peoples that view sale of wood as a means of augmenting their family's income in the short run and those that see in the resource base a possibility for improving the living conditions among a group of communities in the area, as well as for future generations. In addition, the conflict between the State and the lumber companies and the NGOs that support the indigenous peoples has deepened. Conflicts have also occurred between the NGOs and the indigenous organizations. There has been an attempt to exclude the NGOs from the process arguing that the indigenous peoples are perfectly capable of negotiating their own affairs.

Various interpretations of the overall results of the Indigenous March can be drawn. One view holds that the destructive activities by the communities and settlements that occupy the Territory will continue, jeopardizing the possibilities of carrying out an effective model of sustainable development in the region.

Another alternative, however, envisions the possibility of reinforcing a widespread conservationist tendency, present in parts of the indigenous population of the area. Between 1991 and 1993, a series of developments have
taken place that combine the conservation of resources with the development and improvement of the quality of life of the inhabitants of the Multiethnic Indigenous Territory. A Coordinating Commission for Multiethnic Indigenous Territories has been organized by the councilmen and representatives of the region. This organization has also created an indigenous technical team that includes 20 young indigenous people selected by the Meeting of Councilmen to train and support the Coordinating Commission in technical aspects of management of the area.

Between 1991 and 1993, based on agreements between the indigenous organizations of the area and CIDDEBENI, with the support of other institutions, a series of training courses in planning, administration, management and monitoring have been organized for indigenous technicians, strengthening empowering their traditional capacities while reinforcing their abilities with new methods and techniques.

A series of studies and inventories of the natural resources of the area were initiated. At the same time, the socioeconomic study was continued. In 1992, the indigenous technical team collected the results of preliminary studies and decisions of the Meetings of Indigenous Peoples, and proposed a preliminary plan for protection and development of the Multi-Ethnic Indigenous Territory. Because it was suggested by inhabitants of the area and since it adapted the methodology of the Management Plans for Protected Areas to the needs of an Indigenous Territory, it was an unprecedented experience in the country. Despite its technical problems, the document illustrates the communities' desire to conserve the resources of their Territory while prioritizing their development needs.

In general, the actions that have carried the indigenous organizations of the Multi-Ethnic Territory forward have strengthened the capacity and creativity of the communities to progressively resolve the serious problems that confront them.

CONCLUSION

In the introduction to this work, I suggested that the resolution of social conflicts requires the recognition of the subjects as social and political actors and of the existence of the conflict. Analysis of the conflicts in the Chimanes Forest shows us that:

1. There was lack of knowledge about and denial of the existence of the indigenous communities. These groups were, in turn, unfamiliar with the processes of decision-making that had affected the area in which they live.
2. The indigenous peoples, in order to assure that their land claims be heard and resolved, first had to organize themselves. This implied important changes in their traditional organizational modes. The most notable change could be seen in the Chiman people with the emergence of an entity that attempted to represent the entire group despite their traditional
decentralized organization. Second, they had to formulate a demand and alternative solutions. Third, they carried out an unprecedented social action - the Indigenous March for Territory and Dignity.

3. In a society with strong colonial roots, the Indigenous March fulfilled the function of a rite of passage that made it possible for Beni’s indigenous peoples to become legitimate social players.

4. The recognition of Indigenous Territories made it possible for the indigenous peoples to negotiate and participate in the processes of planning and decision-making in relatively equal conditions. The first step was to destroy the myth that indigenous populations had to integrate themselves into national life through the beneficence of the state or private entities.

5. The entire process took place in the context of multiple conflicts, in which, in addition to companies and indigenous peoples, the State, the civic movement, NGOs, and churches took part. Furthermore, conflicts existed among the indigenous organizations themselves. One could say that the conflict was a catalyst that made the indigenous population into a social and political player.

6. The negative aspect of the conflict was made clear by situations that impeded their long-term resolution. These include:
   - the shortcomings and/or absence of appropriate legal instruments that regulate the rights of the various groups.
   - the inadequate application of or the noncompliance with the existing legal norms by state entities and the processing of the demands through informal channels. This resulted in a lack of transparency in the processes of administration and forestry management.
   - the disfiguration by groups that should or could fulfil a technical role and of effective control of forestry administration not only in the spheres where macro decisions are taken, but also in the forest where they are put in practice.

7. The experience of the Chimanes Forest also suggests that certain mechanisms enhance the likelihood of resolution. Among them:
   - research and recognition of the realities in conflict.
   - the reinforcement of the capacity to negotiate through training and external support of the sector with structural disadvantages in the conflict.

8. The central role of the State in resolving territorial demands naturally comes to the forefront. The State was not a monolithic entity, but rather represented by diverse interests that in the process played different roles and took different positions. The indigenous peoples were capable of distinguishing these differences, passing through local and regional levels until finding an answer to their demands at the highest levels of State power, although afterwards the commitments made at this level were distorted through arbitrary application. The Chimanes experience teaches
us that like pressure from a major group in civil society, the unity of indigenous peoples was able to neutralize adversity within the State.

9. Finally, this case illustrates an indigenous movement as a proactive social movement and not a vindictive one.

ENDNOTES

1 In 1989, it was assumed that approximately 12,727 mara plants had been replaced, and in that same year, quotas were granted for the felling of 24,292.66 cubic meters of mara to four of the seven companies in the Chimanes Forest (Goitia, 1990:41).

INDEX OF ACTORS

Presidency
Modeled as a "hybrid presidency" within the Bolivian State, the Presidency constitutes the highest decision-making body in the country. However, many of its decisions must first be endorsed or rejected by the National Parliament.

Ministry of Rural Affairs
one of 15 cabinets that along with the Presidency makes up the Executive Branch of the government. Its role is to define and carry out governmental policy on agricultural and rural issues.

Center of Forest Development
the state agency of the Ministry of Rural Affairs in charge of managing the forestry sector at the central and national levels.

Northern Regional Center for Forestry Development
an independent agency representing the Center for Forest Development in Beni. Since 1986, as a result of a struggle from diverse groups in the region against the state's centralization, it has enjoyed financial independence and has operated in an autonomous manner. The board of directors is comprised by the Executive Director, the State Attorney's office, the Beni Development Corporation, the Beni Civic Committee, the Beni Technical University, the Regional Forestry Chamber and, due to conflicts with the indigenous peoples in the Beni forest, the Beni Indigenous Peoples Center.

Bolivian Indigenous Institute
a state agency part of the Ministry of Rural Affairs whose mission is to watch over the country's indigenous people's rights. Created in the late 1940's it was until 1990 an essentially ignored agency. With the emergence of the indigenous movement, particularly in the eastern part of the country, this entity began to gain importance and expanded authority within the state ministry's structure by means of Decree No. 22503 issued in early 1990.

Beni Civic Committee
a non-governmental group representing non-governmental institutions and social organizations in Beni. Its highest decision-making body is the State-Wide Civic Congress held regularly every year. Continuance of the Congress is ratified by Provincial Civic Committees during their conference. Since the 1980's this
organization has begun to seriously challenge the belief in state centralization by advocating regional demands.

Transitional Technical Commission or Chimanes Program, an agency created in 1987 with the goal of strengthening the technical, managerial and financial capabilities of the Northern Regional Center for Forestry Development, and guide the technical aspects of sustainable resource management in the Chimanes Forest. The board of directors has included since its inception the League for the Defense of the Environment (LIDEMA), the Beni Biological Station, the Universidad Mayor the San Andres School of Ecology, Conservation International, representatives of logging companies that operate in areas of the Chimanes Forest and representatives of the Northern Regional Forest Development Center. Two years later, during the conflict in the Chimanes Forest, the Chimanes Program board of directors was transformed by the inclusion of Beni's Technical University and the Beni Indigenous People's Center after the withdrawal of the School of Ecology of UMSA and Conservation International.

Bolivian Private Enterprise Confederation
an umbrella organization that represents all private companies in the country, including logging companies. The logging companies also are part of the National Forestry Chamber. This later group represents regional branches called Regional Forestry Chambers.

Beni Cattle Ranchers Federation
an umbrella organization representing all cattle ranchers in Beni and Pando. Cattle raising is the most important economic activity in Beni. The federation is also linked with the Bolivian Private Enterprise Confederation.

Bolivian Confederation of Indigenous People of the Eastern Region (CIDOB)
an organization which represents the majority of the indigenous peoples of Eastern Bolivia, Chaco and Amazonia. Since its inception in 1982, it has increased its level of representativeness and has gained legitimacy. An organization that clusters very prominent groups such as the Beni Indigenous People's Center (CPIB), Pueblo Guarani Town Council (APG), and the Amazon Region Indigenous People's Center (CIRABO), it is also affiliated with the Amazon River Basin Indigenous Coordinator (COICA).

Central Office of Mojeno Indigenous Town Councils (CCIM)
established in 1987 to represent Mojeno Indians in Beni, this organization paved the way for the creation of the Beni Indigenous People's Center in 1989.

Beni Indigenous People's Center (CPIB)
an indigenous organization created in 1987 to represent 16 indigenous towns located in Beni. It is affiliated with the Indigenous Confederation of Eastern Bolivia (CIDOB).

Indigenous Branch Office of San Ignacio de Mojos
an indigenous organization created at the end of 1987 as a branch of the Central Office of Mojeno Indigenous Town Councils. After the establishment of the Beni Indigenous People's Center it became one of its branches. It serves indigenous people residing in the former settlement of San Ignacio and surrounding indigenous communities, among them 17 communities of the eastern and central regions of the Chimanes Forest.
Chimanes Council
an indigenous organization created at the beginning of 1989 by bilingual teachers from HOREB New Tribes Schools. Its objective is to represent the Chiman indigenous population inhabiting the region of Maniqui river in the Chimanes Forest.

Multiethic Indigenous Coordinator
an indigenous organization established after the indigenous march. Its goal is to represent communities and indigenous settlements in the Multiethic Indigenous Territory recognized by the State. It is made up of one representative for each ethnic group residing in the eastern and central areas of the Chimanes Forest.

Indigenous People Solidarity Coordinator
an organization whose members include individuals, parishes and other institutions affiliated with the Catholic Church and more than 70 non-governmental organizations in the country.

REFERENCES

What follows is the list of the most substantial works consulted or used in the preparation of this case study. However, many more documents and periodicals were consulted, as well as interviews conducted and research carried out in the archives of the CIDDEBENI. For a more complete listing of the documents consulted, please write to the FTPP Coordinator at FAO in Rome, Italy (see address in the Preface of the working paper).


APPENDIX E: Case Study 3: The Creation of the Awá Indian Territory

prepared by Zulema Lehm

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
Rome, July 1993

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INTRODUCTION

The formation of the Awá Indian territory began in 1984 and was completed in 1988. The process sparked a series of conflicts involving a wide spectrum of actors and the use of a variety of strategies. In this paper, we discuss the most significant experiences in order to contribute to efforts to systematize knowledge about conflict resolution processes.

The Awá people are settled on both sides of the eastern boundary between Ecuador and Colombia. In Ecuador, the Awá inhabit a forested area representing the last of the South Pacific tropical forests. These forests have survived despite human settlements and destructive exploitation which, during the last 50 years, has led to the clearing of over 90 percent of the forests in that part of the country.
The Awá occupy a significant portion of these forests which are highly coveted by the neighbouring communities of poor peasant farmers and by several raw materials, lumber, and minerals extracting companies. Conflicts have resulted from efforts to ensure the conservation of the area in the face of strong pressures to exploit its natural resources once resources from surrounding regions have been depleted.

This case study seeks to gather and systematize the experiences derived from the development of the Plan Awá, a project developed to solve the main conflicts, immediate and potential, that affected or threatened to affect the conservation prospects of the Awá region.

SOCIAL AND ENVIRONMENTAL CONTEXT

The "Awá Region" refers to an area in northwest Ecuador where Plan Awá was implemented. This region includes the present Awá Community Settlement Forestry Reserve as well as the adjacent areas that share a direct economic, social and environmental link. According to this definition, the Awá Region covers 5,000 km² that include parts of Carchi, Imbabura and Esmeraldas provinces. The Awá Indian territory, the center of the Awá region, extends over 1,010 km².

Two interdependent factors have played a critical role in the Awá Region's complex social and environmental context: the constant deterioration of the natural systems and the impoverished living conditions of the human population. These two problems are simultaneously cause and effect of the other; neither can be explained or managed in isolation from the other. A simplified analysis of the region's complex setting may be derived from examination of its biophysical characteristics and its conflictive socio-environmental context.

Biophysical Characteristics

The Awá Region contains an unusually high level of biological diversity. It also harbours the main remaining example of western equatorial forests. Ecuador's northwest is part of the Pacific province Choco bioregion which contains a high level of species endemism concentrated in two or three centers. The Awá Region probably includes one of these. Of the 25 life zones classified in Ecuador, 12 are registered in the western forests; 11 of these are found in the Awá Region.

Ten of the twelve life zones reported in western Ecuador have been studied to varying degrees. It has been estimated that this region is inhabited by 6,300 vascular plant species, of which more that 1,500 species (20 percent) are probably endemic. The adjacent Columbian zone may contain an additional 6 percent of endemic species. Although existing faunal studies are incomplete, preliminary research suggests that the highest level of bird endemism in the world may be located in an area along the Ecuador and Colombia border within the Awá Region.
The biological diversity is maintained in forest relics in western Ecuador, principally in the northwest. These forests have been described as some of the most severely affected on the planet in terms of biological extinction due to deforestation and other human activities. Estimates suggest that until 1945, forest covered at least 75 percent of western Ecuador (60,000 km2). Current estimates indicate that only 6,000 km2 remain relatively undisturbed in the region. In other words, less than 9 percent of the area is currently covered with primary forests. The remaining undisturbed forests are found in the provinces of Carchi, Imbabura, and Esmeraldas, the ecological reserve Cotacachi-Cayapas (2000 km2) and some areas adjacent to these two reserves.

**Socio-economic Characteristics**

The Awá Region is one of Ecuador's poorest. Illiteracy among the non-Indian population, most of which are small farmers, reaches 30.3 percent. Among the Awa Indians the rate is 62.7 percent. These figures contrast sharply with the national illiteracy rate of 14.8 percent.

Unemployment is also a particularly serious problem. In the Canton San Lorenzo (the western sector of the Awá Region), unemployment reaches 27.7 percent (twice the national average) due to heavy dependence on lumber activities in an area with depleted forests.

The local population's health conditions are grave, with the worst conditions found among the Indian populations: 92 percent of the Awá population suffers from first degree malnutrition; 58.2 percent from parasitosis; 3.2 percent from tuberculosis, and 95 percent of the population has suffered malaria at least once in their lives. Eighty-five per cent of the households lack potable water, 80.2 percent lack toilets, 76.4 percent lack electricity, and 89 percent lack sewage.

A two-way cause and effect relationship between destruction of natural resources and poverty underlies the social marginality of the Awá region. The areas settled by peasants around the south and west of the Awá territory, on the River Mira basin and the subbasin of the San Juan River, are rapidly eroding. Inadequate agricultural practices that have created large unproductive areas in the south, threatened additional areas with the degradation, and have led to the colonization of untouched areas near the Awá territory. Most of the areas being opened to agriculture are forested areas susceptible to degradation. This is particularly noticeable on the mountain slopes in the eastern part of the Awa region. The State remains unable to regulate the trend towards occupying these forested zones.

Projections of living condition status and natural resource use towards the future suggest a greater potential for deterioration. In other words, more poverty, more natural system degradation, and more conflicts can be expected.
The average annual rate of population growth in the Awá Region is over 4.0 percent (although it reaches 5.0 percent in San Lorenzo province). Estimates project that the population will have increased by 60-70 percent by the year 2000. If current lumber extraction rates continue without reforestation, by the end of the 1990s over 700 km2 of primary forests will be lost. In other words, by in the next decade there will be no more unprotected forests in this area.

Erosion increases as a result of deforestation. This problem is expected to be most severe in the lower part of the region, particularly in areas where lumber companies work. It is worthwhile noting that these areas, due to their alluvial character, are some of the few areas that are appropriate for farming in the Awa region. Thus, capacity for food production will be greatly diminished.

THE PROCESS OF CONFLICT RESOLUTION IN THE AWA REGION

Background: The Awá Plan

Beginning in 1983, as part of border development policies promoted by the Ministry of Foreign Relations, the government of Ecuador proposed to "do something" for the northwest border area, which was seen as socially and economically marginalized. This view was attributed to a lack of means of communication which impeded the region's colonization and development.

Using this traditional approach to regional development and lacking information about the of the region, the government of Ecuador launched a campaign to promote interest in the region among state, church and international groups. That same year, a technical reconnaissance mission, made up of professionals from several state agencies, was sent to the forested area in Carchi province. The mission reported on the existence of some "Kuaikere" Indian (Awa) families settled in a sector known as San Marcos. They also found the belongings of some peasants who, although they didn't live in the Indian region, had begun to colonize it.

On the basis of this information, the government of Ecuador, hired a team of anthropologists to carry out a "Socio-economic Assessment of the Awa-Kuaiker Population in Carchi Province." The assessment confirmed the existence of the Indians and suggested that more Indians groups were scattered among the surrounding forested areas. The study also assessed the main problems confronting this population, highlighting the following:

- No legal acknowledgement of the Indians' land ownership;
- Absence of a formal organization representing the Kuaikeres;
- Lack of official acknowledgement of the Awa's Ecuadorian citizenship;
- Lack of means of communication;
- Lack of schools;
• Lack of official authorities;
• Many health problems;

On the basis of this information, the Ministry of Foreign Relations issued an agreement creating the so-called "Inter-ministry Commission for the Development of the Tobar Donoso Zone." The Commission's purpose was to serve as a coordinating mechanism to support actions in this area, located in the west of Carchi Province.

The Commission included the Ministry of Foreign Relations (MFR), as the Coordinator; Ministry of Agriculture (MA); Communications and Public Works (MPW); Education and Culture (MEC); Public Health (MPH); and Social Welfare (MSW). Later, the National Board for Coordination of Indian Nations of Ecuador, currently known as the Federation of the Indian Nations of Ecuador (CONACNIE), was added. The Commission lacked financial resources and, through the coordination office, started a fund raising campaign. The first donation came from Cultural Survival, through a small grant for "Demarcation of the Kuaiiker Territory in the Carchi Province." Administration of this grant was delegated to CONACNIE.

As a new organization, CONACNIE could not carry out the demarcation process by itself, particularly because of its weak relations with the government agency in charge of the state lands (Ecuadorian Institute for Agrarian Reform and Colonization -IERAC). As a result, under an informal agreement between the Ministry of Foreign Relations and CONACNIE, the former, acting as the Coordinator of the Tobar Donoso Commission, was to lobby the IERAC for demarcation of the territory.

This is the origin of what a few years later became the "Plan for Conservation and Development of the Awá Region." From an historical point of view the "Plan Awa" passed through two stages: (1) the implementation of actions whose central goal was the establishment of the Awá Indian territory; and (2) the development and implementation of a long-term regional conservation and development strategy designed to address the causes of poverty and environmental deterioration in the entire northwest of Ecuador.

This case study will refer to the conflicts that arose and the strategies used during the first phase of the Plan; that is, during the establishment of the Awa Indian territory.

Obstacles to the Establishment of the Awá Territory

By the time the MFR and CONACNIE decided to cooperate, conditions for the establishment of the Awá territory were adverse, especially because:
the existence of the Awá people was neither known nor recognized by the national society;
the Awá territory was surrounded by poor peasant communities which had strong interests in and expectations regarding the Awá lands
the region's peasants and some CONACNIE officials were reluctant to recognize the Indians' rights to the lands, arguing that they were foreigners from Colombia
the State considered the Awá territory idle lands. It had decided to colonize them and declared construction of a road (the Chical-San Marcos-Tobar Donoso road) a priority. The State also remained interested in the mineral resources in the area, especially gold;
some colonizers had already settled in the Indian lands in Carchi;
no legislation allowed recognition of the Awá territory on the terms required by the Indians;
the Awá region was one of the least-studied in Ecuador, with little social or biophysical information available;
some forms of Indian exploitation were practised in nearby peasant communities, especially in those which had interaction with the Awas;
the Awá community lacked a formal organization that would help it confront its problems and demand its rights from the rest of society;
almost all of the Indians were illiterate and very few understood the national language;
in the face of pressures exerted by the dominant society, a tendency existed within the Awá to abandon their culture and especially their language;
the Awá territory encompassed the few forested areas remaining in the west of Ecuador, and as such, several economic interests were associated with their resources.

**Primary Objectives for the Establishment of the Awá Territory**

As a result of the agreement with Cultural Survival, a small team was formed, an experienced Quechua attorney ideologically linked to CONACNIE, and a consultant who specialized in community development and who had strong ties with peasant organizations in the region as a result of his work as volunteer for an international organization. The MFR designated an officer to coordinate the process on a full-time basis, especially at the inter-institutional level.

Due to the unfavourable environment for the proposed project, the team decided to focus on the basic requirements needed to ensure the establishment of the Indian territory. The team developed three priorities: generating public and political support geared at recognizing the rights of the Awá people, particularly their rights to land; carrying out the demarcation and legal appropriation of the Indian territory and strengthening the Awá people's capacity for participation and advocacy of the Awá people throughout the process.
The achievement of these three related objectives allowed for the establishment of the Awá territory. In the process it became necessary to develop creative strategies to overcome technical, legal, and other limitations as well as resolve conflicts created by the decision to set up the territory.

**Building Institutional Participation and Public and Political Support**

In order to obtain IERAC's agreement to delimit and appropriate the Awá territory the MFR started a campaign among various State agencies to include this project among strategies to strengthen national sovereignty in the border areas. The use of this concept helped sell the approach under a different perspective and thus removed it from IERAC's exclusive management.

After many meetings between the MFR and IERAC, the latter agreed to the establishment of the Awá territory as part of a foreign policy on the condition that its teams of advocates and surveyors were given the material and financial resources needed to start work. This demand was satisfied with the resources from the agreement with Cultural Survival. Once this institutional obstacle was overcome, IERAC incorporated what it called "the Tobar Donoso Project" into its workplan and committed to begin the delimitation.

Even after the decision to demarcate the Awá territory was reached, it remained in a precarious position, especially when local peasant organizations launched a campaign arguing that Colombian citizens were going to get Ecuadorian lands. The argument hinged on the Awa's historical origin, their natural relationship with the Colombian Awa, and the fact that the Ecuadorian government had not formally recognized them as nationals. The campaign received sponsorship from some local authorities and "caciques", or "big men", who had direct interests in the Awá territory or who had patron-client relations with the peasants in the region that were threatened by the establishment of the Awá territory.

In response to this argument, the consultant for the Tobar Donoso Commission carried out a baseline census to verify the origin of the Awá Indians settled in Carchi. After several months of field work, made more difficult by the areas' remoteness and the scattered population, it became evident that over 97 percent of the 1,000 Awá Indians surveyed in Carchi had been born in Ecuador. With this information, the MFR requested that the Geneal Registry Office (the state agency responsible for naturalization) send a team of officers to the area to register the people and provide them with citizenship documents. This was done in 1985 in the Indian town of San Marcos.

Two additional teams later completed the process of citizenship acknowledgement among the Awá Indians "discovered" in Esmeraldas province (Pambilar, 1986) and among those who did not participate in the original registration campaigns (El Baboso, 1991). Citizen acknowledgement gave these "new" citizens the legal capacity to exercise their rights, including access to land,
government organizations, education, and in general all the rights that the State extends to its nationals.

Once there was some information on the Awá and their natural habitat, it became obvious that these people were binational due to their location between Ecuador and Colombia. In practice, the international boundary did not effect the Indians' cultural cohesion, differentiate the natural characteristics of the bioregion, or prevent the positive and negative effects of actions on either side of the border. Given the similarity of the social and environmental problems in both countries, the Tobar Donoso Commission proposed cooperation with Colombia.

Making use of the Amazonian Cooperation Agreement Ecuador-Colombia (not the most appropriate policy context but the only one available), the Ecuadorian MFR convinced its Colombian counterpart to include the negotiations for a possible cooperative agreement for the Awá region in the Third Meeting of the International Committee on Amazonian Cooperation in Bogota, Colombia, 1986. This meeting resulted in a lateral commitment to work toward cooperation along three basic themes: (1) the demarcation of the territories according to the respective national laws, (2) bilingual education, and (3) natural resources management. It was agreed to start technical discussions at a bilateral level in order to define the Terms of Reference of the "Joint and Coordinated Actions for the Binational Awá Region."

**Demarcation and Appropriation Process of the Awá Territory**

The demarcation and appropriation of the Awá Settlement Forestry Reserve sparked a series of conflicts. In order to show the sequence of events and to identify the time and place of such conflicts, a synthesis of the process is presented first. Next, an analysis of the main conflicts derived from the establishment of the Awá territory is offered.

The process began with the population census of the Awá Indians in Carchi to determine their origin and location. This information was required to: (1) verify the Ecuadorian citizenship of the Awá Indians and proceed to recognize them and, (2) mark the physical distribution of the population in order to calculate the extent of the proposed Awá territory in Carchi.

An office demarcation was prepared with this information, on a map that, although flawed, provided the only cartographic information available on the area. This work, carried out in consultation with the new Indian organization, allowed the marking of the possible boundaries of the Awá territory in order to help the work of IERAC's topographic teams who were responsible for locating and designating the boundaries.
This work showed that the estimated size of the Indian territory in Carchi measured approximately 80,000 hectares, or almost three times the initial estimates. This fact generated several conflicts, particularly the following:

1. The inclusion of an area in the process of colonization located in the Gualpi Alto sector between Quebrada Castana and Camumbi River. The Maldonado Agricultural Association had been formed for the purpose of colonizing the area.
2. The unwillingness of the IERAC to continue the process because it considered the area excessive for such a small number of people (an average of 320 hectares per family vs. a maximum of 50 hectares which were granted to peasant families). Clearly, the institutional atmosphere of the IERAC produced the notion that the Indians lacked the capacity to be productive.

The institutional conflict forced, once more, the intervention of the MFR to negotiate with ERAC. The first rebuttal was developed on the concept that the important issue was not "per capita area" given to the Awá Indians. On the contrary, the larger this area, the greater the opportunity to protect its biological wealth. Similarly, the notion that the Indians "could not productively use" so much land served to further guarantee the protection of the forest. In other words, they reversed the conclusions while using the same arguments as the IERAC.

Next, field work began. This work took approximately two years due to the absence of appropriate cartography and the difficult topography of the region. Correct maps were drawn years later when the Awá Region Conservation and Development Plan was developed.

During this period many significant events took place. These events allowed, on the one hand, the greater expansion of the Indian territory, and on the other, caused additional conflicts.

The "organizational promotion" activities for the formation of the "Awa Federation of the Carchi Province," made evident that the Awá occupied not only that province but also the neighbouring province of Esmeraldas. Because there was no information on their number or location, the process followed in Carchi had to be repeated in Esmeraldas: A census was conducted (revealing approximately 800 people), the General Registry sent another registration team, another "demarcation in office" was carried out, an organizational promotion was implemented, and the expansion and unification of both sectors in a unique territory was negotiated with IERAC, using the same arguments as the first expansion. And, of course, similar conflicts arose (see Conflicts with Lumber Companies).

At the time of the legal appropriation of the Awá territory a major problem developed: the absence of a legal category which encompassed the appropriation
of a large area, guaranteed in a permanent way the territorial rights of these peoples, and ensured -- in perpetuity -- the issue of management (conservation) required by the particular natural conditions of the area (see Legal Conflicts).

To conclude this synthesis of the Awá territory establishment process, by 1989 the territory area had increased from 280 km² to a little over 1,000 km², including two provinces (Carchi and Esmeraldas) and almost all the remaining non-protected humid forests in the west of the country. In addition, a new category for the management of protected areas had been developed: the Community Settlement Forest Reserve, which without being a panacea, addressed in an appropriate way the particular circumstances of the Awá people.

Main Conflicts, Negotiation Strategies and Solutions Applied

As outlined in the preceding sections, the demarcation and appropriation of the Awá Indian Settlement Forest Reserve created several conflicts deriving from (1) the economic interests associated with the natural resources of the area, and, (2) the absence of a legal framework appropriate for these situations. The strategies applied to solve the conflicts are presented in the following analysis.

This section describes conflicts derived from the fact that the establishment of the Awá territory interfered with the ability of colonizers and business organizations to freely occupy and exploit the lands and natural resources of the area.

Conflict with the Maldonado Agricultural Association.

As mentioned above, definition of the preliminary boundaries of the proposed Awá territory in Carchi affected the land claims of the Maldonado Agricultural Association. This organization had some 50 members who claimed about 80 percent of the area. The Association was formed by peasants, most of whom already owned land in their home towns. They saw the possibility of colonizing other areas as a means of increasing their resources. The organization was legal; that is, the State had recognized it as a legal organization and, in fact endorsed its purposes.

Because the area occupied by this Association was the closest to the last road, the Office of the Tobar Donoso Project decided to start demarcation efforts there. By that time, the Awá organization had assigned Indians to collaborate with the IERAC staff in the demarcation.

It was then that the conflict arose. The Awá Indians did not acknowledge the claims of the Maldonado Agricultural Association to the lands they considered theirs, the Association argued that the lands were "idle" and those under cultivation had been purchased from the Indians (in many cases in exchange for a small number of cattle). The Association pointed out that their claims to land had been previously recognized by IERAC Regional Headquarters in Carchi and that
there had been a commitment to their appropriation. They also argued that the Awa were Colombian.

The parties directly involved (the Awá organization, advised by the Indian social worker from CONACNIE, and the Maldonado Agricultural Association) began direct negotiations in order to resolve the conflict. But the negotiating positions appeared so inflexible that it seemed the conflict would only be resolved if one of the parties dropped its demands, which, for obvious reasons, neither side would do. Under agreement, the two sides chose to present the conflict to the MFR for its arbitration. Each party, however, had different reasons for doing so.

The Maldonado Agricultural Association believed that the MFR had caused the problem by sponsoring the establishment of the Awá territory and was therefore responsible for solving it. The Awá organization had developed trust in the MFR through the work of the Indian social worker and the consultant and saw it as backing its objectives.

Given this background, the officer in charge of coordinating the Tobar Donoso Commission initiated talks with the Agricultural Association. After some time, the MFR diator proposed a solution, acceptable at last, that included the following terms:

1. Compensating the Association with the Tobar Donoso Commission resources for improvements to the land, on the basis of an evaluation by an IERAC expert.
2. Respecting the Association's claim to lands which were not included in the Awa territory.

The conflict concluded with the signing of a statement by the two interested parties. Still, bitter feelings persisted between the two parties. In order to alleviate some of this tension, the MFR obtained a government donation of materials to build a market and community canter for the Association.

Conflict with the Pre-cooperative 3 de Julio and with Landowners in Lita.

The conflict with this pre-cooperative developed from similar causes. This organization, which was not legally registered, was formed mainly by residents from the city of Ibarra, capital of Imbabura Province. These were, for the most part, people in public administration. Some were high officials in the central government. The pre-cooperative had 50 members, many of them related.

The pre-cooperative had previously requested from IERAC the appropriation of an "idle" area of approximately 5,000 hectares located to the south of the proposed Awá territory in Carchi. They wanted to divide this land for vacation homes but had no effective possession except for a hired guard and about 80 hectares of pastures.
The leaders of the organization went to the MFR to state their "willingness to enforce their rights" and request financial support to demarcate the 5,000 hectares. These lands bordered the Awá territory and required reducing the proposed Awá area by 2700 hectares. The pre-cooperative approached the MFR under the premise that they refused to negotiate with the Indians since they were foreigners.

The talks took place between the Tobar Donoso Commission (with a negotiation team made up of an MFR officer, a representative of CONACNIE/preAwá Federation, and the Commission's consultant) and the pre-cooperative. The Commission's strategy was to present the agreements in a framework of "absolute respect for the rights of the pre-cooperative" according to its demands.

The Commission negotiator proposed an acceptable solution including the following terms and propositions:

1. According to the Agrarian Reform Law, the area for appropriation in these cases should not exceed 50 hectares per person. Given the number of pre-cooperative members (50 people), this would give them 2,500 hectares, only half their claim.

   According to a previous estimate, there were still 200 hectares in the Awa territory belonging to the pre-cooperative. In order to avoid unnecessary conflicts which could hold up the legal appropriation of the lands for the pre-cooperative, the organization was persuaded to cede this small area to the Awá Indians. In exchange for relinquishing these 200 hectares the Tobar Donoso Commission gave a small amount of money to the pre-cooperative to pay for the demarcation of its border with the Awá territory, which was precisely the same as stated in the original proposal.

2. Similarly, it was understood that the agreements reached with regards to the boundaries of the pre-cooperative did not exempt it from fulfilling all the other legal requirements for land appropriation, particularly the requirement for qualifying as landless peasants according to IERAC. This legal process was carried out later, reducing the number of qualifying members to less than the minimum number required by law (11). After that, the pre-cooperative was dissolved.

The conflict with the pre-cooperative served as a prelude to many tensions with the landowners and peasants adjoining the southern part of the proposed Awa territory, which had been densely colonized for over four decades. After the case of "the 3 de Julio," these people saw their lands as threatened. Their fears gave way to an aggressive campaign against the demarcation of the Awá territory. The campaign degenerated into some violent actions such as the burning of several Indian homes under the grounds of expelling foreigners.
In response to death threats to the Indian leaders, the Awá formed a rudimentary police and self-defense force. This force, made up of about 100 men armed with rifles, patrolled the area bordering the landowners' and peasants' part of the region.

Seizing the opportunity of this "truce," the consultant of the Tobar Donoso Commission and the promoter from CONACNIE convinced the activists of Lita and the Awá organization to start bilateral negotiations. However, the MFR's mediating intervention in the negotiations was not acceptable to the landowners and peasants, who considered it partial to the Indians.

A general assembly was held in Lita. At this assembly the landowners and peasants, intimidated to some extent by the strong Indian reaction, accepted the demarcation of the Awá territory in exchange for assurances that the Awá were not to harm their lands and property.

On the basis of this general agreement the great task of demarcation was initiated, lasting about two years, during which time both parties (Awa organization vs. each one of the landowners and peasants) negotiated the borders meter by meter. This is the reason for the more irregular shape of the border line in the southern sector of the Awá territory. In the end, the tensions disappeared and, with the help of Lita's population, a notice was posted in a visible location within the town announcing the existence and the limits of the Awá territory.

Focusing on Interests Rather than Positions: the Importance of Problem Definition.

Prior to the creation of the Awá territory in 1988, the Awá held no title to the lands they occupied. With the establishment of the Territory, the Indians agreed among themselves on rules for the use of their land. These rules prohibited the sale of timber, animals or fish from the territory in outside markets. The Awa who lived along the Palabi river in the western part of the Territory respected these rules and were disturbed by the goldpanning miners from the neighbouring town of Ricaurte who continued to hunt within the reserve, fish with dynamite, and steal from Awá homes in the area. In response, the Indians began preventing the miners from entering the reserve for any reason, including to pan for gold. This action led to tensions between the Awá and the miners of Ricaurte - tensions which led to hostilities in the Ricaurte market and occasionally violent encounters. Some Awá were even refused treatment at the Ricaurte health clinic.

In an effort to deal with the escalating conflict between the neighbouring communities, town representatives asked the director of UTEPA to help resolve the problem. The UTEPA director called an open meeting in Ricaurte which was attended by the Awá chiefs from the villages along the Palabi river, representatives of the townspeople, and most of the town of about 150 to 200 people.
Acting as a facilitator, the UTEPA director first pointed out that despite cultural differences, the two sides shared more in common as hard-working, resource-dependent communities. He then asked the representatives of each side to state the problem from their point of view. The Awá representatives said the problem was that the miners hunted forest animals, dynamited the rivers, stole from nearby homes, and polluted the streams with mercury. The townspeople representatives, on the other hand, said the problem was that the Awá prevented them from panning for gold, their principal economic activity. Recognizing that the interests of the two sides were not exclusive of each other, the facilitator then asked the miners if they could agree to abide by Awá rules if allowed to pan for gold in the territory. When they said they could, the facilitator asked the Awá if they would allow the miners access to the Palabi if they abided by this agreement. The Awá representatives likewise agreed. By this simple formula, a conflict which threatened to erupt into ever more violent clashes was averted.

Conflicts with Lumber Companies: the Guadalito Conflict.

During the 1960s, within the framework of the Northwest Forest Development Program (NOFODEP) sponsored by FAO, the first forest inventories were carried out in Esmeraldas Province. Initial analysis showed a general extraction potential of 137 million cubic feet while the volume for lumber extraction from trees over 40 centimetres diameter was around 70 million cubic meters giving an average of 90 cubic meters per hectare, the third largest in the country.

Based on this information, a decree granting the first forestry concessions for Esmeraldas Province was emitted, totalling 380,000 hectares. Extensive forested areas were awarded to very few lumber companies, making each concession a small republic.

The introduction of lumber activities produced a significant transformation in the economy of the province's northwest. Lumber extraction became the main source of employment but at the same time brought about the deforestation of extensive areas. After less than two decades, only a few patches of primary forests persisted.

In 1981, the government tried to correct this state of affairs by passing the National Forests, Natural Areas and Wildlife Conservation Law. This law terminated the practice of forestry concessions and introduced stricter norms for forest use and conservation. The regulations included the possibility that under appropriate management norms lumber companies could agree to a contractual relationship with the government of no more than 400 hectares.

In light of this policy, the lumber companies opted for buying the forests from the owners or settlers (real or fictitious) of these remaining patches. This option was not restricted by law and thus provided an opportunity to use larger forested areas than those assigned by the state. In addition, it eliminated the "unprofitable" management and conservation requirements that the Forestry Law imposed.
By the time the demarcation efforts for the Awá territory began in San Lorenzo county of Esmeraldas Province, lumber companies had purchased almost all the forests neighbouring the main block of the Awá territory, including the areas expected to be attached to the territory.

Thus, the demarcation of the Awá territory faced many conflicts derived not only from the fact that lands foreseen as part of the territory had been bought, but also because of the ways the forests were purchased. In particular:

1. The purchase by land dealers who, induced by the high demand for forested plots on the part of lumber companies, appeared spontaneously. Waves of "landless peasants" occupied a forested area without regards to who owned it, hurriedly marked it off, and sold the forest. Using this method, in several cases the same person sold the same company 18 plots in one year, including obvious Indian lands which, because they were not inside the limits of the Awá territory or registered with IERAC, were taken by these intermediaries as "idle" forests.

2. The coerced purchase through arguments such as "if you don't sell me the wood you will go to jail since you have no documents," or "you won't be able to travel or transport your products in the companies' trucks."

3. The purchase by lures, through which companies transacted with some communities the sale of "forest flight" seducing them with promises of roads, schools, transportation, and even employment in the company for the son of a community leader. This mirage was used in the cases of Guadalito and El Pan.

As a result of these factors, when the demarcation of the Awá territory began in Esmeraldas sector, local conflicts developed in several places, the most important of which was the Guadalito Conflict, described below.

In contrast with events in Carchi, Indians of Esmeraldas settled in a more scattered pattern. Due to the advance of lumber companies and colonization, these Indian communities became mixed with numerous peasant settlements making unlikely the relocation of the peasants - as was done with the Maldonado Association-. Facing this difficulty, it was proposed from the start to ensure the Indian lands through the demarcation of modules that did not include the communities within the main block. One of these was Guadalito.

By the time the demarcation of this 2,200 hectare module started, the community had already sold forest rights to three companies (Chapas and Maderas, Robalino Industry, and Humberto Rueda). These companies rushed to begin lumber extraction, taking advantage of the fact that the module lacked the legal status to stop their operations.

By then (1987), the institutional context had changed: the MFR was transforming the Tobar Donoso Commission into what would be the Ecuadorian Technical Unit
for the Awá Plan (UTEPA), CONACNIE became the Federation of Indian Nations of Ecuador (FETANE), and the Federation of Autonomous Agricultural Workers of Northwest Esmeraldas (FNE) had joined the process. FNE represented about 50 grassroots organizations in the Esmeraldas province sector.

Given the absence of legal jurisdiction in the case of Guadualito, these four organizations agreed to develop a political strategy to halt the expansion of the lumber companies. They hoped to secure an order to suspend activities from the National Forestry Division (DINAF) of the Ministry of Agriculture. This proposal faced two main problems: (1) the ambivalence of the Guadualito community; and (2) the partiality of the San Lorenzo Forest District (the local office of the DINAF with jurisdiction on the issue).

In the first case, the ambiguity of the community was understandable since the community had important economic relations with the city of San Lorenzo, and its interests were more on the side of the peasants than the Indians. In fact, the companies exercised more influence on this community than the Awá Federation which had tried to create the image that the companies had nothing to offer them. In the second case, the partiality of the San Lorenzo Forest District could be explained by the strong influence of the companies in the local economy and, of course, on this small office where, as in the case of its experts, people also worked for one of the companies.

Thus the "battle of Guadualito" emerged in this context. This was the first conflict with the lumber companies within the Awá territory. It set a precedent as to how to prevent the future entrance of these companies into other Indian areas.

Knowing that the San Lorenzo Forestry District opposed them, the four organizations made a first attempt when they decided to bring the issue to the attention of the main office in Quito and bypass potential intervention by the local office. Then, in order to persuade the main officers of DINAF to adopt a proposed resolution, a set of strategies were enacted, these included:

1. "The foreign concern," which consisted of a quick campaign supported by international organizations which, like the World Wildlife Fund (WWF), they published articles about the problem and sent letters to various state officials.

2. "The failure to observe the law" regarding the omission of management measures requirement for forest extraction. In Guadualito, these caused alarming damages to the environment. The infractions were described in a timely study on the issue ("Evaluation of Forestry Practices of Ecuador," sponsored by the US Agency for International Development, USAID).

3. "The failure to observe an international agreement" for which they reminded relevant parties that the protection of Guadualito was part of the Binational Awa Plan.
For their part, the lumber companies also developed several strategies of their own, particularly in Guadualito. Among other persuasive and coercive arguments, they hired some community leaders, suggested the possibility of revoking the transport they offered, and announced that, if they had to leave the area, they would demand the return of the money paid for the purchase of the forests, money that had already been spent.

The DINAF then sent a mission which, with the lumber companies and Guadualito community leaders, negotiated an agreement that resulted in a Letter of Understanding intended to satisfy everybody. The proposal consisted of setting a deadline of six months for the removal of all the companies' equipment from Guadualito.

The agreement appeared satisfactory for the proponents of suspending lumber activities in Guadualito and it looked as if the agreement would be implemented. However this was not the case. The lumber companies continued operating after the deadline expired and DINAF, pressured by the blunt argument of the companies that their closing would lead to unemployment, renewed the authorizations to continue lumber extraction in Guadualito. This occurred despite the fact that by then (1988) the demarcation of the Awá territory had been completed and a Ministry Agreement including that area had been issued.

The second attempt was made when the organizations and institutions which shared the idea of suspending lumber extraction in Guadualito agreed to restart the campaign. This time they planned to: (1) weaken the local power of the lumber companies, (2) publicize the failure to observe an existing law (the agreement for the creation of the reserve), and (3) promote active participation from the affected communities.

With these goals in mind, FETANE and MFR/UTEPA held several community events in San Lorenzo (seminars, conferences, etc.) to build awareness of the social and environmental problems in San Lorenzo. During these events, several significant problems of natural resource deterioration and their corresponding social effects were discussed with documented evidence. The campaign generated lukewarm support from the local public, principally in circles not directly involved in this economic activity. The common people, on the other hand, were scared of the possibility of losing their jobs and the companies took advantage of their fear.

Realizing this, UTEPA which had responsibility for planning of the territory, organized a meeting to find a definitive solution to the problem of Guadualito; a solution acceptable to all interested parties. This meeting took place in San Lorenzo in a hostile and threatening environment created by the lumber companies, particularly by the Chapas and Maderas company.
During this particularly contentious meeting, the following was demonstrated: (1) failure to observe the Letter of Agreement on the part of the lumber companies and DINAF; (2) violation of the stipulated Agreement for the creation of the Reserve in regards to its objective (conservation); (3) cases of blackmail and extortion for the purchase of lumber; and (4) failure to observe the management norms stipulated in the Forestry Law in regards to the San Lorenzo Forestry District. All these arguments left the DINAF in an uncomfortable position, stemming from the documented lack of authority or willingness to observe its own laws and agreements. DINAF ordered the immediate and final suspension of extraction activities by the lumber companies at the risk of losing their machinery if found in operation. That resolution was obeyed by Robalino Industry and Chapas and Maderas; but not by Humberto Rueda.

For its part, the already-formed Awá Federation decided to act more firmly in Guadualito. Community collaboration with the lumber companies appeared confirmed by the offer of Humberto Rueda to continue working in Guadualito. Exasperated by the situation and being ignored by the San Lorenzo Forestry District, the Awa Federation took over Humberto Rueda's machinery. The District then acted as mediator to reach an agreement which included definitive suspension of activities in Guadualito.

The Value of Information: Negotiation in a Hostile Environment
One of the conflicts with timber companies took place in the town of San Lorenzo, where sharp differences among community members finally led to the calling of a public meeting.

Efforts by both sides in the conflict to mobilize community support prior to the San Lorenzo meeting resulted in a deeply divided community: those not directly involved in timber activities strongly felt that the timber companies had a negative impact on the region, while those economically dependent upon the industry supported the companies' presence. Twenty thousand demonstrators from both sides filled the streets of San Lorenzo days before and during the actual negotiation.

The negotiation took place in the office of a local campesino organization. About fifteen people -- representing the timber companies, the forest service (from local and national offices), the Chancellor's office, the Awá of Guadelito, the Awá Federation, several campesino organizations (those displaced by timber activities as well as those who worked for the timber companies), and two journalists -- attended the meeting. Outside the office, the hallway was crowded with angry machete-wielding men who, fearing their jobs were in jeopardy, had come out in intimidating support of the timber companies.

A representative from the timber industry opened the talks by remarking that the discussion concerned the future of San Lorenzo. The Awá Federation representative responded that the negotiation would indeed determine the future
of the area -- but that this would be a future in which the timber interests were not welcome. The anti-timber coalition proceeded to demonstrate through documented evidence the negative impact of the timber companies' unsound extractive practices on the region's ecosystems, the exploitation of Indians in the region, violations of the national timber policies, and blackmail of local forestry officials. Although timber industry supporters denied many of the accusations, the evidence proved so compelling that by the end of the meeting the National Forest Director decided to immediately suspend timber extraction activities in the area. When the armed timber workers outside the meeting learned of the evidence of abuses detailed during the meeting, they held a strike protesting the poor management. They thus reinforced the Director's decision and illustrated the power of well-marshalled evidence.

**Legal Conflict: Lack of Appropriate Legislation**

Land demarcation required a legal instrument to: (1) guarantee the Awá community the exclusive and permanent rights to the area's natural resources; (2) recognize community titles throughout the granted territory exceeding IERAC's guidelines (which provided for a maximum of only 4,000 hectares per community); (3) recognize that the Reserve's "management objective" is the conservation of natural resources, and a guarantee for the material foundations to sustain Indian culture; and (4) prevent land distribution in the region by IERAC.

There was no legal instrument to accomplish these purposes in one area, consequently there was a great risk that all institutional and communal efforts would break down at the critical step: the legal creation of the Awá territory. The only available legal options to formally constitute the territory were the following:

1. Under the National Forestry Law, create one of the various forms allowed by the National System of Protected areas. Because they would be protected area, however, these options would not permit any use of natural resources by the Indian population.
2. Under the same law, form a Forestry Reserve. While this option permitted the legal protection of a large tract of land for conservation purposes, it imposed a risk: the government could at any time allow other uses of the Indian territory.
3. Under the Law of Communes, create an Indian Commune. As previously mentioned, this would have implied reducing the demarcated territory by 60 percent.
4. Under the Agrarian Reform and Colonization Law, provide individual property rights to each family. This meant that each family could get a maximum of 50 hectares (resulting in total reserve area of only 15,000 hectares). At the same time, this option would disrupt the Indian territory's communal character.
The legal dilemma was therefore how to guarantee permanent territorial rights to the Awá in a way that ensured that the land would be well managed in perpetuity.

To solve the problem, UTEPA met with its Advisory Committee, which was formed by the organizations that had made up the Tobar Donoso Commission. Feeling that it would be difficult to amend the National Forestry Law to create a legal instrument to meet the Awá needs, the Committee offered a single piece of advice: create a new land management category drawing upon existing law.

This suggestion was presented to and accepted by the Ministry of Agriculture. The Ministry recommended that Chancellery/UTEPA prepare a technical and legal report for the legal constitution of the Awá Territory. This group subsequently wrote the "Technical Report for the Declaration of the Forest Reserve of the Awa Community Settlement".

Drawing on diverse laws, the Commission put together a proposal for a Community Settlement Forestry Reserve with the following characteristics:

- Indivisible, settled by a commune and owned by the state.
- No one can obtain domain or other rights over the territory and the territory cannot be disposed of by IERAC.
- The right to use forest resources was granted exclusively to the Indian community. Thus it would become an area in which no one outside the Awá community could hold rights of possession or use of the renewable natural resources.

The Technical Report was reviewed by the UTEPA Advisory Committee and subsequently presented to the Ministry of Agriculture. The Ministry adopted it and used it as the basis for Ministerial Accord No. 016 (September 1988) which established the Awá Communal Forestry Reserve.

This legal form approaches the concept of Indian Territory when it is understood as a space which has as its main objective the sustainable management of the region's natural resources and Indian culture. Nonetheless some of the leaders of CONAIE rejected this form - because it did not explicitly ensure property rights to the land, and it did not ensure property rights to underground resources (which are assigned to the state by constitutional mandate). Tensions between the Chancellery/UTEPA and CONAIE ended after the resolution of the Guadalito case. That conflict proved that while this legal form did not meet all the aspirations of the Indian organizations, it was an effective instrument to protect the Awá territory.

**Analysis of Community Participation in the Resolution of Conflict**

Analysis of indigenous community participation in the various conflicts resulting from the establishment of the Awá territory shows that community action
underwent profound changes during the process. The Awá community's role evolved from an initially passive one, allowing other entities to act in their behalf, to one of leadership in the decisions and negotiations related to the management of the conflicts. How and why did this evolution occur?

The main explanation can be found in changes in the community organization. So long as the community did not have its own representatives or representatives with enough experience, they implicitly accepted the actions of other actors (Chancellery and CONACNIE) by not objecting to their defense of what Awa interests were understood to be.

In the early stages, these external actors intentionally worked to cover for the lack of a formal Awá organization and, at the same time, encouraged the Awá to develop their own representation. In other words, what later became the Awa Federation began as an outside proposition.

At first, it was difficult to identify leaders recognized as such by the Awa people, although there were people who had more contact outside the Awá community with high profile authorities. Nor had there been a practice of involving all of the Awá in the analysis of their problems, except for some spiritual rituals that brought together small groups of relatives or friends.

Given this background, the external actors promoted Assemblies of the Awa Pre-federation. These large meetings had two basic objectives: to promote the indigenous organization through consciousness-raising and capacity building, and, to serve as a mechanism of consultation and participation with the Indians with respect to the activities of the then Tobar Donoso Commission. This included topics related to the negotiation of conflicts deriving from the establishment of the Awá territory.

During this basic level of community organization, the Awá community, which generally had very little experience with the dominant society from which their counterparts in the conflicts came, did not have the capacity to manage the controversies within a legal setting that they knew nothing about; nor did they have the knowledge or experience to manage the institutional aspects and policies of that society. This situation made it difficult for the Awá community to fully understand the technical, legal, and political complexity of the process of establishing the indigenous territory.

Given this fragile indigenous organization, how did community participation occur in the resolution of the first conflict with the Maldonado Association? Participation took place in the two ways described below.

In the first case, a debate was opened on two fronts: first, between each of the Awá centers in Carchi and, second, in the assemblies of the Awá pre-Federation. The debate centred on two main themes: the importance to the Awá people of
having a territory "recognized and respected" by the colonists; and, the need to form an organization that could represent the entire Awá people.

From this very lively process emerged a decision to present their own proposal for the boundaries of the indigenous territory to the Tobar Donoso Commission and to not recognize the claims of the Maldonado Association in regards to lands remaining within the proposed boundaries.

The taking of these collective decisions was perhaps the first action of the new organization. It also expressed the determination to "stop running" from the colonists, referring to the tendency of retreating to the most isolated and inaccessible zones in the face of relentless colonization. Thus, the Awá people made defense of their lands an irrevocable goal.

At this organizational stage, however, the Awá did not have a clear idea how to make the colonists respect their territory. This explains why they opted to implicitly accept the guardianship of the Tobar Donoso Commission and in particular of CONACNIE.

In the second case, when this first difference of opinion emerged and the Maldonado Association made their claim public, and the Chancellery intervened, the Awá had already elected a Director for their young organization. However, the colonists questioned the legitimacy of the Indian's pre-Federation and its elected officials, drawing on the argument that the Awá were foreigners.

Nevertheless, the Directors of the Federation participated in a crucial meeting at the Parroquia Maldonado, convened by the Ministry of External Relations in order to negotiate the conflict. During this meeting, the Awá delegates demonstrated the progress and relative limitations facing the community organization.

On the one hand, they delivered a message in Awapit communicating the Awa people's decision to not cede any more lands to the colonists. This action constituted an historic act of "rebellion" because, for the first time in a setting outside their own, they used their own language precisely in order to state a position before groups that had denigrated their culture.

On the other hand, this episode illustrated the difficulties that the indigenous delegates had in participating in a negotiation within a framework of linguistic, cultural, and legal "rules" not of their own making. In fact, except for delivery of their crucial message, the participation of the Awá Director resembled someone observing his lawyer, a role that, in some ways, was played by the delegate from the Chancellery.

As described earlier, in the initial stages of the indian organization, the situation facilitated the participation of intermediaries acting in behalf of the Awa.
that time, changes gradually occurred that strengthened the parliamentary practice among the Awá people as their leaders acquired greater experience in relating to a different culture.

Gradually it became clear that the indigenous population recognized the authority of the organization. The leaders operated without the advice of the intermediaries, but rather in response to the resolutions passed by the quarterly Assemblies of the Federation. Every type of problem was addressed in the assembly and no decisions were taken until representatives of all the centers had a chance to speak and express their views. The decisions were binding even with people who had opposed them.

Although a role for intermediaries, such as the Chancellery representative or CONACNIE/CONAIE, continued to be accepted, these groups were given less and less autonomy to act on behalf of the Awa. Over time the indigenous Federation accepted less and less to have others act on its behalf.

This brief analysis and the information expressed in the section "Main conflicts, negotiation strategies and solutions applied" allows us to infer the following conclusions:

1. The community negotiators, generally their leaders, should not sit at the negotiating table without previously knowing the majority opinion within the community they represent. This allows them, among other things, to count on the support of and, above all, to act in the interest of those represented.

2. Community negotiators should be familiar with the limits of negotiation and the flexibility acceptable to the community. The resolution of conflicts may require partial concessions that should not be decided only by the negotiators, due to the risk of unacceptable and harmful results for the community.

3. While it is needed, the community should not reject the support of intermediaries. Their participation can be useful in certain circumstances which should be evaluated by the community. Not all conflicts are resolvable by direct negotiations between parties.

4. The ideal for a community is when their representatives in the resolution of a controversy have negotiating experience. A negotiating table is an exercise of arguments and counter arguments that demand some skills from the negotiators.

LESSONS

From an integrated analysis of the conflicts generated by the establishment of the Awá territory, we propose the most significant conclusions about them. We tend, however, to present the following conclusions with a hypothetical character, subject to their verification by other studies.
1. Each conflict is different

If there are two conflicts that are exactly identical, it is certain that we are talking about the same conflict. Each conflict has something that makes it unique: the actors, the reason for the conflict, the place, the timing, or any other factor that makes the conflict different.

This premise makes us conclude that each conflict should be approached and managed according to its singularities and, obviously, it requires a strategy or association of strategies that respond to each case. This conclusion is based on the analysis of the wide range of conflicts derived from the establishment of the Awá Reserve.

2. Conflicts are dynamic

Coming from the premise that conflicts are a form of "competition", we deduce that their conditions are constantly changing. Each actor involved tends to "accommodate" the controversial situation in a way to secure a result favourable to his interests. This creates the need to identify and manage the greatest possible number of strategies (political, legal, technical, etc.) in a way to allow the actor to "accommodate" favourably the controversy or to "neutralize" the moves of the opponent. This conclusion takes note of the experiences of the Guadualito conflict.

3. There are no "unbeatable" strategies

If a kind of strategy was successful in resolving a conflict, there is no guarantee that it will work with similar results in another controversy. This conclusion is a result of evaluating the "effectiveness" of the strategies applied in the different cases.

4. Information is the success of the negotiation

The analysis of the successful negotiations for conflict resolution derived from the establishment of the Awá territory shows that such success depends on the use of the appropriate "arms" (strategies). The definition of what is appropriate to use in resolving a conflict, when and how to use it, depends, above all, on the information.

Having information, for example, on the weaknesses of the parties involved in the conflict allowed the definition of successful strategies to resolve the conflicts that surfaced with the pre-cooperative 3 de Julio or Chapas y Madera. Knowing the details of the "modes of purchase" of forests on the part of lumber companies weakened the companies' positions at the negotiation table.
A negotiation for conflict resolution is a confrontation of arguments. The one with the best arguments resolves the conflict in his favour. This depends on who manages more and better information.

5. Unite to win, isolate to lose

Almost always, the parties directly involved in a conflict have "different proportions." more-or-less information and arguments; institutional support; favour from public opinion; political influence, internal cohesion (when it is an organization), etc. The one with the largest "proportion," even when justice is not on his side, has more possibilities of resolving the conflict on his favour. This makes us assume that the way in which a controversy ends also depends on the "quantity and quality" of the actors involved.

If the Awá did not have a representing organization (internal cohesion) they would not have been able to face the conflicts generated by Lita's landowners or the controversies with the miners, they would not have built the physical boundaries of their territory, or be able to finish off Humberto Rueda in Guadualito. If they had not kept an alliance with the WFR (political support) they would have had very few possibilities of solving the Guadualito conflict. Similarly, if the community of Guadualito had not acted in isolation from the Awa Federation or CONAIE in the Vargas Torres case, it is likely the negotiations with Robalino Industries would have ended in a different way. If El Pan had decided to confront with its own strength the conflict with Chapas and Madera, there probably would be no more forests in the sector.

6. Each conflict should have its own table

Stemming from the previous hypothesis, when a community has different conflicts with different parties, as was the case with the Awá Indians, it is convenient to avoid a "block negotiation." On the contrary, it is more advantageous to manage each controversy independently. What would have happened if all the actors of the different conflicts stemming from the establishment of the Awá territory would have been at the same table? They would have tipped the balance in their favour.

7. The three results of a conflict

The optimal aspiration in resolving a conflict is when "everybody wins." This is not a convenient solution to all cases, however. Sometimes it is necessary to "win" the conflict. What would it an equitable solution with the pre-cooperative 3 de Julio or Maldonado Association have meant? Probably the "fifty-fifty" formula would have reduced the Indian territory.
In some cases, however, it is sometimes convenient to "lose" a conflict. The application of this policy on the part of Chapas and Madera in its conflict with El Pan, surely spared it many problems.

8. The results of dependency

If there is a fundamental kind of dependency of one of the parties to another, the dependent party may be in a vulnerable position and have less flexibility to negotiate.

The community of Guadualito, for example, did "not take sides" in its own conflict because it depended on the transportation provided by the companies which invaded its forests. In this case, it is ideal "to break" the dependency. This was done by establishing a transportation service independent from the companies.

CHRONOLOGY OF KEY EVENTS

1984 Creation of the Tobar Donoso Commission
1984 Official Decision to Demarcate the Awá Territory
1985 Initiation of Territory Demarcation
1985 Recognition of the Awá as Ecuadorian Citizens
1985-86 Conflict: Maldonado Association
1986 Conflict: July 3 Pre-cooperative
1986 Ecuador/Columbia Cooperation Agreement in Favour of the Awa
1986-87 Conflict: Tobar Donoso miners
1987 Conflict: landowners
1987 Creation of UTEPA and Initiation of the Awá Region Conservation and Development Strategy
1987-88 Conflict: lumber companies
1988 Legal Declaration of the Awá Community Forest Reserve
1988 Conflict: Palabi river gold miners

ACRONYMS

CONACNIE Coordinator of Indian Nationalities in Ecuador
CONAIE  Federation of Indian Nations in Ecuador
DINAF  National Forestry Division
FAO  United Nations Organization for Food and Agriculture
FETANE  Federation of Autonomous Agricultural Workers from Northwest Esmeraldas
IERAC  National Institute for Agrarian Reform and Colonization
OIT  International Labour Organization
UNOCAM  Union of Maldonado Peasant Organizations
UTEPA  Ecuadorian Technical Unit for the Awá Plan
WWF  Worldwide Fund for Nature

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