

AGRICULTURE AND RURAL DEVELOPMENT TECHNICAL SERVICES PROJECT
AID/LAC/DR/RD, CHEMONICS INTERNATIONAL, U.S. DEPT. OF AGRICULTURE, LAND TENURE CENTER

***PROGRESS TOWARD TENURE BENCHMARKS
UNDER THE USAID/BOLIVIA P.L. 480 PROGRAM
AND RECOMMENDATIONS FOR FUTURE ACTION***

May 25, 1993.

Submitted to:
Agriculture Office, USAID/Bolivia

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Executive Summary

Under the P.L. 480 Program, MACA has yet to propose any new studies which might lead to a new law rationalizing Bolivia's legal agrarian framework. Many proposed laws are on the table for consideration. And the World Bank and FAO are providing technical assistance to MACA to promote a modernization in the sector.

The following actions are recommended under the P.L. 480 Agreement:

- * **Land Markets and Tenure.** A study should provide technical, operational assistance to GOB policy-makers on land market liberalization. These include methods of land regularization, land taxation, agriculture finance, land banks, land purchase mechanisms, access to appropriate technology, agricultural extension, enforcement of land boundaries, elimination of subsidies for cattle production, and other steps. The evaluation should address the Indigenous Groups, assessing the impact of the new environmental initiative and proposed tenure legislation on indigenous groups. Clear recommendations for local community-based management of natural resources should be explored and detailed. The study should also consider the impact of new and proposed legislation on women in both rural and urban settings. Recommendations for equalizing legal standing and status should be included. The study should reexamine issues of minifundio, migration, ethnic groups, and environmental impact, among others, considering the new data. Based on the above analysis, the study should make recommendations for modernizing appropriate legislation.

- * **Tenure Workshops.** The workshops should distribute information on tenure options. They should also express the costs and benefits associated with various options, and lessons learned from other countries facing similar problems. The workshops should provide a forum for informing policy-makers of tenure policy. They should provide an opportunity for broad public participation and debate in the legislative reform process. It would also be an excellent opportunity to inform the public on results from empirical studies done in Bolivia.

Scope of Work:

To write a brief document describing the progress made by the Government of Bolivia in meeting the land tenure improvement benchmark of the 1992-1994 P.L. 480 Title III agreement, between the U.S. Government and the Government of Bolivia.

The benchmark of this agreement reads as follows:

Initiation of a process of studies and analyses together with a series of consultations with private and public sector individuals and institutions throughout the country with results in the development of a new law pertaining to land ownership (Date for initiation process--August 1993).

The stated purpose of including this benchmark in the agreement was to encourage the sustainable use of Bolivia's natural resource base, by providing incentives for investment in land improvements.

Progress to Date:

P.L. 480 and MACA:

The P.L. 480 office has advised the GOB that funds are available for studies leading to tenure reform under the P.L. 480 Agreement. However, under the P.L. 480 framework, MACA has not yet formalized any new study proposals. Nevertheless, MACA is considering the matter. The central focus has been on: (a) a new National Institute of Lands, (b) rationalization of legislation regarding property ownership and property rights, (c) strategies for a broadly-based land market, and (d) information distribution in seminars.

To provide context for policy-makers as they draft legislation, on May 21, 1993, P.L. 480 and USAID organized an in-house presentation on agricultural legislative modernization in Latin America for officials from MACA, INC, CNRA, CDF, SENMA, FONAMA, the Indigenous Parliament, Bolivian members of Congress, the FAO, the World Bank, and others. Members from these institutions learned of experiences in México, Peru, Honduras and Nicaragua. They were also able to engage each other in policy exchange on the subject.

More concretely, some new legislation has recently emerged, with many draft laws. These activities represent progress toward a modernization of Bolivia's legislative framework for agriculture and land tenure. However, without further

evaluation, it will be difficult for P.L. 480 to support some of these initiatives. Still they contribute to the public debate, and in this way are constructive contributions toward a new legal structure for land.

The various initiatives are summarized below:

(a) *Ley 1257 del 11 de julio, 1991*

This law ratified Convention 169 (of the *Organización Internacional de Trabajo*), legally recognizing indigenous communities descendants from the original populations that lived on the land at the time of the Spanish conquest.

The law accepts the notion of indigenous territories, covering the area in which the groups occupy and use the land, giving those groups property rights.

(b) *Ley General del Medio Ambiente*

This law, passed April 27, 1992, provides rules to regulate the conservation, preservation and improvement of the environment, and man's interaction with that environment. It attempts to control and improve soil, water, air and natural resource use. To accomplish this goal, the law created a new Secretary of the Environment (*Secretario Nacional del Medio Ambiente* or *SENMA*).

(c) Draft: *Ley de los Pueblos Indígenas del Oriente, el Chaco y la Amazonía*.

Lic. Wigberto Riverto Pinto, Executive Director of the *Instituto Indigenista Boliviano* has proposed draft *Ley de los Pueblos Indígenas del Oriente, el Chaco y la Amazonía*. It was first presented in August 1991, and was the result of a long discussion between indigenous communities, the government and MACA. The draft itself was produced by an Interinstitutional Commission, itself created by presidential decree, to create the draft.¹

This bill applies to traditional indigenous lands, their natural habitat and their socioeconomic status. It makes the lands unmarketable, indivisible, and exempt from adverse possession and foreclosure.² Despite Constitutional provisions allocating subsoil to the government, this bill would allow the indigenous communities to take advantage of renewable natural resources (ex. trees) for their own use. They also would receive preference in the exploitation of nonrenewable resources (ex. petroleum, tin). The Bill would also recognize traditional and

¹ Decreto Supremo 22612, September 24, 1990.

² Article 10 of the draft law.

customary authorities, elected by the members of the indigenous communities, along with traditional customs.³

The bill would apply to all property not yet distributed in the east by the CNRA. It will meet resistance in this regard from cattle ranchers and lumber companies.

(d) Draft: *Ley de Comunidades Campesinas e Indígenas*.

Congressman Miguel Urioste F. de C. is the main drafter of this bill.⁴ Urioste says that the Agrarian Reform Law must be updated, and that the agrarian reform should enter a new phase. The law would provide recognition for the idea of territoriality for indigenous and campesino groups, of which there are more than 10,000. The indigenous and campesino groups would be afforded "legal personality" (*personalidad jurídica*). Community leadership and rule would be acknowledged.

Community titles would be issued to the group for the entire territory, along with family titles that could be given to each family. The community would be the owner of all collective lands, the territorial space inside the community, the flora and fauna, and real estate and personal property within the boundaries of the territory.

The law would include original communities and ex-haciendas. The main proponent of this law, Congressman Miguel Urioste, is a member of the *Centro de Estudios Para El Desarrollo Laboral y Agrario (CEDLA)*. Urioste's proposal has been discussed over the past year through the *Partido de Bolivia Libre*.

(e) Draft: *Ley de Nacienes y Comunidades*.

According to the *Movimiento Katarista de Liberación*, authors of this 1992 draft, under traditional land systems in the highlands before the agrarian reform, the community leader used to allocate land according to need to members of the community. If need expanded, perhaps due to an increase in family membership, the leader would reallocate resources so that the family's needs would be met. As land became scarce in the altiplano, the leader would assign the member additional land in the valleys or low lands. This meant that many community members had two lots to farm, one in the altiplano and another in the lowland. Indigenous community members migrated back and forth between their lots.

³ See, for example, Articles 7 and 8 of the draft law.

⁴ Club de Economía Agrícola y Sociología Rural, Legislación agraria y tenencia de la tierra (1992).

Having multiple plots gave distinct advantages. It gave the farmer a spread of risk: if one plot suffered from a flood, a drought, a plague or other disaster, the member still had another lot. It also provided for "verticality," the risk diversification achieved by growing different crops on different plots at different altitudes. Further, as generations came and went, plots were not divided among family members and thus *minifundio* was avoided. Finally, the system appears to have had a number of advantages in terms of soil use and conservation practice.

The agrarian reform changed how the Aymaras and Quechuas farmed. First, the agrarian reform parcelized property, meaning that there was no more annual reallocation of property rights based on need. Farmers were suddenly unable to expand their farming area as need increased. Further, the indigenous were not allowed to have property in more than one location, cutting off access to valley lands. As generations passed, minifundio became apparent, and ecological damage occurred.

Starting in October 1990, Bolivia began to legally recognize several indigenous communities (most notably the Waranis from the eastern lowlands), giving those groups property rights. This would mean that these groups could exclude all others from use of their land, including other ethnic groups.

The highland indigenous community is not at odds not only with the government (whom it perceives has taken away its rights to lowland and valley land), but also with the lowland indigenous groups who, with the October 1990 legislation, have legal right to exclude the highland communities from access to the lowlands. The highland indigenous community seeks equal treatment and desires a global solution to the problem, rather than deals with select groups that prejudice other groups.

In summary, the group seeks: (1) a new political division constitutionally recognizing cultural and territorial differences between nations; (2) an arrangement where nations can govern their own use of soil and natural resources within their boundaries; (3) access to varied ecological zones (highland, valley and lowland) for the various nations; and (4) the transfer of mineral wealth to the communities and nations; (5) representation in each of the three branches of government (executive, judicial and legislative).

(f) Draft: *Ley Agraria*

Consultant José Luís Roca and Attorney Oscar Silva are the main drafters of this bill designed to facilitate land markets and commercial transactions.⁵

⁵ Club de Economía Agrícola y Sociología Rural, Legislación agraria y tenencia de la tierra (1992).

The law would allow rentals and parcelling. The spirit of the law is the private sector. Communal lands and ex-haciendas would both be parcelized into individual lots. Given that mining and petroleum laws have been reviewed this past year to allow greater private sector participation, it is now time to do the same with other land resources, Roca and Silva contend.

The draft law would also create a National Land Institute (José Luís Roca has since said that perhaps it should be at a local, departmental level instead) which would consolidate operations of the CNRA, *Centro de Desarrollo Forestal* and INC. This institute would also be in charge of the registration and titling of rural lands as well as a national cadastre. Curiously, it would not be in charge of registration and titling of urban properties, which would remain with the traditional registry.⁶ The Institute would seek the acquisition, conservation and elimination of rights to cut wood in forest areas.

Roca would remove "agrarian justice" from MACA and place it under the judicial branch of government.⁷ The agrarian inspectors would thus be maintained, but placed under the supervision of the Supreme Court. Likewise, agrarian judges and courts would fall under the Judicial Branch. Finally, the Roca law would create a agrarian court of appeals in La Paz. Formal civil code procedure often would be used.⁸

Roca feels that state paternalism under the agrarian reform and colonization is responsible for the lack of agrarian credit and an economic decline among campesinos. While the agrarian reform did break up most latifundios, its implementation has now led to *minifundio*, or *parvifundio*. Commercial rights for small producers would, in theory, turn this around.

Roca also proposes that "work" not be the primary means for obtaining land. He would allow for other ways to obtain land (ex. payment of cash), and would relax (but not eliminate) the system of reversion of land to the state in cases of disuse.⁹

⁶ This may be due to the fact that the registry is in the judiciary branch of government, while the Institute would be in the executive branch.

⁷ Draft law, art. 27.

⁸ Draft law, Title III, art. 43 and following.

⁹ Draft law, art. 15.

He would further permit that agricultural, pastoral and forest lands to be mortgaged.¹⁰ And, sharecropping and rental would become legal.¹¹

(g) Draft: *Ley Agraria Fundamental*

This is a set of ideas put forward in 1984 by the *Confederación Sindical Unica de Trabajadores Campesinos de Bolivia*.¹² It advocates self-determination for the nations of Bolivia and the struggle against imperialism. Interestingly, while claiming that the original agrarian reform was a product of imperialism, the "ley agraria fundamental" would preserve many of the current restrictions on property ownership and land rights, products of the agrarian reform. For example, land would still belong to the person who works the land, not to prior dispossessed original communities.¹³

(h) Draft: *Ley de Ordenamiento Territorial*.

There are a number of different views on what this law should state and a number of drafts and drafters. Indeed, there is little agreement on what the term *ordenamiento territorial* itself means. In a nutshell, the law should probably state how Bolivia allocates land among competing demands, including agricultural land, indigenous communities, forest reserves, housing, and so on, and controls water, soil, subsoil and land use. There is tremendous disagreement, however, on how this should be done. For example, who should determine which lands are fragile and in need of protection, who shall protect them, and what resources are needed if this is to happen? How can soil use be controlled? Can an "ordenamiento territorial" be used for zoning? These issues are currently being debated in Bolivia.

¹⁰ Draft law, art. 18.

¹¹ Draft law, art. 24.

¹² The text of the draft appears in Instituto Latinoamericano de Investigaciones Sociales, Debate Agrario: Hacia una segunda reforma agraria (1986) at 127-149. It is discussed in Jorge Alejandro Ovando Sanz, La Ley Agraria Fundamental y el Luminoso Destino de los Pueblos Indígenas (1988).

¹³ Art. 1 of the draft law. See also comments by Fernando Untoja in Honorable Cámara de Diputados, República de Bolivia, Legislatura 1990, Seminario Comunidad Campesina y legislación agraria 1990 (May, 1990) at 94.

(i) Draft: *Ley Forestal*.

A new forestry law is under consideration, with one 1992 draft on the table from the *Comisión del Medio Ambiente y Recursos Naturales* of the Congress. It addresses the forest concession system, among other concerns. The eventual law will probably have to address allocation of forest resources between indigenous groups, the GOB, "madereros" (timber cutters) and parks.

(j) Draft: *Ley de Aguas*.

This is being discussed among a number of drafters. Presumably it would address customary concerns about rights and access to water.

(k) Draft: *Ley de Subasta de las Tierras del Oriente*.

José Luís Roca is drafting a law to auction off remaining undistributed lands in the eastern lowlands of Santa Cruz. The idea would be to sell off state-held lands to the highest bidder, giving land a market value.

The World Bank and FAO:

MACA has been working with the World Bank and the FAO, and has made important strides toward new property legislation and removal of tenure constraints. The World Bank's Lowlands Project will provide MACA with land usage maps for the Department of Santa Cruz. This in turn will provide technical data for a subsequent draft *Ordenación del Territorio*, at least for that Department. And with such data in place, it may become possible in the very near future to create an *Instituto Departmental de Tierras*, for the Santa Cruz Department.

The World Bank is also involved in evaluating the feasibility and design of a future cadastre for Bolivia. Together with the *Instituto Geográfico Militar*, the World Bank is reviewing satellite and other photography in the *Altiplano*, valleys and the *Oriente*. Technical studies of Ururo, Cochabamba and Santa Cruz have been completed by the Bank. The Bank is also evaluating, through cartography, the amount of land already distributed, land in reserves, and *baldía* land. Perhaps as important, the World Bank is playing a major role in cleaning up (*saneamiento*) the myriad of problems with the property registries in both the National Colonization Institute and the National Council for Agrarian Reform through a \$800,000 project. These steps are an immense contribution to the information needed to draft a technically-sound *Ley de Ordenación Territorial*.

Meanwhile the Food and Agriculture Organization of the United Nations (FAO) has a project with MACA to address agriculture policy concerns in MACA. The FAO has stated that tenure problems are the major constraint to broadly-based,

sustainable growth in Bolivia. Solving the tenure problems are a necessary (although by itself probably insufficient) step toward attacking the problem of poverty and achieving sustainable economic growth. The FAO's emphasis is on technical advice to MACA on tenure subjects in a non-confrontational manner. In this regard, the FAO has supported the *Grupo de Desarrollo Rural* (DRU), a local group of experts in agriculture policy. The FAO has also supported four forestry projects in Bolivia, working almost exclusively through non-governmental organizations (NGO's).

Recommendations for Future Action:

Two major actions are recommended to address the tenure constraints identified above as limiting the ability of the GOB to manage its natural resources and environment in a sustainable fashion. They are a study of land markets and tenure, and a series of tenure workshops to disseminate information.

Study of Land Markets and Tenure.

The Title III Program Document requires the GOB to initiate a process of studies and analyses together with a series of consultations with private and public sector individuals and institutions throughout the country which result in the development of a new law pertaining to land ownership.¹⁴ To avoid duplication of effort by donor agencies, the study should be coordinated with MACA.

The study should examine land markets in Bolivia and assess whether they should be further promoted, and if so where. This will entail technical assistance to GOB policy-makers on methods of land market liberalization, including land regularization, land taxation (urban and rural), agriculture finance, land banks, land purchase mechanisms, land-for-infrastructure, access to appropriate technology, agricultural extension, enforcement of land boundaries, elimination of subsidies and support for cattle and wheat production and for clearing of new lands, and other steps.

The land markets question is closely related to the environmental question. The study should assess what will happen to the fragile lowlands if land markets are liberalized and activated. What strategies are available within a market framework for protecting fragile areas, parks and reserves? How can land markets be structured such that we do not have a return to *latifundios*? Can land markets be used to locate people in rural areas, rather than continuing the rural-urban

¹⁴ See page 9 of the Title III Program Document.

migration (that has resulted in increased slum dwellings, and a rise in crime and socially discouraged behavior)?

Land ceilings are another theme to be addressed. Can they be used to assist the land market? For example, Mexico now has land size ceilings. Mexico is allowing largeholders a certain period of time to sell off land in excess of the maximum size limit. This provides an additional, potential supply of land to the land market.

The evaluation should also address concerns over water access. The study should determine who has access to water resources and under what conditions. Recommendations should be made for providing greater access to water both for drinking and agricultural purposes. This may include examination of current and proposed legislation, as well as customary water tenure and access rights. Is there any way to use market forces to improve access to water? What other steps should be taken to improve access to water and promote irrigation?

In the past, some have used the Beni for cocaine production. With U.S. Drug Enforcement Agency and Government of Bolivia activity, cocaine production is dropping off. This has led to a displacement of workers, who have since begun to illegally raid forest concessions of trees. Called "*motosierristas*" ("chainsawyers"), these groups need to be relocated to land where they can earn a legal living if the goals of alternative development are to be reached. An evaluation of the land market could take these individuals into account, and design ways to provide them with access to land and water resources.

Land finance mechanisms may also play a key role in liberating the land market. Successful mechanisms in El Salvador and the Dominican Republic have functioned on a sustainable basis in the private sector. What possibilities are there for a similar mechanism in Bolivia? Could this be used to relocate *motosierristas* to lowland areas?

The examination should address the confusion in Bolivia whether property ownership is based on title (via a purchase, *dotación*, *adjudicación*, etc.) or based on work and possession of the land (as stated in the constitution).

This evaluation should assess the impact of the new environmental initiative on indigenous groups. It would provide clear recommendations for local community-based management of natural resources should be explored and detailed.

In the past, Agrarian Reform legislation did not address the concerns of the eastern indigenous population. Some have alleged the law gave preference to cattle ranchers, colonizers and timber cutters, resulting in eastern indigenous populations not retaining their lands. The study should make recommendations to address these concerns.

Of particular interest to the evaluation should be how other countries have dealt with indigenous communities. In particular, efforts in Peru, Ecuador, Mexico, Costa Rica and Guatemala could be of interest.

Issues of *minifundio*, migration, ethnic groups, environmental impact, feasibility of relocation of population to lowland areas, among others, should be re-examined. A study by MACA, USAID/La Paz and the University of Wisconsin Land Tenure Center in 1967-71 study did not address the issues of biodiversity and the environment, or special legislation for traditional communities and ethnic groups. Over the past 25 years, the Agrarian Reform legislation has proven inadequate with regard to inheritance and the resultant minifundios. Lack of ownership of forestry and sub-soil rights has also produced problems.

A re-evaluation of the tenure structure should assess the impact of legislation since 1971, and assess the potential impact of policies presently under consideration. These will include: (1) *Ley General del Medio Ambiente* (April 27, 1992); (2) Draft bill for the *Pueblos Indígenas del Oriente, el Chaco y la Amazonía*; (3) *Ley 1257* (July 11, 1991)(which accepted the concept of recognition of indigenous communities); (4) Draft bill *Ley de Comunidades (campesinas e indígenas)*; (5) Draft bill for a new agrarian law (by José Luís Roca, proposing a new National Land Institute and commercialization of land); (6) *Ley Forestal* (August 13, 1974); (7) *Ley de Vida Silvestre Parques Nacionales*; and other legislative actions.

The funding system for local communities highlights another grave problem, that of a public finance deficiency. The centralized system is geared toward creating the opportunity for favoritism or corruption in government, while lessening the privileges of local residents to participate in democratic society at a local level. "Charity" from NGO, religious and foreign donor sources may or may not be what the community actually needs or wants. Thus, there is a potential for waste in development assistance. Decentralization of funding should thus be examined.

Decentralization of resources to the local community is more important in Bolivia than in other countries. Bolivia has a low population density. Centrally-managed development works best in high population density jurisdictions. It is less efficient in low population density countries.

The study should look for ways to reinforce local community government and provide it with the resources necessary for carrying out its functions. Of great potential interest will be the Venezuelan *Ley Orgánica para la Ordenación del Territorio* as one model for Bolivia.

Specifically, the following measures should be taken to up-date the tenure structure study:

1. Survey all agriculture policy-related projects in the country, including those of AID, the World Bank, FAG, UNDP, GTZ, the Dutch, *Cooperación Técnica Suiza*, Inter-American Development Bank, *Instituto Indigenista Boliviano*, and others, to insure that there is no duplication of effort in evaluating tenure constraints. Assist MACA in its coordination of these efforts, as needed.
2. Evaluation of the Agrarian Reform in its present stage, having left incomplete the delivery of titles to campesino owners.
3. Study and analysis of the laws and decrees regarding the Environment, protected areas and use of renewable natural resources. What are the economic forces that drive behavior with regard to natural resources? What has been the effect on land already deforested?
4. Evaluation of laws in favor of indigenous communities in the eastern lowlands of Bolivia and their access to land, providing results and recommendations.
5. Study and analysis of the jurisdictional conflicts between CNRA, INC, and the Centro de Desarrollo Forestal which result in overlaps and gaps in land ownership and conflicts among beneficiary groups.
6. Review colonizations and settlements in the lowlands to determine which have been successful and which have not. Why have they been successful? How have they been successful? What are the major constraints to a successful settlement strategy? What would be the environmental impact of such a strategy in the eastern lowlands? Make recommendations on how future settlements should be managed.
7. Recommend methods for strengthening local community government.¹⁵

¹⁵ One option would be to use the Mexican model. In Mexico, local communities have been given the "right" to access a fund of money for community use. The community puts up a percentage of funds from the community itself as a co-payment. The rest comes from a fund from the central government. The money can be used as the community sees fit: to purchase technical assistance, seed, road construction, etc. The amount of money made available to the community is a function of the number of members in that community (each community has a right to access a certain

8. Provide technical, operational assistance to the GOB on the professionalization, reorganization and streamlining of its institutions related to land and the environment. These include the CNRA, the INC, the CDF and SENMA. Specific analysis of the proposal to consolidate land-related functions into a single "National Land Institute" should be examined. The technical assistance should also address institutional priorities and needs. José Luís Roca's notion of departmentalized Land Institutes should be considered. The study should also address whether such an institute could have a semi-private nature.
9. Assess the impact of new and proposed legislation on women in both rural and urban settings. Recommendations for equalizing legal standing and status should be included.
10. Assist MACA in preparation of draft legislation based on the above evaluations and studies, and based on consensus opinion coming out of the tenure workshops.

To avoid duplication of effort, the study should take advantage of the data being produced in the World Bank Lowlands Project and the GTZ/CORDECRUZ 3 year study on forestry and natural resource use in the Santa Cruz area. The study should also take advantage of expertise and evaluations in MACA provided by the UNDP through the FAO. GTZ has also completed a study of proposed protected areas and a general overview of the Santa Cruz department.

The research team should be comprised of local attorneys and researchers, as well as outside tenure experts.

Tenure Workshops.

The Title III Program Document requires the GOB to initiate a process of studies and analyses together with a series of consultations with private and public sector individuals and institutions throughout the country which result in the development of a new law pertaining to land ownership.¹⁶

A new property ownership law will require that policy-makers have access to information necessary for appropriate decision-making, and that the law command broad support. To this end, it is necessary to promote dissemination of

amount *per capita*.

¹⁶ See page 9 of the Title III Program Document.

information on tenure options, the costs and benefits associated with various options, and lessons learned from other countries facing similar problems. This could be done through a series of national-level workshops. The workshops would provide a forum for informing policy-makers of tenure policy and provide an opportunity for public participation and debate in the legislative reform process.

1. Objectives of the Seminars

- I. To identify the main unresolved issues concerning land tenancy and transfer that deter economic productivity, sustainable natural resource use and management, and participation in a democratic society.
- II. To review the experience of other countries relevant to the main issues identified, and empirical data from Bolivia.
- III. To explore policy alternatives and recommendations to address the problems detected and concerns raised.

2. Seminar Topics

- I. *Ordenamiento territorial*: How should Bolivia allocate land among competing demands, including agricultural land, indigenous communities, forest reserves, housing, and so on. Who shall determine which lands are fragile and in need of protection, who shall protect them, and what resources are needed if this is to happen? How can soil use be controlled? Can an *ordenamiento territorial* be used for zoning? What has been the experience in other countries with ownership by indigenous communities?
- II. The Forest Concession System: What impact does it have on the environment? What are the options available and what are their costs and benefits? How have other countries addressed this problem? What are the tenure incentives for sustainable agro-forestry?
- III. Property registry: What are the costs and benefits? Can registry modernization formalize and legalize the new tenure relationships? Should individual titles be granted to all property owners, or should some (perhaps among the indigenous communities) be titled only collectively? Will titling individually lead to a return to latifundios?
- IV. Tenure and The Environment: How do tenure relationships impact on the Environment? What are the sustainable land uses consistent with sound environmental practice in specific areas. What concerns are there with Community Resource Management?

- V. **Land Finance Mechanisms:** What are the alternative models available for financing the transfer of property? How do we encourage reluctant owners/sellers to sell? How do we determine a "fair and reasonable price"? What factors impact on the land market?
- VI. **Agricultural Credit:** How can production and productive investment be financed? How can loans be recovered, to provide loanable funds for the next year?
- VII. **Property Tax:** Can land taxation play a role in providing resources for maternal and child health and nutrition, roads, schools and other community services? What would be needed to implement a more effective property tax? Have other Latin American countries been successful in implementing an effective property tax? What is the relation between land taxation and access to land? What is the relationship between land taxation and the environment?
- VIII. **Community-based natural resource management:** How are communities organized to use the natural resource base in an environmentally sustainable manner? What legal models are available? Is there a role for indigenous communities?

3. Participants

Because tenure is often a subject in which reasonable persons can have differing points of view, and because historically the subject has been very political in Bolivia, the goal of any reform process should include consensus on the modernization process. To this end, an inclusive approach is suggested. Participants should include members from diverse geographical areas, as well as members of:

I. Governmental Institutions: (those dealing with land)

- Ministry of Planning
- Ministerio de Asuntos Campesinos y Agricultura (MACA)
- Registro de la Propiedad Inmueble
- Consejo Nacional de Reforma Agraria (CNRA)
- Instituto Nacional de Colonización (INC)
- Centro de Desarrollo Forestal
- SENMA
- FONAMA
- Supreme Court
- Instituto Geográfico Militar
- Agrarian Inspectors (MACA)

Agrarian Judges

II. Political Parties: (major parties in Parliament)

III. Local Organizations:

**Secretariat for P.L. 480
Indigenous Parliament
PDAR**

IV. Local Research Centers:

**local universities
CIAT
CUMAT
LIDEMA**

V. Observers:

**USAID/La Paz
The World Bank
The Inter-American Development Bank
Land Tenure Center
Other donors**

4. Methodology

Each conference could comprise two days. The format for each day might be:

8:30-9:15	First Presentation
9:15-10:00	Second Presentation
10:00-10:15	BREAK
10:15-11:30	Small Group Discussion
11:30-12:15	Presentations by Small Groups to Plenary
2:30-3:15	First Presentation
3:15-4:00	Second Presentation
4:00-4:15	BREAK
4:15-5:30	Small Group Discussion

5:30-6:15

Presentations by Small Groups to Plenary

Papers to be presented will be distributed at registration. The "memorias" will be published following each conference. Presenters must deliver papers at least one week in advance.

5. Logistics

**Where: Various sites throughout the country
When: Once per month.**

6. Budget

The budget will be a function of where the event will be held and number of participants. One month LOE (one person) in preparation, organization, logistics and follow up with memorias will be required for each conference.

Round trip air fare, salary and other related expenses for foreign participants will also be required.

7. Possible Organizers

MACA, FAO, P.L. 480.