



## **Are Amazon indigenous people becoming peasants?**

**Looking at the process of capitalist expansion on forest societies from a property relations perspective**

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## List of Acronyms

AIDSEP	Asociación Interétnica de Desarrollo de la Selva Peruana (Inter-ethnic Asociacion for the development of Peruvian jungle)
CAH	Consejo Aguaruna Huambisa
PETT	Programa Especial de Titulación de Tierras (Special program of Land Titling)
SAIPE	Servicio Agropecuario para la Investigación y Promoción Económica
SIL	Summer Linguistic Institute of Oklahoma University
SINAMOS	Sistema Nacional de Movilización Social (National System of Social Mobilization)

## **Abstract**

This paper studies how the process of integration of Amazon forest people into State dynamics have also implied an integration to the market economy and capitalist relations. It focus on the case of Awajun population in northern Peruvian Amazon, that in recent years have engage in production for the market, especially with cacao and banana. This research uses a property relations approach as entry point to explore the changes in the area, looking at the changes product of the process of the State and Market expansion; and the changes product of the adaptations of awajun people as well. It argues that the process of State and Market expansion over the Awajun territory have impacted in the constitution of the general landscape, the organization of people and their increasing dependence of money income. These changes have make people look for new livelihood options as the engagement with market-oriented agriculture. As a result, current property relations are an expression of these process of change and how Awajun people are adapting themselves to these processes.

## **Relevance to Development Studies**

This research contributes to put in the academic agenda the study the dynamics of rural and agrarian change of forest populations. Most studies about forest people and especially about Amazon people focus on their important struggles and processes of defence in front of different external agents. On the other side, most rural studies focus on peasants societies. Nevertheless there are not many studies about the process of change of forests societies, and how their increasing integration to national and international dynamics supposed changes in their internal dynamics. This research tries to bring attention to the process of changing livelihoods on forest societies, the drivers and possible implications and meanings of these changes.

## **Keywords**

Market Integration, property relations, indigenous people, Amazon.



# Chapter 1 Introduction

## 1.1 Introduction

Most Peruvian rural studies focus on the Andean region. There are many studies about peasant communities especially; about their dynamics, production, property relations, and participation in markets, among other related topics. For the country, peasant communities are very important institutions with colonial origins and a very strong ethnic component. Even across specific regional contexts, in general is possible to say that Peruvian peasants can be described as “petty commodity producers, who have to produce their subsistence through integration into wider social divisions of labour and markets” (Bernstein 2010: 4). Although they are integrated to markets, they maintain a certain degree of auto-sufficiency. As Peruvian agrarian economist Gonzales de Olarte describes, Peruvian peasants are “on the market borders” with a little bit of subsistence, and a little bit on the market (Gonzales de Olarte 1994: 332).

After finishing university, I spent some years working on the Andean region studying peasant communities and focusing particularly on land issues, livelihood activities and integrations with wider contexts. After some years, I got the opportunity to do something different and explore other areas of my country, and I managed to do some research on the Peruvian Amazon, in the Awajun Territory.

The Awajun is the second largest Peruvian Amazon group and they historically have lived near the Ecuador border in northern Peru. There, I did a study about traditional Awajun gardens, focusing of the role of women on the preservation of indigenous knowledge and their value for the food security of the family. When I was in the field, I found that traditional gardens, which were only under women’s responsibility, were very important, extremely diverse, without any apparent order, with many different crops in a very small space and were essential for providing food and health to the families. Even though the traditional practices about the care of the gardens have started to be lost, this kind of knowledge is still part of Awajun culture and young girls continue learning as these gardens are considered a basis for the maintenance of the family.

At the same time, a new type of farm was also expanding on the area: almost everybody has also a cacao farm. These farms are very different from the traditional women’s gardens. As a starting point, most cacao farms are under a man’s responsibility, were exclusively for the market and with a very different disposition. They were especially for cacao (in some cases mixed with other crops) and in general they didn’t have the diversity of traditional gardens as they tend to be bigger and be organized in rows. Families need to have these kind of farms because it is the main way of getting money for accessing goods and services they need. Besides, these farms require some technical skills that Awajun people had learn from expert technicians who came from NGOs or government programs.

In my view, this was a process of agrarian intensification. Awajun people who used to live from the forest through hunting, gathering, fishing and slash and burn cultivation started to join the market through agricultural practices such as cacao production for the market. After coming from peasant communities, I saw many dynamics that seem very peasant-like. The dynamic of being a petty commodity producer, being on the market borders, producing for subsistence and also producing for the market, being able to be self-sufficient to some extent, but also not able to de-link from the market economy. For me, it was very surprising, because what I knew before from Awajun people and about other Amazon groups was different. I had read about traditional gardens, different kind of settlements, indigenous cosmology and territoriality, but not much about market integration.

This led me to the question: Is the process of market integration through agricultural products pushing Amazon people to a more peasant-like economy? In other words: are Awajun people becoming peasants?

In this research I would like to address the broad topic of the integration of forest societies into wider capitalist dynamics. For that purpose, I will use this general question: What are the effects of capitalist expansion in non-agrarian societies?

This topic and question may be too broad, as it would require many years of research to begin to understand this complex process. Thus in this research I would like to deal with this problem using a more focused and practical approach: a property relations approach.

The reasons for using this approach is that property relations is one of the most tangible ways of appreciate this process of change in livelihood activities. The shift from forest livelihood to market-oriented agriculture practices imply cutting down some forest for the space to establish new farms. This means that each family appropriates a piece of the forest for their exclusive use and benefit, requiring social acceptance in forms of local regulations that allow these practices.

In order to understand the changes in property relations of the Awajun people, it is necessary not only to study people's daily property practices, but also the wider processes that have helped to configure the social and spatial general organization of the region. In the case of the Awajun people and the Peruvian Amazon in general, it is crucial to study the role of the state and market expansion over the area as drivers of change, and how the different changes have influenced current property relations.

In this way, in this research I will argue that the process of state and market expansion over the Awajun territory have impacted in the constitution of the general landscape, the organization of people and their increasing dependence of money income. These changes have make people look for new livelihood options as the engagement with market-oriented agriculture. As a result, current property relations are an expression of these process of change and how Awajun people are adapting themselves to these processes.

Finally, studying the process of change in the Amazon and especially focusing in property rights cannot be properly addressed without taking in consideration issues related to ethnicity. This topic will be used as one of the elements of the analysis in this research.

## **1.2 Research Questions**

As mentioned before, this research is looking to address the broad question about the process of change as a product of capitalist expansion in non-agrarian societies, using a property relations approach. Addressing this broader topic requires a more concrete method.

The questions that guide this research are: How do the process of state and market expansion create conditions of change in livelihood options and property relations on the Awajun people? How do the Awajun respond to this process of change and adapt themselves to the new context?

These questions will guide the development of the paper, explaining how the process of state and market expansion are gradually shaping the current living conditions of people in the Amazon, how the Awajun react and adapt themselves to the new context, and how these processes are being expressed in the property relations systems today.

Through the development of the research, it was evident that the Awajun are facing changes on their traditional forms. As a tool to analyze this process of change, I will keep this question in mind throughout the paper for analytical purposes: To what extent is the change in property relations an expression of a peasantization process of Awajun people, pushed by the market and state expansion?

To help develop the argument in this research, I will use some secondary questions to organize this paper:

- 1) What was the historical process that shaped the current legal framework about property rights in the Amazon? How does it reflect the process of state and market expansion the Amazon?
- 2) How does the historical regional process of creation of communities reflect the process of state and market expansion? How does it affect social and spatial organization in Awajun territory? How does it affect livelihood options?
- 3) How are the property relations within the communities? To what extent do they reflect changes in livelihood options and market integration?

## **1.3 Structure of the Paper**

The secondary questions are reflected in the chapter structure of the paper. After this introductory chapter, the second chapter consists of a presentation of the theoretical framework about property relations. The third chapter is about the legal framework that regulates the property regime in the Peruvian Amazon

in general. The fourth chapter is about the situation of Awajun communities in general in Condorcanqui province. The fifth chapter is about the specific case of one community: the Urakusa. The last chapter presents the conclusions of the paper.

## **1.4 Methodology:**

In order to answer these questions, this research uses a qualitative approach. I chose to work in Condorcanqui Province, in the Amazonas Region of Peru, which is the center of the Awajun territory. I selected this place as I worked there in 2012 and 2013 and I believe it is the ideal place to approach the research problem. In this area, most of the population is Awajun. There are some small cities and most of the territory is structured in native communities, who have in almost all cases their land titles. In recent years, cacao cropping has extended, and today it is one of the main forms of livelihood.

Between July and August, I did fieldwork in the area. First I went to the capital city of the province, Santa Maria de Nieva, where I did some interviews with indigenous leaders and people who know the area well. My focus there was to get information about the history of Awajun territory and in particular the process of the creation of the communities and market expansion in the last few decades. I also wanted to gain some opinions about the general situation of the Awajun people, the process of change, and information about the situation in different communities.

Based on information from these interviews, I visited a community named Urakusa and interviewed some local leaders and people who knew the history and current processes of the community. I also made some observations and had informal conversations with different people in the community. I chose to go to Urakusa because this is one of the main communities of the area with a long history and because they have started a process of land reallocation within the community. I found this interesting and relevant for the purposes of this research.

Finally, I reviewed secondary data about property legal frameworks in Peru, history of the Amazon and specifically about the area of the fieldwork, and ethnographies and other publications about Awajun people.

## **Chapter 2**

### **Theoretical Framework**

One of the main objectives of this research is to understand what happens in the context of capitalist expansion in non-agrarian societies, using the approach of property relations a way to study this broad process in a concrete way. Therefore, the theoretical framework aims to respond to these objectives.

The first section presents the theoretical context in which this research locates itself, and the explanations of the main concepts used in this paper. The second section presents the property relations framework and how it is used in this research.

#### **2.1 From subsistence to market economy and the role of state and market expansion**

In the literature there are many classifications for different kinds of societies according their main activities or production modes. For instance, Bernstein uses three big categories to classify societies: “subsistence” societies, agrarian class societies and capitalism. For him, the subsistence group is composed by hunters, gatherers and slash and burn cultivators; while agrarian class societies, in which the main activity is agriculture, are organized in states, classes, and differences between urban and rural spaces. In this kind of society, the production of a surplus is needed in order to be able to support the dominant classes who do not produce their own food. The third kind of society is capitalism, which has accumulation as its main feature. Accumulation is the product of the exploitation of labour used in the expansion of production and productivity (Bernstein 2010: 20-22).

Following a similar classification, Marshall Sahlins claims that “primitive societies” composed of hunters and gatherers have to work less than other kind of societies. He claims that they live in material abundance because they are able to access to natural resources that are “free to anyone to take” and they need mobility because for a hunter “his wealth is his burden” – illustrating the logic of no accumulation (Sahlins 2004: 10-11). The author also classifies slash and burn agriculture as a domestic mode of production, which is performed at household level and also do not required exhausting work. In this kind of society there is no exclusive ownership of resources, but different kinds of access. In case of undivided resources, households have unrestrained access, and if the land is allotted, households can usufruct them. In other terms, households belong to a group that organize (at some level) the access to resources, but the how is “determine on day-to-day basis”. For Sahlins, “there is no class of landless paupers in primitive society” (Sahlins 2004: 93). For this author, the intensification of production is linked to the political order, “as the structure of society is politicized, especially as it is centralized in ruling chiefs, the household economy is mobilized in larger social cause” (Sahlins 2004: 130). In other words, as societies

get more complex political structures, these impact their production mode and the need for producing surplus.

These kind of classifications suggest a sort of evolutionary path, from more “simple” type of society to a more “complex” one. From a subsistence logic (but with material abundance), based on family and kinship relations, to a much more complex economic, social and political relations. Leaving aside the evolutionary tone of these categorizations, they suggest different kinds of organization and a different logic behind each mode of production.

In the current context of the capitalism, what is the place of these other types of societies? How does capitalism affect them? These questions treated in different studies about the origins and expansion of capitalism often focus on the role of colonization on the development of capitalism. For instance, Bernstein argues that during the process of transition to capitalism, the process of “commodification of subsistence” occurs, meaning that “reproduction cannot take place outside commodity relations (Bernstein 2010: 102). This is related to the colonialism process as colonizers had a strong civilizatory component, including bringing economic development, “understood as the extension of commodity relations, i.e. participation in markets and monetary economy” (Bernstein 2010: 59)

This kind of reasoning is applicable with most of the colonies. But what happened in territories within the colonies where colonial power was weak and did not have the capacity to impose rigorous control? In other words, what happened in the peripheral areas of the colonies?

This is the case of Awajun and many other Amazon groups. When the Spanish colonizers arrived to South America they located themselves in the coastal and Andean areas. The Amazon was part of these territorial boundaries, but they were not able to control that area at the same level as the others. As a result, many Amazon indigenous groups were able to keep a higher degree of autonomy than other inhabitants of the Americas.

In the Amazon case, it was not just colonialism itself that brought capitalism to the area, but the process of state expansion and market expansion.

In this research, state expansion refers to the process by which the state, in its multiple forms, reinforces its presence in the area. It includes being part of state jurisdiction and being a subject of administrative divisions and authorities; the presence of state institutions as schools, local authorities, local representatives of ministries of central government agencies; and being a subject of state laws and policies that affect the daily life of local people. In short, to be increasingly part of state dynamics.

Market expansion refers to the process of expansion of market transactions in the area. Focusing on the increase in the dependence on market goods and the ways in which local people obtain them.

The Amazon as a periphery of the country remained relatively more autonomous. However, especially during the 20<sup>th</sup> century, the process of state and market expansion took place in the area, creating similar conditions of “commodification of subsistence” described by Bernstein about the transition to capitalism. The particularity of this case is that most Amazon groups were not agrarian but forest societies, with characteristics of “subsistence” societies, relying on

hunting, gathering, fishing and slash and burn cultivation for their sustenance. Thus, in this case, capitalism was not changing agrarian structures but transforming subsistence societies.

Then, the question to ask is: what are the effects of capitalism expansion in non-agrarian societies? Traditionally, agrarian studies has profoundly studied the effects of capitalist expansion and its effect in rural populations. One of the most classical theoretical debates in this field is about the destiny of the peasantry: the Lenin-Chayanov controversy (Bernstein 2009: 55-56). In Lenin's views, capital expansion generates economic contradictions that lead to the process of differentiation of the peasantry. The middle peasant class would disappear because some would become the rural bourgeoisie, while the majority would become rural landless peasants i.e. wage workers (Lenin 1982: 131-132). In contrast, Chayanov argues that peasants have a logic that is not capitalist but subsistence. This logic depends instead on family work and not on wage, interest, capital or profit (Thorner 1986: xiii-xv).

These approaches are helpful for analyzing changes in rural setting, but do not answer the question of what happens in contexts of capital expansion in non-agrarian societies. In the cases of the Awajun, what happens with non-agrarian societies who in their own historical development process start to practice agriculture? Do they also go through a process of differentiation? Or do they develop a peasant logic?

As mentioned before, this research paper does not answer the question of whether the Awajun are becoming peasants. Rather, these questions will be used throughout the paper as analytical tools.

## 2.2 Property relations

The main premise of this research is that the current Amazon landscape is a product of political, economic and social process happening in the area. The underlying idea is that the Amazon, as any other place, is a "politicized environment", in which different actors with power relations at different scales are interacting and affecting the landscape.

In this way, this research takes a political ecology approach, linking together the study of the physical space with social studies, since "environmental problems cannot be understood in isolation from the political and economic context within which are created" (Bryant and Bailey 1997: 28).

In modern states, property is the main form by which humans linked themselves with nature. Hence, using political ecology to study property relations is suitable as it helps us to understand how physical space is subject of social arrangements and how the creation of systems that regulate access to the natural resources is a political process as well. It implies different actors with different scales of decisions with power differences and different notions about what constitutes property and environment.

The most common categories of property are private or individual ownership, common or communal ownership, state ownership and open access resources. But this classification is not very helpful for understanding the different

forms of property in different societies (von Benda-Beckmann and von Benda-Beckmann 2009: 20).

That is why this research takes an approach that allows the examination of property relations in a broader sense, incorporating different scales, power dynamics, history and knowledge concerns in the analysis. This study uses von Benda-Beckmann's theory of property relations, which defines property as "the ways in which the relations between society members with respect to valuables are given form and significance" consisting of three components: social units (people, can be individual or groups), valuables (property objects), and the rights and obligations of social units in respect of property objects (von Benda-Beckmann et al. 2009: 14-15).

In this definition, property is a "cover term that encompasses a wide variety of different arrangements", that can be represented as "bundle of rights". This way is useful to "characterize the specific rights bundled in one property object and second, to characterize the different kinds of property held by one social unit" (von Benda-Beckmann et al. 2009: 15).

In the context of this research, understanding property relations in this way is useful because it allows a study of social relations among not only people but also between people and environment. Understanding different rights over a specific space, and at the same time, different kind of rights of a specific social unit.

In this framework, property is present at different layers: ideologies, legal frameworks and social relations "What property is at one layer cannot be reduced to what property is at another layer" (von Benda-Beckmann et al. 2009: 15). The first layer is the categorical property relations that work at the legal-institutional level and legitimize property; the second layer is the concretized social relations that refer to the relation between property-holder and the object, and the third level is the ideological (von Benda-Beckmann et al. 2009: 16-22).

This research will focus especially on the two first layers of property: the categorical and concretized layer. In the categorical layer, the analysis focuses on the legal framework on property in the Amazon and how it was elaborated, whose criteria it was based on, and under what purposes. It focuses on macro international and national processes. On the concretized layer, the focus of the analysis is on how people are actually organizing their access to land and property relations. In this part there are two levels of analysis, the regional level talking about the processes happening on the Awajun territory, and the communal level that looks at the intra-communal dynamics of property. In this research, I do not analyze the ideological layer.

Especially for the analysis of the concretized layer, I will make use of some elements of the "theory of access" of Ribot and Peluso, as it is useful to study actual practices about access to resources. They define access as the "ability to benefit from things – including material objects, persons, institutions, and symbols" and focus more in the ability than the rights themselves, and the social relations that affects benefit from resources (Ribot and Peluso 2003: 153-154). Using this perspective, it is possible to acknowledge the complexity of relations of property, recognizing the possibility of accessing resources without "owning" it. In this way, access analysis involves identifying the mechanisms that different



actors use to gain control and keep benefits from a resource, and the power relations involved in the access mechanism (Ribot and Peluso 2003: 161).

## Chapter 3

# Categorical layer of property: Legal framework of property in the Amazon<sup>1</sup>

The Amazon was not exposed to colonial powers in the same way as the coastal and Andean areas of the country, and they kept a certain degree of economic independence from the market until not too long ago in history (Chirif and García 2007: 18). During colonial times, although the Amazon area was inside the borders, it was seen as a faraway dangerous place, where only missionaries and adventurers went to. All the legislation in that time about indigenous populations referred to Andean people and do not mention anything about Amazon people (Contreras and Cueto 2007:72).

After Independence, things did not change drastically and the Amazon remained a peripheral part of the country. During the 20th century, the state start to slowly expand and strengthen its presence in the area. This process was effectively done through reinforcing the presence of state institutions, and through laws and policies specifically done for the Amazon.

In this chapter I will analyze the categorical layer of property, which refers to the legal and institutional mechanism of legitimizing property. Thus, I will analyze how the laws and policies of the Peruvian state during the 20th century have shaped the current legal framework about property rights in the Peruvian Amazon.

This chapter argues that the principal law that regulates property in the Peruvian Amazon is the Law of Native Communities. Even though this law mainly served as a tool of territorial defense for indigenous Amazon people against the *colonos*, it imposed a new form of social and spatial organization based on models of other areas of the country and more functional for the state and market.

I will first give a brief history of the Peruvian state with respect to the Amazon, before describing the historical context in which the law was approved, and finally explaining the law and exposing some of its implications.

### 3.1 State-Amazon relations after independence

After the independence from Spain in 1821, the way the central state interact with the Amazon kept a strong colonial legacy. The state conceiving the Peruvian Amazon as part of the Peruvian State and approached this territory as a resource provider, but did not take in consideration the local history or the local population.

Some examples are the gift of 500 000 hectares of the Central Amazon to the “Peruvian Company” (Chirif 1974: 31), expanding in this way the *hacienda*

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<sup>1</sup> Some of the contents of this chapter were developed before in the Essay for MA course 4140: Creation of Native Communities: A Political Ecology Analysis.

system that predominates other areas of the country; and the Rubber boom, period between 1900 and 1912, when the State benefitted from rubber extraction in the Amazon by independent merchants, without any regard for abuses they committed against indigenous people.

This examples shows how the “state” expanded into the Amazon only looking to extract benefits and without considering the Amazon people as citizens who were subjects of rights or protection. This view was translated into the policies and laws that affect the area, with one of the clearest examples being the property right legislation of that time.

The first law that regulates property in the Amazon is the Law of Mountain lands from 1898, that promotes colonization in the Amazon territory, providing land to people who would go to the area through colonization contracts, without any consideration of people already living there (Espinosa 2012:141-142). Some years later, in the year 1909, The Law 1220 was passed, which dictated that the state was the only owner of Amazon land (except for those lands with previous owners). As the owner, the state could sell or give concessions according their own criteria (Espinosa 2012: 142).

Therefore, the only laws that regulate property in the Amazon in that time do not even recognize the presence of Amazon people. Giving the “State” the power to give land away to colonizers reflects the view that the Amazon is a territory to be exploited by citizens (who are civilized and members of the state), without even acknowledging the presence of the Amazon inhabitants.

### **3.2 State-Amazon relations during the first half of the 20th century**

During the first half of the 20th century there were two very important processes in state relations with the Amazon territory: the contract between the state and the Summer Linguistic Institute, and the colonization process of the Amazon.

In 1952, the Peruvian government approved a resolution to authorize the Summer Institute of Linguistic of Oklahoma University (SIL) to start a program of bilingual education in the Amazon.<sup>2</sup> The program included the creation of a central school that brought together some talented indigenous people from different ethics groups to train them as teachers. It provided them with school materials for going back to their born places and starting their own schools. This kind of education had very strong civilizatory and ideological purposes, providing not only knowledge as math or reading and writing, but also including hygiene and sanitation (Mendoza 1952), biblical studies, learning of national symbols, and Western dressing codes (Greene 2009: 159-161).

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<sup>2</sup> The Summer Institute of Linguistics of Oklahoma University and its twin institution The Wiclyffe Biblian Traslators (WBT) have as their main objective to make the bible more accessible to indigenous people, being their mission to translate the bible to all languages in the world. (Loos et al. 1981: 366-367)

Besides, the state promoted the colonization of the Amazon as a way to avoid an Agrarian Reform (Varese 1974: 4), building roads and giving facilities to obtain land in the Amazon for landless people from the Andean and Coastal areas, instead of changing the structure that created this kind of marginalization. One of the most illustrative examples is the active campaign organized by President Fernando Belaunde from 1963 to 1968, through the slogan “The conquest of Peru by Peruvians” (Contreras and Cueto 2007: 286) that promoted people going to the Amazon to make it productive.

Both processes reveal that the central state continued with almost the same view about the Amazon as before – as a place full of resources to exploit, requiring that Peruvian citizens go and work and leaving international institutions with the task of “civilizing” indigenous Amazon people to make them into Peruvian citizens.

### 3.3 Context of the elaboration of the Law of Native Communities

The first legal tool accessible for indigenous Amazon people was the Decree 03 (D.S. 03) approved in 1957. This decree allowed one to “reserve” 10 hectares for each native older than five years old. But this reservation did not have the legal strength to keep colonizers out of the territory. The reserve only included lands, not the resources, making it possible for outsiders to get permissions to exploit resources within the reservation borders. Besides, the process to get the approval was very slow. In the 17 years that this decree was valid, only 114 reserves were created, or on average just seven per year (Chirif 1974: 35-36).

Apart from that, there was no other legal tool on property for Amazon people until the Law of Native Communities was approved in 1974, under the military regime.

In 1968m the *coup d'état* by a military group imposed a new regime that claimed social vindications for historically excluded groups; and have a very strong national orientation. The Revolutionary Government of the Army Forces proclaimed itself to be not communist and not capitalist. It nationalized strategic sectors as energetic sectors, developed a very radical Land Reform and approve certain laws for indigenous populations on the Andes and the Amazon.

This revolutionary regime organized social movements controlled by the same government through The National System of Social Mobilization (SINAMOS). In that context, many social scientists were hired to design the new social policies. Stefano Varese,<sup>3</sup> a well-known anthropologist, was in charge of the office that would be in charge of the design of the law of Native Communities. Later, he left the office and other anthropologist Alberto Chirif, continued his work (Chirif 2006: 8-13).

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<sup>3</sup> Stefano Varese wrote the book “La Sal de los Cerros” (The Salt of the Mountains) which is considered as pioneer study in the Peruvian Amazonian Anthropology.

### 3.4 Law of Native Communities: Law No 20653 and Law No 22175

In the context of the Army Forces Regime, the first law on Native Communities was made: Law No 20653 in 1974. Nevertheless, four years later this law was replaced with a new one, which was very similar to the first one but with a few modifications. The new Law No 22175 Law of Native Communities and Agricultural Promotion of Jungle Region is still the main legal framework of the Amazon populations until today.

The Law 20653 had created for first time the concept of Native Community. Peru has a long communitarian history, since colonial times, in which people in Andean and coastal areas were concentrated in small units. Therefore, it was not coincidence that the social unit chosen for titling was the community (Chirif and García 2007: 148). Furthermore, in Peru, the word “indigenous” has a very strong pejorative connotation, product of many years of oppression and colonial legacy. In the Andes, where one of the main institutions was the “indigenous community”, the government change the name to “peasant community” as a vindictory decision. Symbolically, June 24<sup>th</sup> of 1969 being the day of the approval of the Land Reform was chosen as a day of celebration of the peasant.

In similar way, for the Amazon, the chosen term was “native”. The law recognized the “native community” as a legal subject able to get land titles. The problem was that the introduction of concept of “native community” was problematic in the context of different forms of organization and settlement of the numerous ethnic groups in the Amazon, where different “subjects” (individuals, families, groups of families or other bigger groups) have different types of rights over the same spaces (Chirif and García 2007: 25)

Moreover, the law established a property regime of communal ownership of land. It established the procedures of entitling the land, giving them guarantees over the territory (Article 9° DL 20653).

By 1978, when the second law was approved, there was a change in the government. In 1975 it started the second phase of the military regime, which was less radical and it was trying to soften some actions of the first phase.

The law of 1978, the DL 22175, was almost the same, but recognized as property only agrarian land, and recognizing forest land only as concession (Chirif and García 2007: 173). After the passing of Law 22175, the regulation of the law was also approved the same year. It specified the procedures to entitling, how to designate the borders of the communities, giving the task to the ministry of agriculture and also the directive on the authority representation of the communities should be (Regulation of Law No 22175, Articles 5°, 9°, 10° and 22°).

### 3.5 Analysis of the law

First of all, it is important to say that this law was very important because for first time it recognized property rights of the Amazon people. After many years of history of exclusion, there was a law which recognized Amazon people as citizens and subjects of rights that recognize their property rights over their

ancestral territory, and that gave them a legal framework that could help them to prevent the invasion of their lands.

Nevertheless, at the same time by introducing the concept of “native community” and giving a legal framework about how this organization should work in order to get access to land titles, it imposed a new type of social organization. This not only affected the diverse social organizations of different groups, but also created a framework of how indigenous people should organize over the territory where they have historically lived.

But even though the native community was a new type of organization, Amazon people accepted it in order to get land titles and gain legal security over their territories (Santos 2007:13).

Furthermore, the law not only installed a new form of social organization, but also affected the form of organization over the territory, fragmenting ethnic territories into smaller units. (Surrallés 2009: 33).

The legal framework of native communities reveals two important implications about the process of state expansion over the Amazon: the agrarian vision of development, and the politics of simplification of the Environment.

The fact that the inspiration for the law was the concept of community tells a lot about the development view of the area. By taking the model of “community” to be the legal subject of rights, the state was following the Andean model of organization, where peasants are dedicated mostly to agriculture. Besides, the same name of the law “law of native communities and *agrarian promotion*” reveal the agrarian purposes of the law. The first article of the law make a very clear statement about its purpose:

“Article 1. The Present has as its objective to establish an agrarian structure that help the integral development of people of jungle and upper jungle regions, with the purpose that its population reach standards of life compatible with human dignity” (Article 1. DL 22175)

At the time of its publication, most of Amazon groups were hunters, gatherers and slash and burn cultivators. Therefore, the state wanted them to become agrarian producers. “From the State point of view (...) what more less it [the law] orders is that the agrarian past of Andean people will become the near future of Amazon people” (Greene 2009: 182)

The idea of the agrarian path of development was reinforced in the procedures of obtaining the land title. The clearest example was that all the procedures were under the charge of the ministry of agriculture, and the technicians who were in charge of the delimitation were from that ministry, who had their own views about territory.

The law also reveals the politics of simplification of nature by the state. According to Scott, one of the state’s main features is its need to make social simplifications, in order to be legible for management officials (Scott 1998: 22).

For the state, it needed to make the complicated diverse social systems of the Amazon uniform in order to be able to understand them, and *incorporate* them into state dynamics. Therefore, making a law to regulate the Amazon space required a process of simplification. But this process of simplification is also linked to the question: for whom should it be legible? In this case, even when it was a

regime that tried to represent historically excluded groups, even hiring social scientists in an attempt to gain a good understanding of social lives, the state institutions were composed by people from coastal and Andean areas with a more Western educational background. In other terms, even though there was a need for intercultural understanding, at the end the need to simplify social life and make it understandable for the state to manage meant to make it understandable for a certain kind of people. These people are not necessarily those who are marginalized, but state technicians and representatives, and people who lived in the central areas of the state.

In sum, even when the main goal of this law was to serve as tool for the defense of the indigenous territory, it also meant imposing a view of the environment and organization of the space legible and functional for the State, not for indigenous people, who at that time did not have any kind of State participation or saying on the law making. This shows that the organization and planning of the state is made in terms of the dominant groups, not minorities.

Besides, this form of the state to relate with the Amazon region is also linked with market expansion. The need to be in relation with the state, to organize the community and get the land titles requires money. Besides, as the communities were formed in many cases, it meant creating a center as an arrival point for State and also to facilitate market transactions. In this way, some communities remain “as neighbor centers” where services were concentrated, serving also as arrival points for foreigners, civil servants and merchants (Chirif and García 2007: 167).

Analyzing this law in this way, it shows that the state was promoting and agrarian development path, by organizing the property on models based on more agrarian societies. This was later reinforced by other policies that pushed agrarian production. In the Amazon context, in which most indigenous people were likely to become small producers, it is possible to say that in some way the state was encouraging that Amazon people become more like peasants. Moreover, in expanding the state over the Amazon, it also provoked intensification of market transactions, weakening the self-sufficiency of Amazon people, and making them a little bit more market dependent.

## Chapter 4

### Concretized layer of property: Property relations in Condorcanqui province

According to von Benda-Beckmann's framework, the concretized layer of property is the "...layer of actual social relations, that is in the relationships between actual property-holders with respect of their valuables" (von Benda-Beckmann et al. 2009: 18-19). In the context of this research, this refers to the relation between Awajun people and their territory.

As explained in the previous chapter, the main mechanism of legitimation of property by the state is the law of native communities that makes the native community as the property holder of a specific delimited space, and the communal land is the valuable. Nevertheless, as the native community was an introduced concept and not the traditional way of people organizing over the territory, it is necessary to understand the role of the community as an organization that regulates property in area and the dynamics it produces.

Therefore, we need to examine the historical process of creating communities and the process of assignation of terrain. Only then is it possible to study how the relationship between community members and their communal land is experienced on a daily basis.

For analytical purposes, I will distinguish the levels of analysis within the concretized layer. First, I will study the process of conformation of property in the region. Second, I will study a specific case of experienced property in one community. I will do the first part in this chapter, and the second part in the following one.

In this chapter I am going to analyze the process of formation of the current landscape in the Awajun territory. On how people organize themselves over the territory and how are the role of property relations in this configuration.

I will argue that the historical process of the area during the 20th century has changed traditional Awajun dynamics. The process of state expansion in the form of policies, laws and actions influenced the social distribution in the area and created conditions that made people market dependents. This situation generates reactions and adaptations from Awajun people, resulting in the current landscape of the region and current property relations becoming more welcoming to agricultural practices.

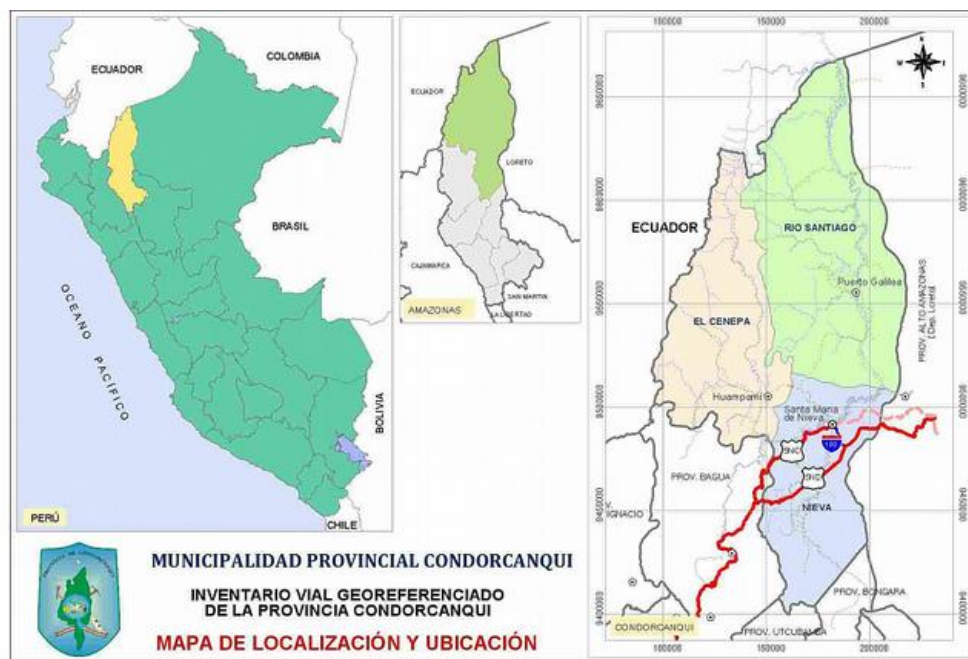
In order to develop this idea, I will first give a brief description of the traditional organization over the space of Awajun people based on some classical ethnographies. Then I will describe the 20th century history of the area, focusing on the process of state and market expansion, and their relation with property relations. Lastly, I will describe and analyze the current landscape of the area and the livelihood options of people.



## 4.1 Traditional Awajun Settlements

Awajun people historically have lived in the territory along the Marañon River between the Pongo<sup>4</sup> of Rentema and the Pongo of Manseriche, along the basins of the rivers Santiago, Cenepa, Chiriaco, Nieva and part of Chinchipe River (Guallart 1990: 70). The territory is called *Ii nunkae* by their inhabitants, meaning “our land” or also referred to as “The five rivers land”. Across history, this area has belonged to different administrative divisions imposed by state central powers and today is part of Condorcanqui province and districts of Imaza and Aramango in Bagua province, in the Amazonas Region in Northern Peru (Guallart 1997: VIII).

**Map 1. Location Awajun Territory**



Source: Municipalidad Provincial de Condorcanqui<sup>5</sup>

Traditionally their settlement was semi-dispersed. Each family was composed by a man, one or more wives and their children and all of them lived in one house (Fuller 2009: 16). When one of the daughters got married, the son in law would move in with his wife and give services to the father in law, then the new couple could move to a new house located near the wife’s family (Garcia Rendueles 1977: 35). “Some senior men who have more than one wife and several daughters, may find themselves as heads of fairly large household groups (...) Such a man may be called Kakajam.” If he is a killer and have shown military power in war expeditions he gains recognition as leader. A big man Muun, is a central character of a neighborhood.” (Siverts 1972: 17)

<sup>4</sup> Pongo: it is a geographical accident in which the river became rougher and narrower

<sup>5</sup>[http://provinciadecondorcanqui.files.wordpress.com/2011/12/6053608001\\_bb241c0927\\_z.jpg](http://provinciadecondorcanqui.files.wordpress.com/2011/12/6053608001_bb241c0927_z.jpg)

The stability of the settlements depends on the big man, as long as he has strength and power of influence in the area. The stability refers to remaining in a specific area, but with the freedom to move the house's location within the area (Siverts 1972: 17). In these spaces, each family is located between hours and days of walking distance from each other, and make constant visits among themselves. All of them constitute a family clan, which constitute the higher political organization institutions, there was no other above it, and there no union between family clans (Garcia Rendueles 1977).

The main activities were hunting and fishing for men, and horticulture for the women. The process of opening up spaces through slash and burn was done with the help from men, but the knowledge about the crops and the daily work is considered as a feminine responsibility. The gardens contains a great diversity of crops, especially manioc, plantains, yam, fruits, among many others. After a few years, when the production of tubers decline, a new garden is opened, though family members still visit the old garden sporadically to collect some food products (Brown 1986: 101). According to my own observations, on average women have between two or three gardens, though they may have more that they visit less often. As the garden is under a woman's responsibility, it is considered as a personal space and the condition of the garden is taken as an indicator of the woman's work. Even in cases of polygyny, each woman has her own garden.

## **4.2 Process of state and market expansion during 20th century and changes in landscape**

During the first part of the 20th century, there were two important processes that had a very important impact on the Awajun society: the process of colonization and the installation of the first schools in the region.

### **4.2.1 Colonization process**

The geographical complexity of the Awajun territory, especially the presence of "pongos" serve as obstacles that help to keep foreigners away from the area. "The Rentema pongo and the fearsome Manseriche pongo are the two bastions that, until very late forties, keep the area seal from river penetration. The lack of roads helped to keep the region as a territory of natives" (Guallart 1997: 24).

In 1948, a small number of colonizers founded (again) the town of Santa Maria de Nieva with five houses and a small school. In the 50s, the roads that ended in areas relatively near to Awajun territory were built, allowing the arrival of more colonizers who start claiming lands using the Law 1220. In the 60s, the Institute of Agrarian Reform and Agrarian Promotion signed a treaty with the Peruvian Army, giving it two million hectares in the Amazon (Guallart 1997: 77).

The people who arrive as colonizers were mostly people from the Andes who did not have enough lands in their original hometowns and were willing to

risk themselves to find new lands. Most of them came from an agricultural background and were looking to install farms.

#### 4.2.2 Formation of schools

Traditionally, Awajun education was based on the transmission of knowledge from parents to children, including the use of hallucinogenic plants such as Ayahuasca and toe, as well of drinking tobacco juice for receiving lessons from Bikut, the Awajun mythological character that dictates how an Awajun should live (Wipio 1981: 67)<sup>6</sup>

But during the 20th century, the education changed radically. In 1924, American pastor Roger Winans opened a school with a few Awajun children. He left and came back years later and in 1938 he opened a new school, in what is today Yamayakat Community (Greene 2009: 146-148).

At the beginning, there was not much interest in this kind of education. But the context of colonization, uneven power relations, an adverse legal framework, and the scams Awajun people were subjected to in commercial transactions with foreigners made them believed in the importance of learning Spanish and *Apach*<sup>7</sup> education.

“They realized that if they learned to read and write and speak Spanish, they could claim their rights and sell their products without anyone deceiving them” (Wipio 1981: 73)

Consequently, some Awajun people were sent to the coast to study. In 1953, Daniel Danduchu, the first one to come back after finishing his primary education, they opened the first bilingual school in the Awajun area with the help of the Summer Institute of Linguistics. (Wipio 1981: 73).

By 1952, SIL had already signed an agreement with the Peruvian government to establish a program of bilingual education in the Amazon. SIL had a great impact on the Peruvian Amazon in general and one of the most emblematic areas was the Awajun territory. From one school in 1953, “by 1975 there were 133 Awajun teachers in 67 concentrated communities, most of them were formed spontaneously by the arrival of the teacher and construction of the school” (Greene 2009: 162).

In that way, schools were one of the first causes of the concentration of people in the same place. The need for education was increased by the need to have the required skills to deal with the process of state and market expansion. As the colonizers went deeper and deeper into Awajun territory using the law in their favor and displacing Awajun people, they saw the need to understand Spanish and the laws. Overall, they needed to understand the terms on which they were being disposed from their lands, and be able to defend themselves. In the same way, they needed to be able to use calculations, how to write and read in order to avoid being cheated by colonizers and merchants who sold goods as

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<sup>6</sup> Gerardo Wipio is a well-known Awajun bilingual teacher

<sup>7</sup> Apach: it is the term that Awajun people uses to called people who are not Awajun.

machetes and knives that were introduced to the area. As the process of state and market expansion was aggressive, education was a form of defense.

But, schooling implied not only to learn the State terms, but include a wider context of assimilation into State dynamics.

In 1957, the anthropologist Efrain Morote Best was hired as the first coordinator of bilingual education in the Amazon by the government. He and SIL started a civic campaign to promote the participation of indigenous people in the government, called for meetings in the new settlements around the schools and taught Awajun people how to elect majors or political representatives (Greene 2009: 164).

This kind of selection of leaders was completely new for Awajun people. In their traditional form of organization, the leader was not elected but simply emerged by his practice and military power as a leader. “The *Kakajam* was not elected to govern, he just does it” (Greene 2009: 164).

The bilingual teacher also started to be seen as a new kind of leader. As he could understand Spanish and the Awajun language, he became the intermediary between his Awajun family and the dominant classes in society. As he could use books, documents, maps, and make bills among many other tasks, he was the main character in the integration with not only the state but also the market. In many cases, he also became the supplier of market goods (Greene 2009: 1968).

In sum, the process of schooling in the area did not only provide education, but it also impacted the social structures of the society. It had caused changes in settlement, in traditional leaderships, in views about what a leader should be, and how people should organize themselves. It is a clear example of how the process of state expansion in the indigenous setting impacted traditional dynamics, making them more compatible with state functioning.

Besides, the same process of state expansion helped with Market expansion as well, facilitating the entrance of colonizers and merchants who arrived with market goods. The clearest example was the institutions that provide education services, SIL and Jesuits (who later also got permits to open schools) also organized cooperatives to sell market goods. Moreover, the school system itself required goods as books, pencils, pens and other desk staff that they needed to acquire in the market.

### 4.3 Property configuration in the Awajun area

The process of state and market expansion pushed people to leave their dispersed type of settlement and live together in order to make the education of children possible, which was considered as necessary by this time. And when the laws of native communities was approved in 1974, the titling process took these agglomeration of people as the basis for the delimitation of the native communities.

Since the law recognized the property of specific pieces of land and many people were already organized in nuclear spaces, the conformation of communities in Awajun territory seemed more as a recognition of rights rather than an

imposition. At the same time, this overall process was the seed for a deeper process of change in the Awajun area.

The process of concentration of people in some specific localities where the schools were located and the recognition of property around these localities created a process of the fractioning of the Awajun area. By creating fixed boundaries between the new communities, an entire area that used to have the same cultural and organizational scheme and flexibility for people to move was transformed into a fractionated landscape composed by smaller fixed units that required the permanent enrolment of families with their own internal regulations.

In an interview with a historical Awajun leader Santiago Manuin, he speaks about the process:

“The communities are a little bit artificial. (...) For getting the title, two or three clans got together and got the title. But, before we lived in clans and nobody had a limit. There were some limits, but they were known. And if you go to other place, you just left and go to a have new one. (...) But with the titles, the communities make you to stay in one place. (...) At the beginning it was hard but people got used to [it]. People adapted and in 1968 they elected the APUS,<sup>8</sup> the community chiefs, that was also a new structure, because before there were heads (chiefs), and the APU was the new figure of authority to group and govern the community” (Santiago Manuin)

After the first wave of titling in 1974 and 1975, where 80 titles were given in Awajun territory (Greene 2009: 196), ensuing governments did not continue with the titling process. But during this time, the communities were consolidating as important institutions in the area. As the communities had legal recognition and also concentrated different services, it became almost mandatory to be part of a community.

Even the new indigenous political organizations formed during those years by own indigenous initiatives recognized the communities and included them in their dynamics. For example, the organizations that were formed in the Awajun area, have as their bases the different river basins, have delegates in different communities, and recognize the role of the APUs as the main authority in each community.

After the titling was almost stopped, indigenous organizations advocated for titling for communities as part as their claims. In the Awajun case, towards the late 80s the regional organization el Consejo Aguaruna Huambisa (CAH),<sup>9</sup> received funding from International Cooperation and started a process of finishing the titling in the area (Chirif and García 2007: 189). Later, the titling was carried out by SAIPE, a local NGO.

Titling in the area has the following characteristics. In the first instance the organizations CAH and later SAIPE got founding for the titling process. Then, they made agreements with the Ministry of Agriculture, and later with the PETT (Special Program for land titling, which was the state entity in charge of land

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<sup>8</sup> Apu: it is the local way in which people call the community president

<sup>9</sup> Aguaruna is the Spanish name to refer to Awajun population and Huambisa is the Spanish name to Wampis population. Both groups are part of the jivaro linguistic family

titling in the 90s). CAH or SAIPE provide the funding and the Ministry or PETT provides the technical team. They went to each community, made a census, sent a topographer for perimeter measurements, and later handled the paperwork to give titles to the community (Interview with Santiago Manuin, 2014).

The titling of Awajun communities was done without leaving any spaces untitled – a lesson learned from other regions was that any untitled spaces would cause the entry of colonizers. Thus, continuity in the territory was achieved in the territory as a very large space was titled by only Awajun communities could be kept as Awajun territory (Information collected in different interviews). In total, the Awajun people own 1,459,212 hectares (Chirif and García 2007: 175).

In this way, property rights over the Awajun territory were achieved, as well as a guarantee by the state that this territory only belongs to Awajun people. At the same time, this achievement implied the normalization of the community as a local institution that regulates not only property but also social life in the area. It becomes almost compulsory to belong to a community to not only access services, but to also have a place to live. The only way to not belong to a community is to live in cities, though even in this case many of their relatives belong to one community or another.

#### **4.4 Implications of communalization**

The fractioning of the territory in the communities have many implications for people's lives, but some of the more important are the creation of new centers and the increase on the pressure over resources.

As the communities were forms in areas surrounding schools over family clans territory, it meant to establish a center where all the services were concentrated in the same space, as the school, the Apu office, the store (and other services), and the rest of the community conformed the peripheries. That implied a creation of a small "urban-like" space, in the sense that the center of the community became the place for living, going to school and accessing services. Meanwhile, the rest of the area became the place where people could practice their livelihood activities such as hunting, gathering and cultivating gardens. It creates an overall landscape in which there are small native towns located along rivers, within a considerable distance from one other.

The concentration of people in the same territory results in more pressure over resources in the surrounding areas of the centers. As people prefer to not have their gardens too far from their houses, the immediate surroundings of the community centers are full of small gardens, resulting in less space for starting new ones, limiting the fallow period for the soil and causing erosion of the land. In the same way, the practice of hunting became more difficult, as animals do not come near to agglomerations of people and so the number of animals found in the proximities of the community gradually declined.

Consequently, one needed to walk further to be able to hunt. Or in other cases, some families started rearing small animals such as chickens, turkeys and guinea pigs in order to have access to meat. The same situation happened with plants that were usually gathered in the forest. As they became more rare, some

people start to grow them. One of the most illustrative examples is the yarina, a palm tree whose leaves are used by the Awajun to build the ceilings of their houses. Before, people used to go to the forest to collect it but as more people started building their houses nearer together, the yarina became more difficult to find. As a result, some people start to grow yarina in their gardens and even commercialize it. Today a thousand yarina leaves costs around 500 soles (approximately 120 euros) and a house requires on average 3000 to 4000 leaves.

To summarize, the process of the communalization of the Awajun territory was one of the most important effects of the process of state expansion on the area. It transformed the landscape of the area, creating small native towns with a concentration of people and which became the arrival point for state services, authorities, or any other institutions. At the same time, the concentration of people put more pressure on resources and gradually made them scarcer.

Besides, the process of state expansion facilitated the entrance of merchants and also created new monetary demands. For example, as children were now expected to go to school, it created the demand for books, pencils, pens and general desk staff, as well as uniforms, backpacks and shoes. In the same way, as the communities had new leaders, one of their main tasks were to serve as representatives of the community when faced with national authorities, including being in charge of the demands of their community. Therefore, APUs needed to travel to the capital of the province to keep the paperwork of their communities and also ask for new or better services. All this travel and paperwork also requires money.

In sum, the pressure over the resources and new monetary demands created a new climate of economic need on the area. It gave space for state institutions and NGOs to work on development programs, imposing their own visions of development. Besides, as people were concentrated in communities, the arrival of NGOs or state representatives became easier.

In that way, many new projects with an agrarian focus were promoted in the area. For instance, projects promoting cacao production, agroforestry, breeding of small animals and installation of fish farms became more common. In other words, the answer to the monetary needs and scarcity of some products was to intensify agriculture. In that way, most Awajun people started to intensify their agricultural production, growing food for themselves in their traditional gardens and also have other farms that were oriented to market, such as cacao and bananas.

Today, cacao production has become one of the most important economic activities of the area. The municipality and regional government both have cacao promotion programs. Although merchants pay prices below market standards (in comparison to other areas of the country) and commonly cheat Awajun people, cacao production is seen as one of most convenient market options.

In general, agricultural production is conceived by most government officials, development practitioners and also some institutions of civil society as the development path that the area should follow. For instance, in the last municipality elections, most candidates included promises in their slogans, related to the execution of development agrarian programs and facilitation of commercialization. Another example is that the only educational option for young people

who finish secondary school in the area is a vocational education institute from the Jesuits that have two programs: agrarian technician or food industries.

In others words, the Awajun people started to intensify their agricultural practices as a result of their market needs and the push from different institutions that promotes this kind of development. These seem like the most feasible activity in the area, considering that there were not many other possibilities available. In that way, Awajun families started to combine their traditional slash and burn practices to produce their own food, supplemented with cacao and banana farms for the market.

In this way, the Awajun people engaged with a more peasant-like economy. They continue to produce most of their own food, but went from being relatively more independent of the market at the beginning of the 20th century, to becoming more involved in “national” dynamics. By the end of the century, they had been pushed to become petty commodity producers in order to satisfy their new demands of money and market goods.

The intensification of agricultural practices do not only imply a change in livelihood activities, but also new ways of relating with the surrounding environment. While slash and burn cultivation is supposed to mean cutting the forest for a limited period of time and then leaving the forest to grow again, the starting of commercial farms will mean bigger, permanent farms that will produce for many years. Besides, as people form part of a community, it supposed to have community regulations about how to access to land for farming purposes.



## Chapter 5

# Concretized Layer of Property: Property Relations in Urakusa Community

As explained in the previous chapter, the process of communalization of the Awajun territory was extremely important in the formation of the current landscape of the area. Understanding this process as one of the main features/effects of the process of state expansion is also acknowledging how the current landscape is a “politicized landscape” in which multiple actors, with different levels of power and capacity have played important roles in the constitution of the social organization and their relations with the environment.

In this case, the creation of communities to become property holders of specific parcels of land implied the transformation of traditional forms of social organization and adaptation of a traditional livelihood (that required more mobility) to a more settled or localized version. Furthermore, this adaptation does not only respond to the concentration of people or to spatial restriction, but also to increasing market dependence – the product of the process of integration with the national society.

In this way, each community became a small center of social life, in which most daily activities took place and requiring the establishment of regulations to keep interactions between community members in peace. Thus, each community created their own Communal Regulation that dictates the basic rules that each community agrees to follow.

In this chapter I will explain the case of Urakusa community. This community decided in assembly to establish a regulation about property within the community and assigning each family a specific land extension, in order to keep their community organized and avoid land conflicts between community families in the future.

I argue that the organization of property within the community responds to the expectations of what the people from the community believe would help them prevent internal conflicts and help them in their development as a community. I suggest that this kind of division indicates that they are giving more emphasis on agricultural production rather than forest activities – a change in the productive logic of Awajun people. I propose that the division of land perpetuates some internal power differences between community members, creating a situation in which people access land in other ways and not just through an “official” division.

First, I present a brief history of the community and describe the land distribution within the community. Then, I present some interpretations about this type of internal organization, and later the possible consequences in the future. Later, I will explain about practices related to access. Finally I present a conclusion of the chapter.

## 5.1 Urakusa history

Urakusa community is located next to the Marañón River, located two hours from the capital of the province, Santa María de Nieva. The location of the community makes it dynamic, as it a resting point for fluvial travel by the Marañón River, and also a pick up point for inland travel between the cities of Bagua and Nieva.

Map 2. Urakusa Location



Source: Groupe Speleo Bangos Marcoule.<sup>10</sup> Own Modifications

Urakusa, like other communities, has an executive board composed of the Apu, vice-Apu, treasurer, secretary and extra members. They constitute the principal authority of the community and some of their main tasks include keeping the records of the community, facilitating communication with external institutions and providing services to the rest of community members. They have a weekly schedule of working hours in the communal office.

In the records of the community, there is a document that relates the history of Urakusa. It tells how the territory of the community was intermittently populated from 1930 to 1956. When regional authorities suggested organizing in communities, the people organized themselves to open for founding of the center of the community. The next year, they received the visit of Efrain Morote Best, the main authority of Bilingual Education, and in that event they elected the first community authorities.

<sup>10</sup> <http://www.gsbm.fr/cavites/perou/amazonas/Amazonas.jpg>

In the following years, the community kept working, changing their authorities periodically and living a constant tension with the Peruvian Army, because a military base was located in nearby. In 1960, they managed to get the recognition of their lands under the form of “Community Reserve”, following DS No 3.<sup>11</sup>

After the law of native communities was approved, they received the visit of SINAMOS representatives and a topographic team. Along with a community team, they established the boundaries of their communal territory, and they received their Land Title on August 12th 1975.

In the 90s, there was an opportunity to expand the community borders. In those years, people did not consider the area to be large enough for the size of the population. They thought that their parents did not consider their demographic growth at the time they established the community boundaries. At that time the indigenous national organization AIDSEP and the local NGO SAIPE had programs to finish the land titling of all Awajun territory and to extend the boundaries of those communities that required it. Hence, Urakusa requested the expansion of their land and in 1995, they received a new title that incorporated more territory.

It is important to remark on the importance and significance of having communal records and communal history. It implies a wide recognition of the institution of the community and acknowledge its importance in structuring social life. Even when it shows the recent origins of the community as institution, at the same time it tells how important is for Urakusa community members to have a history that explains the beginnings of their own community as an organization.

Besides, the same history of the community shows how the community was not the “natural” form of organization. On the contrary, it shows how the process of formation was conditioned by the state.

One of the points of the community history that people remember the most is related to the tensions with colonizers, and specifically with the army and the neighboring town of Chiangos.

Different informants told me stories about how the military who lived in the army base next to the community<sup>12</sup> used to abuse Urakusa people: humiliating them, stealing things from them, and raping women among other abuses. As the situation was very severe, community authorities (with the help of AIDSEP) made a complaint to the national government about the behavior of the soldiers. Finally, they managed to agree that only Awajun soldiers would remain in the base while the rest were moved to other army bases. From that point, the relation between the army and the community got better, “Awajun with Awajun is more tolerant, there is more understanding” (Benjamin Ukuncha, APU of Urakusa Community). Besides, as the army base was located within the boundaries of Urakusa community, the two institutions reached an agreement to concede the land to the army for a limited number of years.

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<sup>11</sup> The first legal tool to recognize indigenous territory. It was prior to the law of Native Communities and only a few indigenous groups were able to get this recognition.

<sup>12</sup> As it is a frontier region, there is many army bases. One of them is Urakusa Base.

In the same way, the community had many problems with the neighboring town of Chiangos. Awajun people told stories about how people from Chiangos used to invade Urakusa, going into the community territory to cut trees and start farms. For that reason, Urakusa people organized themselves to defend their territory and structured a system of assigning small property units to different families along the road that connects Urakusa center and Chiangos to form a barrier against the entry of outsiders. Along the road, every family received a small piece of land of 200 meters long occupied by gardens, allowing more vigilance towards any possible entry to their territory.

In these examples it is possible to appreciate how Awajun people experience on a day-to-day basis the impact of the colonization of their territory, and how power relations between colonizers and indigenous people are uneven and remain so in similar ways despite the apparent recognition of property rights for the Awajun people. In this way, ethnicity remains as the main element of social differentiation in the region.

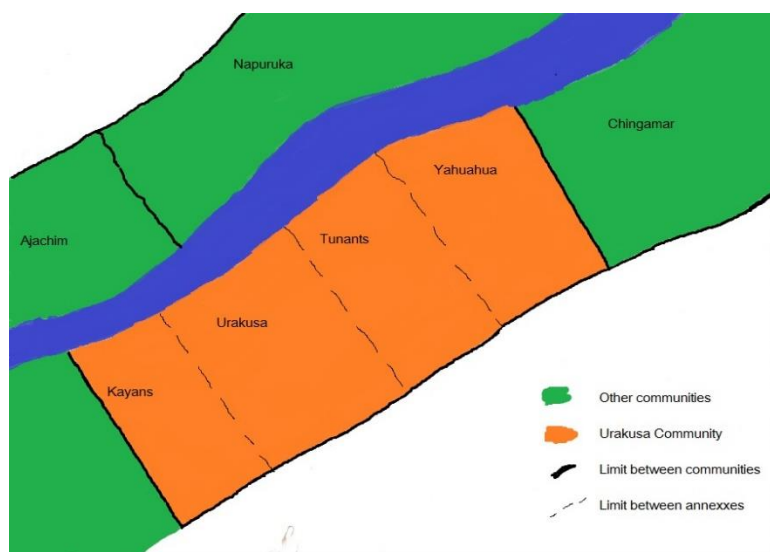
## **5.2 Property in Urakusa: Organization of the territory within the community borders**

During the process of forming Urakusa Community, some families split from the center, and established themselves in places relatively close to the center of the community. In that way, the three annexes of Urakusa were formed: Kayans, Tunants and Yahuahua.

Today, these three annexes function in practice as small communities. Each of them has their own executive board, authority, regulation and school. However, they are still considered part of the Urakusa territory, and there are clear agreements and boundaries between the annexes and the main community. Although they need to coordinate with Urakusa for issues related to land as, they have the same land title.

This division between the main community and the annexes creates the arrangement of four units within the same territory, with Urakusa as the main one. It shows how social practices are much more dynamic than legislations, how people can adapt themselves according what they consider more convenient, and how they can make social arrangements within the limits of the law.

**Map 3. Urakusa annexes**



Own Elaboration

But the division among annexes is not the only one in Urakusa. By the end of the 90s towards the beginning of the 00s (different informants refer to different dates) the community decided to divide the territory and assign specific extensions of land to each community member. As a road passes through the community, they decided to use it as an element to help them structure their own territory. The space between the road and the river, next to the army base, would be the place for the center of the community, which would be organized in small allotments for each community member to have their house. On the other side, along the length of the road, they decided to divided the land measuring 200 meters as the width of each allotment, and 2000 meters in length, or in total 40 hectares. In that way, each community member could have a house in the center of the community and space for their livelihood (garden, commercial farms, or any activity the “owner” chose to do). This decision applied for Urakusa and its three annexes.

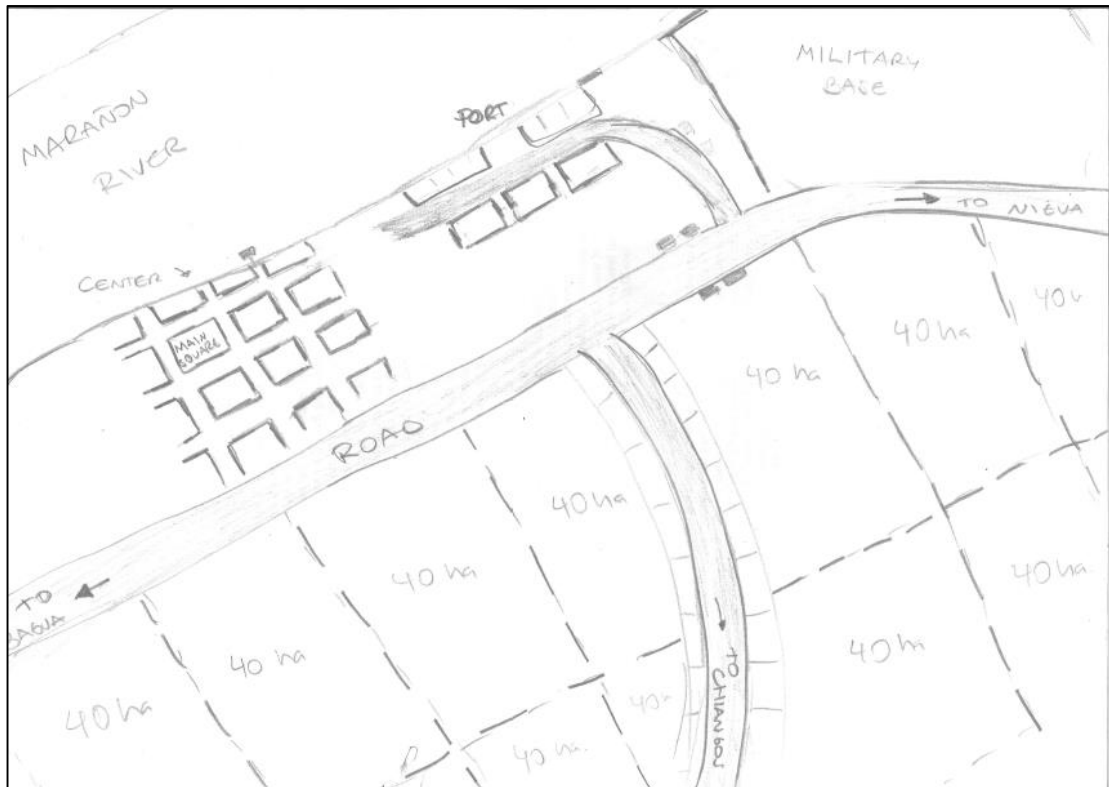
This way of organizing property was different from the previous one. Before, as each family had arrived in the “community territory” at different points in history, each one had “taken” some parts of land (including forest) and claimed it as their own. Hence, each family had big parcels of land with known boundaries that were respected by their neighbors. Most of the family lands remain as forest, but the head of the family allowed his/her descendants to use some small parts; in some cases even giving them some portions of land. In other cases, new couples simply go and “take” other free areas, as there were still areas that were nobody’s property.

For implementing the new distribution of land, the community hired a topographer to help organize the distribution in the community center, which was divided into blocks and streets, with one allotment of 50x50 meters allotted to each community member to build their houses. The distribution of the 40 hectare plot was done later and it is not finished yet. The first stage consisted in giving out all the land along the road, but it was made with only a few families.

it. At the time of the current APU, the second stage is being executed. This stage consists of giving out the lands behind the allotments of the first stage. It is calculated that it is not enough, and a third stage would be given in the future.

The following is an illustration of the land distribution in the community to better understand the current organization of Urakusa.

**Map 4. Internal distribution in Urakusa**



The drawing shows a clear differentiation between the urban and the rural spaces of the community. The urban area is composed of the center of the community organized in blocks, and the port. (It is supposed to be the same unit, but for now the houses are concentrated around two nuclei, though it is expected to become a single unit in the coming years, as all that land is already allocated). The area across the road is all divided in 40 hectares.

It is important to note that the allocation of plots was strictly for community members. In the past, the regulation forbids Urakusa people from marrying Apach people, and accepting marriages with people from outside only if they were Awajun. Now, it is allowed for community members to marry Apach people, and only then are they accepted in the community.

### 5.3 Internal division of land as an effect of communalization

One of the most important effects of the process of communalization is the creation of a system of fractionated management of the general landscape, giving each community autonomy to regulate its own limited territory. This case exemplifies one of diverse forms in which each community manages property relations within its boundaries. But the Urakusa case is especially interesting because it is one of the first Awajun communities that institutionalized this kind of land division.

The reason behind this land distribution according to Urakusa inhabitants is that it was more organized. They think that the community is going to grow and the organization of property in this way would help them work in a more organized way and avoid land conflicts in the future.

“40 hectares, Why? Because population is growing (...) if they don't have lands, where are they going to go? Because each day population is growing. How was it in Lima? It was the same and today, how is people living? In Comas [a district in Lima] people live in the hills. For that not to happen here, here in the jungle we took possession of land and we analysed and see that with time people is going to increase (...) for not being fighting in the future...” (Bejamin Ukuncha, APU Urakusa)

This reasoning about this kind of organization of the territory reveals a pre-occupation about population growth and how the community could prepare for that. In the past, they solved the problem of restricted space by expanding the community borders. However, in the current context they are aware that this might no longer be possible as all the territory in the region is already property of someone. In this sense, it reveals a common problem that many communities are facing today: as the population grows, people are living in community spaces with specific restrictions and boundaries, and they are doing more land-related activities (such as agriculture), there is the fear that there would not be enough land for everybody.

“Today it is like this, as it was the social structure, but it was not like this the social structure, but because of the changes that it exist as it was normal, as it was like this. But it was not like this. We used to live in clans. Today people live permanently in a community and have problems because populations is growing and population cannot live in the community anymore. Thus, many young people leave to live outside, looking for other lands.” (Santiago Manuín)

In this way, the internal division of land could be understood as an unintended consequence of the process of communalization. On how Awajun people is responding to the changing conditions and adapting themselves to the new situation that they are facing. As an adaptation of a more flexible settlement mode to a more localized one, in the context of an increase in market dependence and the practice of agriculture activities. In this case, people from Urakusa are trying to organize their territory in a way that would help in avoiding conflicts as a product of the increasing pressure over land and population growth.

## 5.4 Possible interpretations of property relations in Urakusa

The Urakusa case is interesting not only because it is one of the first communities to institutionalize this kind of land division, but also because it has some special characteristics: its more urban-like model of the center of the community and its 40 hectares as distributed land for livelihood activities.

Like other communities, the center remains as the place where services are concentrated: the school, health center, executive board office and most houses. But in the case of Urakusa, the organization into blocks and streets, the same-size allotments, and having a main square (where there are flagpole for special occasions) gives off a more “urban” feeling. The way in which the center is organized resembles a city/town on a small scale.

The reason for taking on this model could be interpreted as an assimilation of “development standards” of dominant classes in society, who usually consider urban areas as more “developed” than rural and indigenous areas. In this way, the organization of the center according to urban models could be an expression of the desires and expectations of development for the community members, who have to some extent assimilated the discourses imposed by more powerful actors about how a more “developed place” should look like or what activities should be done. It is not a coincidence that many people who have taken the role of Apu in Urakusa have lived in cities for some period in their lives or that many people from the community have also some experiences of city life. Thus, structuring the communal space in a way that looks more organized and more city-like is considered by the community members (and many visitors) as an indication of the good position of Urakusa community in relation to other Awajun communities.



Main square of the Community.





Street of Urakusa



Street of Urakusa  
Port

Another particular detail of Urakusa is the assignation of 40 hectares per community member. It was the result of a decision of community members who decided in assembly that 200x2000 meters would be an appropriate size for each community member. Although there were no prior studies or census of the population, their decision was based on the opinion that it would be enough land for having farms while leaving lands for future generations.

The distribution of lands itself could be considered as an indicator of the importance of livelihood activities related to land use, which in the current context is closely related to the practice of agriculture for the market. For instance, one ex-APU mentioned:

“Lately we are organizing to plant, to make fish farms, that people plant cacao, banana. Banana and cacao are the best sellers. That’s why in Kayans they are making an obligation to all men to have at least half a hectare or quarter of hectare of cacao. Everybody must have it, it is the regulation that they agreed.”

“Now most people are planting. Most people is dedicating to cacao. They no longer spend their time walking around, visiting family; that was the tradition. When I was the APU I asked where is this person, and they said “he went walking” how many days? “10 days” “he has gone to visit his family in Choros”, I told them you are wasting time, you have to work” (Federico Wipio, ex APU of Urakusa)

In these words it is notable that the agricultural activities are considered necessary work for any Awajun people. It is revealing that the traditional forms of livelihood and old customs are considered as not being compatible with current times, because people should work harder in order to provide their families.

In this way, the organization of property within the community can be considered an expression of the process of agrarian intensification. As the community becomes the main institution of organizing social life in the region, it acquires the capacity to set living standards for its members by establishing internal regulations. In this case, by emphasizing the division of land over keeping open forest for everybody, it is privileging more land based activities over traditional forms of forest livelihood. Furthermore, as agricultural practices were considered the best option for the region, the establishment of clear boundaries between families aimed to facilitate this activity by avoiding problems between community members. In this way, it is possible to say that the organization of property in the community expresses the development orientation taken by the community, which is more oriented to the practice of small commercial agriculture rather than traditional forest activities.

## **5.5 Possible implications of land division**

Changing the traditional activities that have helped maintain the forest for years for other activities that require a more intense use of the soil and rearranging property relations would probably have some implications in the future.

For instance, dividing all the community lands into individual plots and farms could affect the integrity of the remaining forest of the community, af-

fecting its continuity. When Urakusa representatives were asked about that possible problem, they argued that Awajun farms are small (most of them are no bigger than one or two hectares) and therefore are not presently affecting the forest because most of the 40 hectares remain as an internal reserve.

But there are some questioning it for the future:

“Lately we have been counting, and it looks like the land is not going to be enough, for example I have three daughters, they are not going to pick 40, 40, 40. Therefore, I should have to give land myself. Maybe 20 or 10 hectares.”  
(Federico Wipio)

If today most of the 40 hectares are not being used, people would probably use them in the future. It opens questions about some of the possible consequences. Would it cause an increase the division of land generation after generation and giving less space for forest? Would the practice of inheritance be the new form of access to land? Would the forest be reduced? What would be the options for young people who migrate to cities?

Other possible consequences would be about the level of freedom that each community member would have in his/her land. When I was asking about what would happen if somebody wanted to lease the land or establish a cattle ranch, Urakusa authorities did not answer because they have not yet faced this kind of problems. Nevertheless, there is a possibility that they would face these situations on the future and the community should be able to establish regulations related to that.

In sum, there is no certainty about the impacts of the organization of communal territory in the future. Nevertheless, it is very important to pay attention to these kind of processes in the Amazon. This is not only because of the possible environmental implications, but also because it is part of a process of change of the indigenous population. The implementation of new rules to organize property within the Amazon communities reveals how the livelihood activities and the needs of indigenous people have changed with history, how the process of integration into state dynamics have impacted their lives in a way that they became more market dependent and needed to change their traditional activities in order to survive in the present conditions, how they are adapting themselves to constant changes and how are they preparing themselves for the future.

## **5.6 Property relations in Urakusa: practices of access**

Even though the community regulations dictates certain forms of property, in daily life social relations tend to be more dynamic than the actual regulations. Urakusa is not the exception and how people access property is not necessarily strictly under communal divisions.

One of the clearest examples is what is happening with the allotments located near Urakusa port. As this area is a resting point for river and road travelers, there are small restaurants and stores. Some of the stores are run by Apach people, who access these spaces through rent contracts with the “owners” of the plots, as outsiders are not allowed to have property within the community.

This example shows how ethnicity remains the main element of differentiation until today. The Awajun people continue to make a clear differentiation between rights for Awajun people in their territory and rights for Apach people. Nevertheless, rights can be flexible. This kind of arrangements reveal how much the Awajun people today are immersed in market transactions since many people in the community are willing to negotiate as long as they are not being abused and both parts can benefit from the arrangement.

On other side, these practices of access could also reveal some problems of the current property system. For example, the problem of the allocation of plots. As land allocation first started with a group of families, it prioritizes them above others to be property holders. According to community authorities, the order of land assignation depends on the time the family has lived in the community. In that way, the oldest families were the first to be allocated land and getting the lands closest to the center, while “newer” families got lands located further away. There were even people who preferred not to get any lands because they were located too far away.

For that reason, many try to access land in other ways. For instance, as the plots in the “urban” area of the community are fairly big, many families opt for small gardens in the surroundings of their houses – taking advantage of the extension of their allotments. In other cases, some families have relatives who had received plots in the center but do not use them because they are temporarily out of the community. So they use their relatives’ spaces to install their gardens. Other families use the older forms of allocation of land. For example, as many families have small plots in the road in the direction of the colonizer village of Chiangos, they use them as their main working space. Others use lands that are not affected by the land division. For instance, some elders whose lands are located in areas of the community that were the subject of distribution make internal arrangements with their families to let them use portions of these lands.

These different forms of access illustrate how community members, even if they were excluded from the allocation of lands, found ways to access them and work to provide for their families. These also illustrate how older Awajun traditions are changing but without losing their roots: the prevalence of a form of family clan and subsistence production in the swidden gardens, with the incorporation of cacao farms, and the combination of property forms within the community.

## **5.7 General view of property relations in Urakusa**

In conclusion, the study of property relations of Urakusa helps us to understand the wider context of change of the Amazon space and especially in the Awajun territory.

The history of Urakusa shows that the community was not the natural or traditional way of organization, but rather created in the 20th century from the push of authorities and people assumed as a way to defend their territories from colonizers. Nevertheless, even with the recognition of rights, the relations between Awajun and Apach people remain tense, making ethnicity one of the main elements that structure social relations in the region.

Besides, the history and the process of internal division of Urakusa exemplify one of the main effects of the process of communalization of the landscape. It created a fractioned system of managing the general landscape, giving space to each community to manage their immediate surroundings according to their own views.

Also, the process of communalization brings other consequences. By linking people with a specific community to a restricted space, it creates a problem of population growth in localized spaces. From having a more flexible structure to a more settled way of organization, it creates problems related to having increasingly more people in the same space. In this way, the organization of property within the communities could be interpreted as a response to the new problems that the communities are facing. It can be seen as a way of adapting to the constant change in the area – the product of the processes of state and market expansion.

But at the same time, these also express the aspirations and visions of development of the community members. For instance, Urakusa exemplifies how people have assimilated the division between urban and rural spaces within the community, and what they think is the best way to organize each of these spaces. The way in which they organize property in the “rural” part of the community (dividing all the available land) shows that they are privileging land-based activities, especially agriculture. In this case, the property relations reflect the will of the community to engage with agriculture activities for market purposes.

In this way, the property relations reflects the process of engagement with the market, showing how the Awajun people have changed their organization and livelihood activities in order to keep up with current unavoidable market dependence. Nevertheless, it does not mean completely stopping traditional activities or losing their ethnic identity, as ethnicity remains as one of the main elements that shape social relations in the area.

But then again, as property relations reflect the change in livelihood activities and make evident the impact that capitalism expansion have had in the area, it also create uncertainties about the possible ecological and social impacts of this process of change. For example, it could represent a threat to the integrity of the forest in the future, as it would mean to expand agricultural farms over the forest space. Or it could reinforce social differences, as the process of assigning specific pieces of land to each person implies prioritizing some people over others, and also giving plots of better quality and location to some while others receive lands of poorer quality or further away.

# Conclusions

## Recap

The general purpose of this research was to contribute to the understanding of the process of the market integration of forest societies, following the broad question of what happens in cases of capitalist expansion in non-agrarian societies? For dealing with this broad topic, this study used a property relations approach, as it allows to appreciate one of the most concrete expressions of the general process of change that forest societies are facing. For addressing this problem, this research focuses on the case of Awajun people, one of the largest Amazon groups from Peru, on how the changes in property relations express their change in livelihood and engagement with market-oriented agriculture.

Dealing with this problem not only required looking at the property daily practices, but also understanding the general conditions that push Awajun people to engage with new forms of livelihood, especially the role of the State and the Market. In this way, this paper starts from the general background of the situation of the Amazon in the Peruvian context, to the more specific regional and local processes. In first place, it studies the legal framework of property of the country, for understanding the role of the State on regulating property on the Amazon and how it had influence on the general social conditions. After that, it focuses on the area of the Study, on the Awajun territory, on how the history of the region that is marked by the process of State and Market expansion, could help to explain the current social and spatial organization of the area. Just then, it focuses on the case of one community, on how the internal organization of property is responding to the current context of integration to the national society and the market.

In this way, in the first chapters I argue that the Peruvian legislation about property on the Amazon, although it had as main purpose to serve as a tool of legal defense for Amazon people, it also imposed a new form of organization and management of the Amazon space that were looking for promote agrarian development. The law of native communities, that is the main legal framework about property in the Amazon produced the concept of “Native Community” and made it the subject of property rights in the Amazon space. It meant that Amazon people from different ethnic groups who had different forms of organization needed to adapt to the form of the community for acquiring security over their territories. This form of organization was more functional for the State, as it imposed a social system that could be understood and incorporated in the governmental structure of the state.

In the next chapter I argue that history of the Awajun territory on XX century reflects the process of State and Market expansion over the Amazon, which has had a great impact on the living conditions and has made people more market dependent. The process of colonization and schooling on the area promoted the first concentrations of people; and later, with the approval of the law of native communities, it pushed a process of communalization of the Awajun territory, changing the configuration of the landscape and social organization, fractionating the management of the environment in small units. In this way, this

process exemplify how the process of State expansion over the Amazon, in form of policies and legislations and actions have influenced in the area, making evident the importance of the Role of the State on the changing of local dynamics.

As the process of communalization supposed concentration of people, it put more pressure over resources; it facilitated the entrance of different institutions on the area, as the center of the community became the arrival point for any outsider who want to approach any community; it also facilitated the dependence to the market, as it creates new demands for money for access to State services. All these factors were important to the promotion of development programs with agrarian orientation on the area, expanding the practice of market oriented agriculture.

It also shows how people adapt themselves to the changing conditions product of the State and market expansion. On how people adapt their social structure in order to get recognition from the State and guarantee over their territories. And how people adapt their livelihood to the new conditions of increasing market dependence and mobility restriction.

On the last chapter I present the case of Urakusa Community in which I argue that the property relations in the community express the views and expectations of the community members, revealing that they are opting for the engagement in market oriented agriculture as economic alternative, and they are preparing themselves to keep practicing this activity in the future without problems between community members. Nevertheless, at the same time they keep practicing some traditional activities as horticulture and fishing and hunting in a lower frequency. This situation suggest that they are adopting a productive logic that combine the production for their own consumption with production for the market.

Besides, the study of practices of access property in the community suggest that structure of property relations are also revealing some problems of the engagement in new practices, as the reinforcement of social and power differences between community members (a process of differentiation?) and possible environmental problems in the future.

In this way, the study of property relations in Urakusa is exemplifying some of the consequences of the process of communalization of the Awajun territory. It is illustrating some of the effects of the fractioning of the management of the landscape in the context of increasing market dependence and population growth.

In sum, the process of the state and Market expansion over the Amazon have transform living conditions of the population, and the imposition of a property structure that have a agriculture orientation have has a great role on the process. As a result, Amazon people adapt themselves to the new context, changing their forms of organization and livelihood activities, changes that are express in the new local property arrangements. In this way, the changes in property relations are expressions of the broader changes that Awajun and other Amazon people are living.

## **Relevance of this study in the extractive expansion context**

As this research focus on the process of change in the Amazon, it is important to locate this study in the context of other processes happening in the area. One of the most important ones, is the process of expansion of extractive industries. In this context, an important sector of the academia, activist organizations, indigenous organizations have being involved in process of resistance, and the study of these processes. In these debates, the ethnic component has played an important role. The focus on indigenous forms of approach to the environment, the promotion of distinctive development alternatives, and the indigeneity as element that provide specific sets of rights, are part of the daily debate of some Amazon leaders, activists, Scholars, NGO's members, among many other actors involved in the amazon struggles.

In this context, there is important debates about indigenous territories, but not too much focus on the internal processes within these territories. My purpose with this research is also to bring attention on the theses internal processes, highlighting their importance for a comprehensive understanding of the Amazon Area.

## **Further theoretical discussions**

In this way, I think that one of the main contributions of this research is show how the process of capitalist expansion is very complex, and have different forms and manifestations.

Capitalism expand across the word in many forms, and it is intrinsically embedded in the dominant institutions as the State and the Market. In this research I have shown that the process of the State and Market expansion over the Amazon space have been the driver of the expansion of capitalist relations, as the integration of different societies into wider relations implied also the integration in capitalist transactions. In this way, it shows that capitalism do not only expand itself in the form of big investments, displacement of people, or generating abrupt changes, but this research shows that capitalism can be expanded in more subtle ways, generating changes that sometimes can be slow and not easily noticeable, but they are also very profound and complex.

In this case, the integration on national dynamics is one of the main drivers of creation of new needs and monetary demands, making necessary for people to engage in market transactions in order to subsist in the new context. In this way, the engagement with new forms of livelihood as the cacao production is a response to these new monetary needs. Moreover, this activity, connects them with the chocolate industry, making them part of the capitalist transactions.

This kind of integration into capitalist relations is not perceive as an imposition or threaten for people, on the contrary, it is most perceive as alternative for development. Nevertheless, this type of capitalist expansion also brings many changes and potential problems:



- It changes how people relate with the environment. The case exposed in this research shows a change from a forest economy to a more agriculture one. Both activities implies different approach to the environment. The forest activities supposed a coexistence with the forest and the ecosystem. Agricultural activities supposed transformation of the forest.
- It could represent impacts on the sustainability. The economic activities of forest societies were harmonious with environment, helping in the conservation of the Amazon. Changing to agrarian activities put more pressure over the soil, reduce the forest and the expansion of the activity could lead to degradation of the soil and deforestation.
- The less powerful people are those who get less benefits. The awajun case illustrates how they connect with markets through the production and sales of cacao. This actions connects with bigger markets of chocolates, which is a big worldwide industry. But in the case of awajun people, they get very little money for their production. Even for the national averages, in the awajun territory the prices of cacao are cheaper, but as there is no other buyers, people do not have other option than sell their product at low prices.

One important issue to consider is that these progressive changes could also reinforce other kind of market transactions, or even facilitate the entrance of bigger forms of capital.

For example, in the context of the extractive expansion in the area, one of the arguments of the oil company is that they have reached an agreement with the community where they are located. However, other communities claim that the effects of the extractive operations would not only be restricted to that specific community, but all the surroundings. In this way, the fractionating form of structure property have facilitated the entrance of big capital.

Other example came from other area of the Peruvian Amazon, the San Martin region, which is much more integrated to national dynamics. There, some indigenous communities are leasing lands to colonizers for them to do agricultural activities. Is it possible that this kind of situation happen in the awajun territory? If an agribusiness company would arrive to Urakusa and offer to rent 400 hectares, it would only require that 10 families agree with the deal. Would the internal division of lands facilitate the process of commodification? Would it facilitate the entrance of big capital into the area?

These uncertainties illustrates why it is important to deep in this topic and bring attention to process of change of forest societies.

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# Appendixes

## Appendix 1. Law 22175: Law of Native Communities

### **Ley de Comunidades Nativas y de Desarrollo Agrario de la Selva y de Ceja de Selva.**

#### **DECRETO-LEY Nº 22175**

##### **CONSIDERANDO:**

Que, la aplicación del Decreto-Ley 20653, "Ley de Comunidades Nativas y de Promoción Agropecuaria de las Regiones de Selva y Cejas de Selva" ha permitido un avance significativo en el objetivo de incorporar la colectividad nativa a la vida económica nacional en condiciones equitativas y dignas;

Que, no obstante, es conveniente perfeccionar este dispositivo legal incorporando en él criterios que permitan optimizar la rentabilidad social, económica y ecológica del uso de la tierra y que determinen la expansión de la frontera agraria en la Selva y Ceja de Selva;

Que, por otra parte, el Plan de Gobierno Tupac Amaru, aprobado por Decreto Supremo Nº 020-77-PM, contiene lineamientos de política expresamente referidos a las regiones de Selva y Ceja de Selva que, para su aplicación, deben estar consignados en el ordenamiento legal vigente;

En uso de las facultades de que está investido; y

Con el voto aprobatorio del Consejo de Ministros;

Ha dado el Decreto-Ley siguiente:

### **LEY DE COMUNIDADES NATIVAS Y DE DESARROLLO AGRARIO DE LAS REGIONES DE SELVA Y CEJAS DE SELVA**

#### **TITULO I**

##### **Principios Básicos**

**Artículo 1º.-** La presente Ley tiene como finalidad establecer una estructura agraria que contribuya al desarrollo integral de las regiones de Selva y Ceja de Selva, a fin de que su población alcance niveles de vida compatibles con la dignidad de la persona humana.

**Artículo 2º.-** El Estado promoverá el desarrollo de las regiones de Selva y Ceja de Selva, mediante proyectos de asentamiento rural.

**Artículo 3º.-** Se entiende por asentamiento rural el establecimiento organizado de personas dedicadas al aprovechamiento integral e integrado de los recursos naturales renovables, mediante sistemas de producción que maximicen la rentabilidad social, económica y ecológica y aseguren un adecuado acondicionamiento del territorio.

Los proyectos de asentamiento rural se ejecutarán de acuerdo a Planes Regionales de Desarrollo.

**Artículo 4º.-** Los asentamientos rurales integrarán las actividades de producción agropecuaria y/o de producción o extracción forestal, pesquera y de fauna silvestre con la industrialización así como con el transporte y la comercialización.

**Artículo 5º.-** El Estado estimulará mediante un tratamiento especial la inversión de capitales en las regiones de Selva y Ceja de Selva de acuerdo a los respectivos Planes de Desarrollo.

**Artículo 6º.-** Declárase de interés público la conservación, protección, mejoramiento y utilización racional de los recursos naturales renovables de las regiones de Selva y Ceja de Selva.

## **TITULO II**

### **De las Comunidades Nativas**

**Artículo 7º.-** El Estado reconoce la existencia legal y la personalidad jurídica de las Comunidades Nativas.

**Artículo 8º.-** Las Comunidades Nativas tienen origen en los grupos tribales de la Selva y Cejas de Selva y están constituidas por conjuntos de familias vinculadas por los siguientes elementos principales: idioma o dialecto, caracteres culturales y sociales, tenencia y usufructo común y permanente de un mismo territorio, con asentamiento nucleado o disperso.

**Artículo 9º.-** Son miembros de las Comunidades Nativas los nacidos en el seno de las mismas y aquellas a quienes éstas incorporen siempre que reúnan los requisitos que señale el Estatuto de Comunidades Nativas. Se pierde al condición de comunero por residir fuera del territorio comunal por más de 12 meses consecutivos, salvo que la ausencia sea motivada por razones de estado o salud debidamente acreditadas, por traslado al territorio de otra Comunidad Nativa de acuerdo a los usos y costumbres y por el cumplimiento del Servicio Militar.

**Artículo 10º.-** El Estado garantiza la integridad de la propiedad territorial de las Comunidades Nativas, levantará el catastro correspondiente y les otorgará títulos de propiedad.

Para la demarcación del territorio de las Comunidades Nativas, se tendrá en cuenta lo siguiente:

- a) Cuando hayan adquirido carácter sedentario, la superficie que actualmente ocupan para desarrollar sus actividades agropecuarias, de recolección, caza y pesca; y
- b) Cuando realicen migraciones estacionales, la totalidad de la superficie donde se establecen al efectuarlas.

Cuando posean tierras en cantidad insuficiente se les adjudicará el área que requieran para la satisfacción de las necesidades de su población.

**Artículo 11º.-** La parte del territorio de las Comunidades Nativas que corresponda a tierras con aptitud forestal, les será cedida en uso y su utilización se regirá por la legislación sobre la materia.

**Artículo 12º.-** Serán incorporadas al dominio de las Comunidades Nativas las tierras ubicadas dentro del perímetro del territorio comunal delimitado en aplicación de lo dispuesto por el Art. 10º de la presente Ley y que hayan sido adjudicadas por el Estado a particulares, posteriormente a la Constitución del Estado promulgada el 18 de Enero de 1920, quienes serán indemnizados por las mejoras útiles y necesarias, construcciones, instalaciones, plantaciones, maquinaria, equipos y ganado existente, que acrediten haber introducido en el predio. En caso que no hubiera acuerdo sobre la valorización, ésta será fijada por el Fuero Agrario.

El Banco Agrario está obligado a otorgar en favor de la Comunidad, el préstamo que fuera necesario para el cumplimiento de esta disposición, fijando los plazos de los reembolsos de acuerdo a la naturaleza de las mejoras.

**Artículo 13º.-** La propiedad territorial de las Comunidades Nativas es inalienable, imprescriptible e inembargable.

**Artículo 14º.-** El Ministerio de Agricultura y Alimentación inscribirá a las Comunidades Nativas en el Registro Nacional de Comunidades Nativas que para tal efecto llevará.

**Artículo 15º.-** El Estado promoverá la educación integral y la capacitación permanente de los miembros de las Comunidades Nativas, tanto en el campo de la organización y administración comunal, como en el aspecto técnico agropecuario y forestal, y dará preferencia a los profesionales y técnicos nativos para el desempeño de cargos públicos en el ámbito de las Comunidades.

El Estado propiciará y supervisará la creación y funcionamiento de núcleos pilotos de fomento agropecuario y forestal en el territorio de las Comunidades Nativas, de acuerdo a los correspondientes planes de Desarrollo.

**Artículo 16º.-** Para realizar actividades educativas o asistenciales, las personas naturales y las personas jurídicas de derecho privado deberán ser autorizadas por el Ministerio de Agricultura y Alimentación, sin perjuicio de las autorizaciones que corresponda otorgar a los Sectores respectivos.

**Artículo 17º.-** Los ocupantes precarios y los mejoreros, ubicados en tierras de una Comunidad Nativa, podrán incorporarse a la Comunidades salvo que los miembros de ésta reunidos en Asamblea General, dentro de los 6 meses siguientes a la delimitación del territorio comunal; decidan no admitirlos como comuneros, en cuyo caso se procederá a indemnizarlos de acuerdo a lo dispuesto por el Art. 12º de la presente Ley.

**Artículo 18º.-** Las Comunidades Nativas localizadas dentro de los límites de los Parques Nacionales, cuyas actividades no atenten contra los principios que justifican el establecimiento de dichas unidades de conservación, podrán permanecer en ellas sin título de propiedad.

**Artículo 19º.-** Los conflictos y controversias de naturaleza civil de mínima cuantía que se origine entre los miembros de una Comunidad Nativa, así como las faltas que se comentan, serán resueltas o sancionadas en su caso, en forma definitiva, por sus órganos de gobierno.

En los procesos civiles y penales los Tribunales Comunes o Privativos, según el caso, tendrán en cuenta al resolver, las costumbres, tradiciones, creencias y valores socio-culturales de las Comunidades.

**Artículo 20º.-** En cada una de las Comunidades Nativas habrá Registros del Estado Civil que estarán a cargo del Agente Municipal y a falta de éste del Jefe de la Comunidad.

**Artículo 21º.-** Los organismos del Sector Público Nacional, dentro de los campos de su respectiva competencia, darán prioridad a las Comunidades Nativas en los servicios que presten dentro de la región.

**Artículo 22º.-** Las Comunidades Nativas recibirán de los organismos públicos trato prioritario en lo que se refiere a la comercialización de sus productos.

**Artículo 23º.-** Los funcionarios y empleados públicos, quedan obligados, bajo responsabilidad civil y penal, a dar curso inmediato a las denuncias presentadas por comuneros nativos referentes al incumplimiento de la legislación laboral, irregularidades en la tramitación de la documentación de identidad personal, ocupación o explotación ilícita de recursos naturales pertenecientes a la Comunidad u otros hechos o acciones que le perjudique.

**Artículo 24º.-** Las Comunidades Nativas quedan exonerados de los impuestos a la renta, al patrimonio empresarial y sucesorios, así como de todo otro gravamen, por el término de 20 años computado a partir de la vigencia de la presente Ley.

Lo dispuesto en el párrafo anterior no modifica el goce de beneficios o incentivos tributarios otorgados para la Selva y Ceja de Selva.

**Artículo 25º.-** Para fines de aplicación del Decreto-Ley 19400 las Comunidades Nativas tendrán el mismo tratamiento que el de las Comunidades Campesinas.

**Artículo 26º.-** El otorgamiento de licencias para el uso de "barreales" colindantes con las tierras de propiedad de las Comunidades Nativas, se hará en forma preferencial y gratuita en favor de éstas.

**Artículo 27º.-** Las Comunidades Nativas tendrán prioridad para la obtención de contratos de exploración forestal, extracción forestal y reforestación.

### **TITULO III**

#### **De las Tierras de las Regiones de Selva y Ceja de Selva**

### **CAPITULO I**

#### **Del Uso de las Tierras**

**Artículo 28º.-** Las tierras de las regiones de Selva y Ceja de Selva se usarán en armonía con el interés social. Cualquiera que fuera su causa, denominación o modalidades, son nulas las obligaciones existentes a la fecha de vigencia de la presente Ley o las que se originen en el futuro, relativas a prestación de servicios personales en compensación parcial o total del uso de las tierras.

**Artículo 29º.-** Para los efectos de la presente Ley, se distinguen los siguientes grupos de capacidad de uso mayor de las tierras:

- a) Con aptitud para el cultivo;
- b) Con aptitud para la ganadería; y
- c) Con aptitud forestal.

Están comprendidas en el inciso b), las tierras destinadas al cultivo de forrajes.

La calificación de la aptitud de las tierras será determinada por el Ministerio de Agricultura y Alimentación.

**Artículo 30º.-** El uso agropecuario queda restringido exclusivamente a las tierras a que se refiere los incisos a) y b) del artículo anterior. El uso de las tierras con aptitud forestal, así como el de los eriazos, se regirá por la legislación sobre la materia.

**Artículo 31º.-** Las tierras de la Selva y Ceja de Selva, además de las servidumbres ordinarias, quedan sujetas a las siguientes:

- a) De libre tránsito por los puentes, oroyas y caminos existentes y aquellos que se construyan en el futuro; y
- b) De libre paso de oleoductos, gasoductos, instalaciones para la exploración y explotación minera y petrolera, instalaciones para el servicio público de telecomunicaciones, líneas de transmisión de energía, vías de comunicación de toda especie, obras para irrigación y drenaje establecidas o que sea necesario establecer, así como las que demande su operación y mantenimiento.

## **CAPITULO II**

### **Del Dominio de las Tierras**

**Artículo 32º.-** Son tierras de dominio del Estado:

- a) Las que no hayan sido legítimamente otorgadas a particulares;
- b) Las provenientes de concesiones, pago de indemnizaciones, deudas del Estado o ventas otorgadas por éste a personas naturales o jurídicas, para fines de parcelación o colonización, en los casos siguientes:
  - 1. Cuando no se hayan cumplido todas las condiciones establecidas al momento de su otorgamiento, aunque hubieran sido transferidos a terceros salvo que éstos estuvieran cumpliendo tales condiciones.
  - 2. Cuando el titular las hubiera cedido en arrendamiento, uso, usufructo o aprovechamiento;
- c) La totalidad o parte de las adjudicadas a particulares, que no hayan sido cultivadas dentro de los cinco años de la expedición del título. Se considerará como explotadas las porciones del predio utilizadas para rotación de tierras; tales porciones, en conjunto no podrán exceder de una extensión igual a la cubierta con cultivo y/o pastos;
- d) Las tierras poseídas por más de un año por campesinos que no tengan vínculo contractual con el propietario, siempre que éste no haya interpuesto la acción judicial correspondiente. Dichas tierras se adjudicarán a quienes las han venido trabajando; y
- c) Las tierras que excedan de la superficie señalada en el título de dominio otorgado por el Estado, aunque se encuentren cultivadas o explotadas, teniendo prioridad el usuario para adquirirlas hasta un área que no supere los límites fijados en los Arts. 57º, 63º y 64º de la presente Ley, según el caso.

**Artículo 33º.-** Los predios rústicos de dominio privado del Estado, ubicados en las regiones de Selva y Ceja de Selva, podrán ser adjudicados a la Dirección General de Reforma Agraria y Asentamiento Rural, para su posterior adjudicación de conformidad con la presente Ley.



**Artículo 34º.-** Las personas que a la fecha de vigencia de la presente Ley sean propietarios de tierras ubicadas en las regiones de Selva y Ceja de Selva podrán mantener bajo su dominio las áreas que hayan incorporado a la explotación agrícola o pecuaria, así como las áreas utilizadas para rotación de tierras con la limitación a que se refiere el inciso c) del Art. 32º de la presente Ley siempre que vengán ejerciendo su posesión inmediata, cualquiera que sea el título de adquisición y aunque su superficie exceda los límites señalados en los Arts. 63º y 64º las áreas restantes serán incorporadas al dominio del Estado de acuerdo al procedimiento establecido en el Art. 38º y siguientes de la presente Ley.

**Artículo 35º.-** La adjudicación de tierras en las regiones de Selva y Ceja de Selva, no podrán exceder de los límites señalados en los Arts. 57º, 63º, 64º y 72º de la presente Ley.

**Artículo 36º.-** Son individuales para todos los efectos legales los predios rústicos cuya extensión sea menor de 20 hectáreas de tierra con aptitud para el cultivo o su equivalente de tierras con aptitud para la ganadería. Los lotes resultantes de la división de predios de 20 ó más hectáreas, en ningún caso, podrán ser menores de 10 hectáreas.

Tratándose de tierras de cultivo bajo riego las extensiones a que se ha hecho referencia podrán ser reducidas a la mitad.

**Artículo 37º.-** Cuando fallezca el propietario de un predio rústico y concurren como herederos la cónyuge, y uno o más hijos que reúnan los requisitos señalados en el Art. 45º, deberán liquidarse el condominio dentro del término de dos años computado a partir del fallecimiento, pudiendo fraccionarse el predio previa autorización de la Dirección General de Reforma Agraria y Asentamiento Rural, con la limitación que establece el artículo anterior. A falta de cónyuge, la compañera permanente tendrá derecho a recibir una cuota parte igual a la que hubiere correspondido a aquélla.

Los herederos que no resultasen adjudicatarios de la unidad agrícola, tendrán contra el beneficiario derecho crediticio por el importe de su cuota hereditaria, quien lo pagará en 10 anualidades iguales, salvo que deseará hacerlo al contado o en menor plazo.

A falta de cónyuge, compañera permanente, hijos o ascendientes del causante, heredará la unidad el pariente dentro del cuarto grado de consanguinidad o segundo de afinidad que haya venido trabajando con el causante, y si no lo hubiere, se considerará vacante la herencia y a favor de la Dirección General de Reforma Agraria y Asentamiento Rural.

### **CAPITULO III**

#### **Del Procedimiento para la Extinción del Dominio Privado, Valorización y Forma de Pago de Mejoras de otros Bienes**

**Artículo 38º.-** Los procedimientos para la extinción o caducidad de las concesiones y de los títulos de propiedad de las tierras en las que no se haya cumplido las condiciones que señala la presente Ley, se iniciarán por la respectiva Dirección Zonal del Ministerio de Agricultura y Alimentación con una inspección ocular y actuación de las demás pruebas que estime conveniente. Los interesados podrán formular observaciones u oposiciones hasta en el acto mismo de la inspección ocular, cuya fecha de realización se hará saber mediante carteles que serán fijados durante ocho días en el predio en los locales de los Concejos Municipales de la provincia y distrito respectivo, y en los de la Dirección Zonal.

La Resolución Directoral que declare la extinción o caducidad será notificada en el predio o en el domicilio señalado por el interesado en la capital de la provincia donde se encuentra el predio, quien podrá interponer recursos de apelación dentro del término de 15 días ante la Dirección General de Reforma Agraria y Asentamiento Rural. Esta absolverá el grado solicitando la expedición de la Resolución Ministerial correspondiente. Con la notificación de ésta queda agotada la vía administrativa. A petición de la Dirección Zonal, el Juez de Tierras ordenará la inscripción del dominio en los Registros Públicos a favor de la Dirección General de Reforma Agraria y Asentamiento Rural.

**Artículo 39º.-** Declara la extinción del dominio se abonará al titular únicamente el valor de las construcciones, instalaciones, mejoras útiles y necesarias, plantaciones, maquinaria, equipo y ganado existente, que acredite haber introducido en el predio. La acción para cobro de las referidas mejoras de bienes agrarios prescribirá a los 2 años computados desde la fecha que haya quedado consentida o ejecutoriada la Resolución Ministerial que pone término al procedimiento.

**Artículo 40º.-** La valorización de los bienes a que se refiere el artículo anterior se realizará en la forma siguiente:

- a) Ganado, de acuerdo a los precios de mercado;
- b) Construcciones, instalaciones, mejoras, maquinaria y equipo, de acuerdo al valor de reposición con los castigos correspondientes, y
- c) Plantaciones, al costo de instalación con los castigos respectivos.

**Artículo 41º.-** El valor del ganado, maquinaria y equipo se pagará en efectivo, el de construcciones, instalaciones, mejoras y plantaciones, hasta S/. 1'000,000 en efectivo y el saldo en bonos de la Deuda Agraria de la Clase "B".

**Artículo 42º.-** Procede el Recurso de Amparo a que se contrae el Decreto-Ley 20544 contra la Resolución que ponga término al procedimiento de extinción o caducidad, el mismo que podrá ser interpuesto dentro de los 30 días útiles siguientes a su notificación. La valorización podrá ser impugnada ante el Fuero Agrario dentro de los 60 días útiles de notificada la carga de la prueba corresponde al demandante.

## **CAPITULO IV**

### **De las Adjudicaciones en General**

**Artículo 43º.-** Las tierras se adjudicarán a título gratuito por la Dirección General de Reforma Agraria y Asentamiento Rural, salvo los casos señalados en los Arts. 63º., 64º. y 70º. de la presente Ley, mediante contratos que podrán celebrarse por documento privado que constituirá título suficiente inscribirse en los Registros Públicos. Las copias certificadas de dichos contratos que expida la referida Dirección General, tendrán la misma validez que los testimonios de escritura pública, para todos los efectos.

El valor de las construcciones, instalaciones, mejoras, maquinaria, equipo, plantaciones y ganado será pagado por los adjudicatarios en 20 anualidades, iguales sin intereses pudiendo concederse hasta 5 años muertos.

**Artículo 44º.-** La modalidad de adjudicación y el dimensionamiento de las unidades se efectuará de acuerdo a las disponibilidades de tierras, a la calidad de los recursos y a los requerimientos de la población que hubiere en la zona.

Cuando se trate de unidades mixtas se considerará la equivalencia de una hectárea de tierras de cultivo por hasta veinte hectáreas de tierras para la ganadería, según la calidad de las mismas.

**Artículo 45º.-** Para ser calificado como adjudicativo se requiere las condiciones siguientes:

- a) Ser peruano;
- b) Tener no menos de dieciocho años de edad o capacidad civil; y
- c) Carácter de tierras rústicas en el territorio nacional o poseerlas en extensiones inferiores a las mismas establecidas.

**Artículo 46º.-** La unidad agrícola que se adjudique a las Cooperativas Agrarias, Sociedades Agrícolas de Interés Social y Empresas de Propiedad Social que se constituyan en las regiones de Selva y Ceja de Selva, será indivisible y su superficie se establecerá en función del número de socios y actividades productivas por desarrollar.

**Artículo 47º.-** Los agricultores que, por cualquier título estuvieran asentados con una antigüedad no menor de un año a la fecha de vigencia de la presente Ley, tendrá prioridad absoluta para la adjudicación de las unidades agrícolas que estuvieran trabajando, cualquiera que fuera su superficie.

*Si hubiera excesivo fraccionamiento de las unidades agrícolas y se estimase necesario o conveniente efectuar el reordenamiento predial, los campesinos que resultasen excedentes mantendrán el derecho de prioridad para ser adjudicatarios en la misma zona o en otras áreas, si lo ejercen dentro del término de un año, reconociéndoseles el jutiprecio de las mejoras necesarias y útiles que hubieran introducido. (\*)*

**(\*)Derogado por la 2A.DF, del D.Leg.Nº 2, publicado el 17/11/1980**

**Artículo 48º.-** La unidad agrícola familiar será determinada tomando como base la fuerza de trabajo de la familia tipo, expresada en unidades laborales, así como la capacidad de uso de cada clase de tierra. En ningún caso tendrá una superficie inferior a diez hectáreas de tierras con aptitud para el cultivo

**Artículo 49º.-** *No son embargables las unidades agrícolas de tierras de Selva y Ceja de Selva. No obstante, por deudas alimenticias podrá embargarse la Renta Neta Azul que produzcan y/o el sueldo a la asignación que se haya fijado el propietario, hasta los límites señalados por la Ley correspondiente. (\*)*

**(\*)Derogado por la 2A.DF, del D.Leg.Nº 2, publicado el 17/11/1980**

**Artículo 50º.-** La Dirección General de Reforma Agraria y Asentamiento Rural declarada la rescisión del contrato respectivo por cualquiera de las causales indicadas en los Arts. 59º y 60º de la presente Ley, y notificará al adjudicatario para que desocupe la unidad agrícola. El adjudicatario podrá impugnar la resolución ante el Fuero Agrario dentro de los sesenta días útiles siguientes a su notificación.

**Artículo 51º.-** Las adjudicaciones de tierras con fines agropecuarios no podrán comprender en ningún caso:

- a. Las situadas dentro de la zona de crecimiento o expansión urbanas señaladas por el Ministerio de Vivienda y Construcción, en las poblaciones con más de cinco mil habitantes;
- b. Las áreas que fuesen necesarias para caminos o instalaciones de servicio público; y
- c. Las áreas que por razones de seguridad vial, deben quedar, libres a cada lado del eje de las carreteras y caminos vecinales, o de su trazo definitivo.

**Artículo 52º.-** Los "barreales" se otorgarán en usufructo en superficies no mayores de 10 hectáreas mediante certificados de posesión, que serán expedidos por la respectiva Dirección Zonal del Ministerio de Agricultura y Alimentación con el carácter de intransferible por el término de una campaña agrícola. Tendrán derecho preferente a dicho usufructo los peticionarios que demuestren haberlos cultivado en la campaña anterior, con excepción de lo señalado en el Art. 26º de la presente Ley.

**Artículo 53º.-** Los mejoreros, precarios y otros feudatarios, así como los pequeños arrendatarios y sub-arrendatarios se convertirán en propietarios de las respectivas unidades agrícolas que ocupan y explotan en forma permanente, previa declaración, por la Dirección General de Reforma Agraria y Asentamiento Rural, de la extinción del dominio del titular originario.

**Artículo 54º.-** No podrán ser adjudicadas las zonas declaradas parques nacionales, reservas nacionales, santuarios nacionales e históricos, bosques nacionales y bosques de protección así como las superficies necesarias para la explotación de recursos mineros metálicos e hidrocarburos. En este último caso, podrá ser levantada la prohibición, siempre que la explotación agropecuaria no interfiera tal actividad

## **CAPITULO V**

### **De las Adjudicaciones en los Proyectos de Asentamiento Rural**

**Artículo 55º.-** Se denominan Proyectos de Asentamiento Rural las acciones de carácter multisectorial necesarias para el establecimiento y/o consolidación de núcleos poblacionales de conformidad a lo establecido en los Arts. 3º y 4º de la presente Ley. El Estado otorgará los estímulos y garantizará la prestación de los servicios que sean necesarios para el óptimo desarrollo de tales proyectos.

El Ministerio de Agricultura y Alimentación estimulará y coordinará la reagrupación progresiva de los campesinos dispersos a lo largo de los ríos y carreteras, en centros poblados que serán considerados como sede de asentamientos rurales o podrá integrarlos a asentamientos rurales ya existentes.

**Artículo 56º.-** La adjudicación de tierras con fines agropecuarios en los proyectos de asentamiento rural, se efectuará únicamente a favor de Comunidades Nativas, Comunidades Campesinas, Cooperativas Agrarias, Sociedades Agrícolas de Interés Social y Empresas de Propiedad Social, así como a personas naturales debidamente calificadas.

**Artículo 57º.-** La adjudicación de tierras a personas naturales, en los proyectos de asentamiento rural, se realizará dentro de los límites siguientes:

- a) Hasta cien hectáreas, cuando se trate de tierras con aptitud para el cultivo; y,
- b) Hasta dos mil hectáreas, cuando se trate de tierras con aptitud para la ganadería.

**Artículo 58º.-** Las adjudicaciones serán efectuadas por la Dirección General de Reforma Agraria y Asentamiento Rural mediante el sistema de sorteo, entre quienes reúnan los requisitos que señala el Art. 45º de la presente Ley.

**Artículo 59º.-** El Reglamento de la presente Ley establecerá las causales de rescisión del contrato de adjudicación en los proyectos de asentamiento rural, debiendo considerarse en todos los casos que el abandono del predio es necesariamente motivo de rescisión.

**Artículo 60º.-** En caso de rescisión de los contratos de adjudicación por falta de pago de mejoras, el adjudicatario podrá abonar las anualidades que adeuda hasta el momento del lanzamiento, quedando sin efecto la rescisión.

Ordenada la desocupación, el adjudicatario tendrá derecho al pago de las mejoras útiles por él efectuadas que aún subsistan, deduciendo previamente las deudas que tuviera por préstamos otorgados por las instituciones de crédito del Estado, así como las anualidades vencidas. El derecho de reclamar el reintegro de las mejoras caducará al año de efectuado el lanzamiento.

No serán abonables mejoras en el caso de abandono de familia, las que quedarán en beneficio de ésta.

**Artículo 61º.-** Si el adjudicatario tuviera que ausentarse por incapacidad permanente para el trabajo agrícola, podrá transferir sus derechos sobre la unidad agrícola a otra persona que reúna los requisitos para ser adjudicatario, previa autorización de la respectiva Dirección Zonal del Ministerio de Agricultura y Alimentación, y por el valor que fijen de común acuerdo.

## **CAPITULO VI**

### **De las Adjudicaciones en Areas no Priorizadas para Proyectos de Asentamiento Rural**

**Artículo 62º.-** La adjudicación de tierras en las áreas no priorizadas para proyectos de asentamiento rural, podrán efectuarse a favor de personas naturales y jurídicas nacionales, así como a las empresas a que se contrae el Capítulo VII del presente Título.

**Artículo 63º.-** La adjudicación de tierras en las áreas no priorizadas para proyectos de asentamiento rural a favor de personas naturales se realizará, a título oneroso, dentro de los límites siguientes:

- a) Hasta 300 hectáreas, cuando se trate de tierras con aptitud para el cultivo; y
- b) Hasta 3,000 hectáreas, cuando se trate de tierras con aptitud para la ganadería.

El Reglamento de la presente Ley señalará el procedimiento para determinar el valor de las tierras.

**Artículo 64º.-** La adjudicación de tierras en las áreas no priorizadas para proyectos de asentamiento rural a favor de personas jurídicas nacionales, se realizará a título oneroso dentro de los siguientes límites:

- a) Hasta 1,000 hectáreas, cuando se trate de tierras con aptitud para el cultivo; y
- b) Hasta 10,000 hectáreas cuando se trate de tierras con aptitud para la ganadería.

El Reglamento fijará el procedimiento para determinar el valor de las tierras.

**Artículo 65º.-** En los casos de solicitud de tierras con aptitud para el cultivo en superficies mayores de 150 hectáreas y con aptitud para la ganadería en superficies mayores de 500 hectáreas, se deberá acompañar en calidad de declaración jurada, el plan de explotación e inversión. El Reglamento de la presente Ley señalará los requisitos y condiciones que deberá reunir el referido plan.

**Artículo 66º.-** Se rescinde el contrato de adjudicación en las áreas no priorizadas para proyectos de asentamiento rural.

a) En los casos de adjudicación a personas naturales, por las mismas causales previstas en el Art. 59º de la presente Ley; y,

b) En los casos de adjudicación a personas jurídicas, por el incumplimiento de las condiciones establecidas en el contrato de adjudicación.

**Artículo 67º.-** Será nula toda partición o fraccionamiento por cualquier causa de un predio rústico, si no se encuentra previamente autorizada por la respectiva Dirección Zonal del Ministerio de Agricultura y Alimentación. Para otorgar la autorización se requerirá considerar prioritariamente la transferencia a los trabajadores estables del predio que así lo desean y que el área a transferirse a éstos se encuentre explotada.

**Artículo 68º.-** La transferencia de parcelas inferiores a la unidad agrícola familiar sólo podrá hacerse si es autorizada por la respectiva Dirección Regional. El Reglamento de la presente Ley establecerá las disposiciones complementarias correspondientes.

**Artículo 69º.-** Los Notarios Públicos y los Jueces de Paz no tramitarán ninguna minuta relativa a la partición de un predio, que no haya sido previamente autorizada por la respectiva Dirección Zonal, siendo nulos los actos que se realicen omitiendo dicha autorización. Asimismo, los Registradores Públicos no inscribirán ningún acto o contrato que carezca de tal autorización. Los Notarios Públicos, Registradores Públicos, Jueces de Paz y propietarios que infrinjan lo dispuesto en el presente Art., serán sancionados administrativamente con una multa de hasta el 100% del precio de las unidades transferibles, de cuyo pago serán responsables solidariamente, sin perjuicio de la responsabilidad civil y/o pena a que hubiera lugar.

## **CAPITULO VII**

### **De las Adjudicaciones Especiales**

**Artículo 70º.-** En las regiones de Ceja de Selva y Selva, el Ministerio de Agricultura y Alimentación podrá otorgar en propiedad a personas naturales o jurídicas, tierras con aptitud agrícola o pecuaria, en las extensiones requeridas para el desarrollo de los proyectos correspondientes. En todos los casos deberá tratarse de programas de tipo agrícola, agroindustrial, pecuario o mixto, con uso integral de los recursos existentes y significativos para el desarrollo socio-económico de la región.

Las empresas que se formen para ejecutar dichos proyectos podrán constituirse con o sin participación del Estado.

En las empresas constituidas sin participación del Estado, la adjudicación de tierras se efectuará a título oneroso. Estas empresas transferirán en propiedad a pequeños y mediano agricultores que participen en el Proyecto, un porcentaje de las tierras otorgadas previo pago de costo final de habilitación.

Las empresas agroindustriales que se establezcan al amparo del presente Artículo, estarán obligadas a prestar servicios de extensión y fomento agrícola a los productores que destinen sus tierras a su abastecimiento, pudiendo actuar, incluso como fideicomiso de las líneas de crédito que les otorgue la banca estatal o privada y las provenientes de fuentes externas.

La inversión de capital extranjero, en las empresas a que se refiere el presente Artículo, estará sujeta a las disposiciones sobre tratamiento de capital extranjero.

El Reglamento de la presente Ley establecerá los procedimientos, adecuaciones, porcentajes, modalidades, condiciones, la forma de valorización de las tierras y demás aspectos relacionados con lo establecido en este Artículo

Asimismo determinará el aporte y la participación estatal en las empresas en que intervenga el Estado, no siendo de aplicación para este caso, lo dispuesto en el Artículo 10º D.L. 18350, modificatorias y complementarias.

**Artículo 71º.-** Para los efectos de lo dispuesto en el Artículo 70º. de la presente Ley, mediante Resolución Suprema refrendada por el Ministro de Agricultura y Alimentación podrá otorgarse reservas de tierras para exploración, ejecución de estudios de factibilidad y adicionalmente para una fase de financiamiento. La reservación de tierras conlleva al pago de un derecho.

Otorgadas las reservas, la empresa beneficiaria podrá ejercer las acciones posesorias que le franquea la Ley.

El Reglamento de la presente Ley determinará los plazos y extensión es máximas de los distintos tipos de reservas, así como el monto de los derechos correspondientes, los procedimientos y condiciones pertinentes.

**Artículo 72º.-** Aprobado el Proyecto y su cronograma de ejecución por el Ministerio de Agricultura y Alimentación, la empresa beneficiaria podrá solicitar el correspondiente título de propiedad, el que será otorgado por Decreto Supremo refrendado por el Ministro de Agricultura y Alimentación y de Economía, Finanzas y Comercio.

El área de tierras con aptitud agrícola o explotación agroindustrial y/o con aptitud para la explotación ganadera o mixta que se otorgue en propiedad, no excederá de los límites que fije el Reglamento de la presente Ley.

Si dentro del plazo que señale el Reglamento no se hubieran iniciado los trabajos, contado a partir de la fecha de reservación, la empresa perderá su opción sobre el área otorgada y revertirá ésta al dominio del Estado.

**Artículo 73º.-** La Dirección General de Reforma Agraria y Asentamiento Rural podrá adjudicar gratuitamente o ceder en uso, tierras con aptitud para el cultivo o la ganadería, a las reparticiones públicas, universidades y empresas del Estado que lo soliciten para el cumplimiento de sus propios fines, siempre que éstos no sean comerciales. Los procedimientos, las condiciones y obligaciones exigibles en cada caso, serán establecidos en el Reglamento de la presente Ley.

**Artículo 74º.-** Las Comunidades Campesinas y Nativas, las Cooperativas Agrarias de Producción, las Sociedades Agrícolas de Interés Social, las Empresas de Propiedad Social y otras empresas campesinas asociativas, que dispongan de los recursos económicos y técnicos necesarios, podrán obtener mediante Resolución Suprema la propiedad de tierras con aptitud para el cultivo y/o la ganadería a fin de desarrollar nuevos proyectos agropecuarios, previo informe favorable del Ministerio de Agricultura y Alimentación sobre el estudio de factibilidad técnico económica, considerando necesariamente la incorporación al proyecto, del personal excedente de la empresa así como de un porcentaje de la población del área donde se ubicará el mismo.

**Artículo 75º.-** Las centrales de empresas campesinas asociativas, que dispongan de los recursos económicos y técnicos necesarios, podrán obtener la cesión en uso de tierras con aptitud para el cultivo y/o la ganadería para desarrollar nuevos proyectos agropecuarios en las condiciones señaladas en el Artículo precedente. El Reglamento de la presente Ley fijará la modalidad por la cual dichos proyectos serán conducidos hasta que obtengan su autonomía empresarial y se les otorgue el título de propiedad respectivos, así como los vínculos que deberán mantener con la Central que les dio origen.

**Artículo 76º.-** La adjudicación de tierras para el establecimiento o ampliación de industrias y de centros turísticos fuera de la zona de expansión urbana, será efectuada por la Dirección General de Reforma Agraria y Asentamiento Rural, previo pronunciamiento del Ministerio de Industria, Comercio, Turismo e Integración.

**Artículo 77º.-** Las Comunidades Campesinas reestructuradas que hayan extendido su territorio de la Sierra a la Ceja de Selva, continuarán sujetas al régimen de Comunidades Campesinas.

**Artículo 78º.-** Las tierras que se otorguen en aplicación del presente Título revertirán al dominio del Estado, si las empresas adjudicatarias no cumplen con las condiciones establecidas en el contrato de adjudicación, teniendo derecho el adjudicatario sólo al pago de las mejoras introducidas, las que se valorizarán de acuerdo a las normas de la presente Ley.

#### **TITULO IV**

##### **Del Aprovechamiento Integral de los Recursos Naturales Renovables**

**Artículo 79º.-** El Ministerio de Agricultura y Alimentación promoverá y supervisará la aplicación, en los Asentamientos Rurales, de sistemas de producción que contemplen el empleo de tecnología adecuada a la realidad ecológica de la Selva y Ceja de Selva.

**Artículo 80º.-** Los Organismos Públicos encargados de la construcción de vías de comunicación coordinarán necesariamente el trazados de las mismas con el Ministerio de Agricultura y Alimentación a efectos de proyectar los Asentamientos Rurales correspondientes.

**Artículo 81º.-** Los titulares de tierras dedicadas a la agricultura y ganadería mantendrán la cubierta forestal original sobre el 15 y 30% de la superficie adjudicada respectivamente, incluyendo necesariamente en estos porcentajes las riberas de los ríos y quebradas y las partes altas de las laderas.

**Artículo 82º.-** Las personas naturales o jurídicas que programen el desbosque de tierras con aptitud para el cultivo o la ganadería deben considerar necesariamente la utilización de la madera resultante, en la forma que determinará el Reglamento de la presente Ley.

**Artículo 83º.-** Los poseedores de tierras con aptitud para el cultivo o para la ganadería tienen prioridad absoluta para la extracción de la madera que se encuentre dentro de sus respectivas parcelas.

**Artículo 84º.-** El Ministerio de Agricultura y Alimentación incluirá tierras con aptitud forestal dentro del ámbito de los Asentamientos Rurales para ser otorgados prioritariamente a los integrantes del asentamiento rural, mediante los contratos de reforestación o de extracción forestal que prevé la legislación sobre la materia. Excepcionalmente cuando sea de prioridad nacional, los Bosques Nacionales podrán ser aprovechados con fines industriales y/o comerciales por empresas del Estado o empresas con participación estatal, mediante contratos de extracción forestal, intransferibles, sobre superficies no menores de 50,000 ni mayores de 200,000 Hás. y períodos renovables de 20 años, otorgados por el Ministerio de Agricultura y Alimentación y aprobados por Resolución Suprema. Para los casos de contratos de extracción forestal de 20,000 a menos de 50,000 hectáreas, podrán otorgarse sin participación estatal. En los contratos se establecerá necesariamente lo siguiente:

- a. Superficie otorgada;
- b. Plazo de duración;
- c. Especies objeto de la extracción y volúmenes correspondiente;
- d. Fórmulas de precios de la madera; y
- e. Plan de manejo.

El otorgamiento del contrato requerirá la presentación de un estudio de factibilidad técnico-económico, el que será aprobado por la Dirección General de Forestal y de Fauna Silvestre del Ministerio de Agricultura y Alimentación.

En el Reglamento de la presente Ley, se fijarán los porcentajes de participación estatal. **(16)**

***(16)Modificado por el Art. 64° del D.Leg. N° 2, publicado el 17/11/1980***

**Artículo 86º.-** Los ingresos económicos generados en los Bosques Nacionales por la venta de los productos forestales al estado natural, plántones, decomisos y otros, constituyen ingresos propios de la Administración del Bosque Nacional y sirven para financiar su presupuesto.

**Artículo 87º.-** El Ministerio de Agricultura y Alimentación promoverá preferentemente los proyectos de aprovechamiento forestal que contemplen integralmente las fases de extracción, de transformación y de comercialización y que utilicen el mayor número posible de especies.

**Artículo 88º.-** El Ministerio de Agricultura y Alimentación priorizará las áreas de la región de Ceja de Selva devastadas por la agricultura migratoria, para la aplicación de programas de conservación de suelos, reforestación y/o manejo de cuencas.

## **TITULO V**

### **De la Promoción Agraria**

**Artículo 89º.-** El Estado establecerá y promoverá en las regiones de Selva y Ceja de Selva los servicios siguientes.

- a) De asistencia técnica;
- b) De maquinaria agrícola y forestal;
- c) De procesamiento y conservación de productos agropecuarios y forestales;

d) De comercialización y mercadeo de insumos y productos. Asimismo promoverá industrias de transformación de los productos agrícolas y forestales;

c) De investigación y experimentación agropecuaria, forestal, agroindustrial y pesquera;

Los servicios antes citados se otorgarán preferentemente en los Proyectos de Asentamiento Rural.

**Artículo 90°.-** El Estado a través de las entidades pertinentes, establecerá los mecanismos y normas necesarios para asegurar que los créditos a otorgarse para las actividades agropecuarias forestales y de transformación de sus productos en las regiones de Selva y Ceja de Selva se hagan en condiciones preferenciales, estableciendo tasas de interés, plazos de gracia y de amortización de primera prioridad.

La diferencia entre las tasas de interés que se cobre en aplicación de este artículo y los costos de operación de los respectivos Banco Estatales de Fomento, será cubierta con transferencia del Gobierno Central.

El Banco Agrario, en función de la demanda de las prioridades establecidas en los Planes de Desarrollo, dedicará porcentajes crecientes de sus colocaciones en favor de los pobladores rurales de dichas Regiones. Para dar cumplimiento a lo dispuesto en el párrafo anterior el Banco Central de Reserva ampliará anualmente el crédito en función de los requerimientos del desarrollo de las regiones de Selva y Ceja de Selva.

**Artículo 91°.-** El Banco Agrario establecerá conjuntamente con el Ministerio de Agricultura y Alimentación, un Programa de Crédito Supervisado agrícola, pecuario y forestal, para las regiones de Selva y Ceja de Selva, con cargo al Fondo de Operaciones Especiales a que se refiere el Art. 84° de su Ley Orgánica.

**Artículo 92°.-** El Banco Agrario atenderá preferentemente las solicitudes de crédito que formulen las Comunidades Nativas y los pobladores asentados en zonas fronterizas de las regiones de Selva y Ceja de Selva.

**Artículo 93°.-** Los productores establecidos en las regiones de Selva y Ceja de Selva tendrán prioridad para exportar su propia producción o la de sus asociados, siempre que esté cubierto el consumo nacional. Los establecidos en zonas fronterizas podrán exportar sus productos siempre y cuando esté cubierta la demanda local.

**Artículo 94°.-** Durante el término de 10 años, contados a partir de la promulgación de la presente Ley el Gobierno Central consignará anualmente en el Presupuesto General de la República, la suma de 500 millones de soles como aporte de capital al Banco Agrario del Perú, y de 500 millones de soles como aporte al Fondo de Operaciones Especiales a que se refiere el Art. 91° de la presente Ley.

**Artículo 95°.-** Los agricultores y los miembros de las Comunidades Nativas quedan exonerados de papel sellado y pago de costas y multas judiciales.

**Artículo 96°.-** Los Bonos de la Deuda Agraria serán aceptados a su valor actual por la Banca de fomento Estatal cuando ello sirva para financiar hasta el setenta por ciento (70%) del valor de una empresa agropecuaria, forestal o de transformación de productos agrícolas, pecuarios y forestales, ubicada en las regiones de Selva y Ceja de Selva, debidamente calificada, en la cual el tenedor de los Bonos aporte en efectivo el treinta por ciento (30%) del valor de dicha Empresa. Las participaciones en la empresa no podrán ser transferidas en un período de 10 años, salvo que el producto de su venta se invierta en otras empresas similares ubicadas en dichas Regiones.

**Artículo 97°.-** Para fines de extracción y transformación industrial de recursos forestales podrá constituirse empresas con participación estatal en la forma y condiciones señaladas en el Art. 70° de la presente Ley.

**Artículo 98°.-** Para el desarrollo de las actividades productivas, mediante Resolución Ministerial del Sector correspondiente, previa opinión favorable de la Dirección General de Industrias podrán por excepción, importarse bienes de capital usados. Dicha autorización se otorgará cuando se den las siguientes condiciones.

a) Cuando la adquisición del bien de capital usado represente una significativa economía de divisas para el país y su utilización sea conveniente para el desarrollo del proceso productivo de la empresa; y,



b) Cuando la vida útil del bien de capital usado y la disponibilidad de repuestos está garantizado por una entidad calificada del país de origen que certifique la capacidad y duración de funcionamiento del bien.

La disponibilidad de repuestos, deberán estar asegurada por un período mínimo de cinco (5) años.

## **TITULO VI**

### **De la Participación de los Trabajadores**

Artículo 99º.- En las unidades agropecuarias cuya área exceda del triple de la unidad agrícola familiar determinada para la zona, los trabajadores tendrán derecho a una participación del 10 por ciento de la Renta Neta Anual.

Artículo 100º.- Los trabajadores de las empresas dedicadas a la extracción y/o comercialización de los recursos forestales y de fauna silvestre, tendrán una participación del 10% de la Renta Neta Anual de dichas empresas.

Artículo 101º.- El régimen de participación de los trabajadores de las empresas comprendidas en el Art. 70º de la presente Ley, es el establecido en el Decreto-Ley 21789.

Artículo 102º.- La participación de los trabajadores de las demás actividades en las regiones de Selva y Ceja de Selva, no comprendidas en los artículos precedentes, se rige por la legislación sobre la materia.

### **Disposiciones Complementarias**

Primera.- Para los efectos de la presente Ley, la demarcación de las regiones de Selva y Ceja de Selva, es la aprobada por decreto Supremo N° 585-75-AG de 5 de Junio de 1975.

Segunda.- Los planos obtenidos por el sistema de fotogrametría tendrán plena validez para las inscripciones de los predios en los Registros Públicos y para los demás efectos legales.

Tercera.- Los términos "agrícola" y "agropecuario" empleados en esta Ley, comprenden la agricultura y las crianzas y excluyen el aprovechamiento directo de los bosques naturales.

El término "agrario" comprende las actividades agrícolas, pecuarias y forestales.

Cuarta.- Autorízase al Ministerio de Trabajo a efecto de que, con la opinión del Ministerio de Industria, Comercio, Turismo e Integración y/o de Agricultura y Alimentación debidamente motivada, pueda disponer sin más trámite, la excepción de los porcentajes limitativos de personal extranjero establecido por los Decretos-Leyes 14460 y 14570, respecto del personal altamente calificado y especializado que venga a prestar servicios en las empresas agropecuarias, forestales y de transformación de productos agrícolas, pecuarios y forestales, ubicadas en las regiones de Selva y Ceja de Selva, sujetándose al procedimiento que para tal efecto se establecerá por Resolución Suprema refrendada por los Ministros de Trabajo, de Industria, Comercio, Turismo e Integración y de Agricultura y Alimentación.

Quinta.- Exceptúase de las limitaciones sobre remuneración máxima legal establecidas en los Decretos-Leyes 21394 y 21781 a los trabajadores que presten servicios en las empresas agropecuarias, forestales y de transformación de productos agrícolas, pecuarios y forestales, ubicadas en las regiones de Selva y ceja de Selva.

### **Disposiciones Transitorias**

Primera.- Los procedimientos administrativos en trámite, de predios ubicados en las regiones de Selva y Ceja de Selva, se adecuarán a lo dispuesto en el presente Decreto-Ley, con excepción de los predios en los que la Dirección General de Reforma Agraria y Asentamiento Rural esté en posesión por acto voluntario del propietario o por ministración judicial.

Segunda.- Para la demarcación del territorio de las Comunidades Nativas cuando se encuentren en situación de contacto inicial y esporádico con los demás integrantes de la comunidad nacional, se determinará un área territorial provincial de acuerdo a sus modos tradicionales

de aprovechamiento de los recursos naturales, hasta que se defina una de las situaciones a que se refieren los incisos a) y b) del Art. 10º de la presente Ley.

Tercera.- Las Comunidades Nativas que hubieren sido reconocidas como Comunidades Campesinas, antes de la vigencia de la presente Ley, se sujetarán al régimen establecido por ésta, inscribiéndose en el Registro Nacional de Comunidades Nativas.

Cuarta.- El Ministro de Agricultura y Alimentación, en el plazo de 60 días, contado a partir de la promulgación de la presente Ley, elaborará el proyecto de Reglamento respectivo para su aprobación.

Quinta.- Los Bancos Estatales de Fomento dentro del plazo de 90 días, establecerán y pondrán en vigencia de las condiciones preferenciales a que se refiere el Art. 90º de la presente Ley, formulando los requerimientos de los recursos financieros para tal fin.

Sexta.- Por Decreto-Ley Especial se establecerán las medidas tributarias de carácter promocional para el desarrollo agrario de las Regiones de Selva y Ceja de Selva de acuerdo a los respectivos Planes de Desarrollo.

El Ministerio de Economía y Finanzas, en coordinación con el Instituto Nacional de Planificación, elaborará el respectivo proyecto, dentro del plazo de sesenta (60) días, contado a partir de la promulgación de la presente Ley.

### **Disposición Final**

Derógase el Decreto-Ley 20653 y todas las Disposiciones que se opongan a la presente Ley.

Por Tanto:Mando se publique y cumpla.

Lima, 9 de Mayo de 1978.

Gral. de Div. EP. F. Morales Bermúdez C.

Gral. de Div. EP. Oscar Molina Pallocchia.

Vice-Almirante AP. Jorge Parodi Galliani.

Tnte. Gral. FAP. Jorge Tamayo de la Flor.

## Appendix 2. Map of Native Communities in Awajun-Wampis Territory

